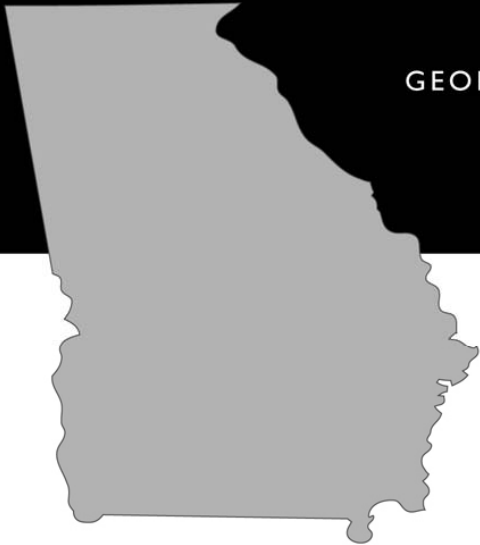


EDUCATION & TRAINING *Services Section*

GEORGIA DEPARTMENT OF HUMAN RESOURCES

DIVISION OF FAMILY & CHILDREN SERVICES



Legal Issues 2: In Court Training

Trainers' Guide
February 2007

**Prepared by the Barton Child Law and
Policy Clinic at Emory University School of
Law in collaboration with the Georgia
Department of Family and Children
Services**



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Materials List

Training Materials Checklist

Participant Guides

Trainer's Guide

- Handout –Court Preparation Questions
- Easel stand and paper pad
- Masking Tape
- Markers

Materials needed for activities:

- Large Index Cards
- Name Tags
- Self assessment questionnaire
- Legal Tree Court Banner
- Paper to print petition and motion activities
- Social Services Witness Resume (Appendix A of PG)
- Witness Tips Information (Appendix A of PG)
- Witness Observation Checklist –handout
- Parent Group Packet- Hand outs
- Case Manager Packet- Hand outs
- Judge Group Packet- Hand outs
- Child Advocate Packet- Hand outs

List of Participant Handouts *(also included in the Appendices)*

Pressley Case

- *Case manager Pressley 452's Pre-Detention information*
- *Child Advocate Position at Detention Hearing*
- *Judge information for Detention Hearing*
- *Parent Information for Detention Hearing*

- *Petition for Adjudicatory Hearing? (activity to be completed by case manager group and printed)*
- *Case manager Pressley 452 Pre-Adjudicatory information*
- *Parent Information for Adjudicatory Hearing*
- *Judge Information for Adjudicatory Hearing*
- *Child Advocate Position at Adjudicatory Hearing*
- *Permanency Hearing Court Report*
- *Motion for Extension*
- *Case plan for Permanency Hearing*
- *Child Advocate Position at Permanency Court Hearing*
- *Child Advocate Termination Hearing Information*
- *Pressley Termination Hearing Court Report*
- *Judge Information for Termination Hearing*
- *Parent Information for Termination Hearing*
- *Case manager information for termination hearing*
- *Case plan for termination hearing*

Alloff Case

- *452's Alloff Pre-Detention Information*
- *452's Alloff Pre- Adjudicatory Information*
- *Alloff Extension and Permanency Court Report*
- *Alloff Termination Hearing Court Report*
- *Child Advocate Activities Detention Hearing*
- *Child Advocate Activities Adjudicatory Hearing*
- *Child Advocate Activities Extension and Permanency Hearing*
- *Child Advocate Activities Termination Hearing*
- *Judges Activities All Hearings*

Training Paperwork

- Sign in sheets
- Trainer Evaluation
- Participant Roster
- Online Reports

Agenda for Legal 2 Training

DAY 1

Introductions/welcome/overview of the training – 20 minutes
(8:30-8:50am)

- Welcome
- Expectations
- House Keeping
- Group Assignments
- Witness tips review

Overview of Legal I Training/detention hearing – 25 minutes
(8:50-9:15am)

- Courtroom etiquette
- Courtroom Procedures
- Time line of a case (deprivation flowchart)
- Overview of the Detention Hearing

Detention Hearing (Ginger Presley)

- Preparation – 25 minutes (9:15-9:40am)
- Testimony – 15 minutes (9:40-9:55am)
- Debriefing – 15 minutes (9:55-10:10am)

Break – 15 minutes (10:10-10:25)

Adjudicatory Hearing

- Overview of the Adjudicatory hearing – 10 minutes
(10:25-10:35am)
- Preparation – 25 minutes (10:35-11:00am)
- Testimony – 30 minutes (11:00-11:30am)
- Debriefing – 15 minutes (11:30-11:45am)

Lunch – 1 hour (11:45-12:45)

Extension/Permanency Hearing

- Overview Extension/Permanency hearing 5 min (12:45-2:50 pm)
- Preparation – 30 minutes (12:50-1:20pm)
- Testimony – 30 minutes (1:20-1:50pm)
- Debriefing- 15 minutes (1:50-2:05pm)

Break 15 minutes (2:05-2:20pm)

Termination Hearing

- Overview of the Termination hearing – 5 minutes (2:20-2:25pm)
- Preparation – 30 minutes (2:25-2:55pm)
- Testimony – 60 minutes (2:55-3:55pm)
- Debriefing – 15 minutes (3:55-4:00pm)

Day 2

Last Witness/Debriefing, if necessary – 30 minutes (8:30-9:00am)

Recap from the previous day/questions – 15 minutes (9:00-9:15am)

Detention Hearing

- Overview of the Detention Hearing – 5 minutes (9:15-9:20am)
- Preparation – 25 minutes (9:20-9:45am)
- Testimony – 15 minutes (9:45-10:00am)
- Debriefing – 15 minutes (10:00-10:15am)

Break – 15 minutes (10:15-10:30am)

Adjudicatory Hearing

- Overview of the Adjudicatory Hearing – 5 minutes (10:30-10:35am)
- Preparation – 25 minutes (10:35-11:00am)
- Testimony – 30 minutes (11:00-11:30am)
- Debriefing – 15 minutes (11:30-11:45am)

Lunch – 1 hour (11:45-12:45pm)

Extension/Permanency Hearing

- Overview of the Extension/Permanency Hearing – 5 minutes (12:45-12:50pm)
- Preparation – 30 minutes (12:50-1:20pm)
- Testimony – 30 minutes (1:20-1:50pm)
- Debriefing – 15 minutes (1:50-2:05pm)

Break – 15 minutes (2:05-2:20pm)

Termination Hearing

- Overview of the Termination Hearing – 5 minutes (2:20-2:25pm)
- Preparation – 30 minutes (2:25-2:55pm)
- Testimony – 45 minutes (2:55-3:40pm)
- Debriefing – 15 minutes (3:40-3:55)
- Wrap-up – 20 minutes (3:55-4:15pm)

Legal Issues 2: In-Court Training

Trainers' Guide

Training Overview:

TRAINERS' NOTE: The following information is intended to help the SAAG and co-trainer understand the purpose of the training, information that needs to be discussed throughout the training, and how this training needs to be delivered. Understanding of this preamble is essential for effective delivery.

This is the trainers' guide to accompany the Veteran Case manager's In-Court Training (ICT). This is a two-day course designed to ensure case manager competence in court preparation and presentation. This course builds upon previous legal training they have had in Legal Issues for Social Services Case Managers (a copy may be provided to you). Particular reference will be made to courtroom etiquette and evidence, which are set forth in Appendix A and B respectively to the training guide and this trainer's guide. The entire Legal Issues for Social Services Case Managers will be used and referred to as a base of knowledge, a reference guide and a supplement to this training. The following preliminary information will provide you general information about the format and purpose of the training. The participant guide along with trainer notes and information are incorporated in this trainer's guide.

The core of this training is case manager preparation for and presentation in court. Therefore, a significant portion of the training will be spent working in groups on preparation and presentation. The total training class should have 16 case managers. The class will be divided into working groups of which the case manager group will be the largest (8) if there are 16 participants. This division may be adjusted depending on class size. The remaining 8 participants will be divided into parent group, judge group and child advocate group as follows:

Required class size: 16
Assignment for each Day

Group Type	Participants assigned by hearing	Comments
Case Manager (CM) Group Remains the same all day.	8 total Detention 1 CM Adjudication 2 CMs Motion/Permanency 2 CMs Termination 3 CMs	Each case manager will testify once based on case assigned and type of hearing. You may assign hearings based on cm knowledge/program area or randomly.
Parent Group (Rotates after each hearing)	3 Participants	They will collaborate on defense questions
Judge Group (Rotates after each hearing)	2 Participants	Complete Judges activity packet and run the hearing
Court Advocate Group (Rotates after each hearing)	3 Participants	Complete activity packet and represent prescribed court advocate position based on hearing type.
Day 1, Pressley Case the parent, judge and court advocate groups will rotate activities after each hearing, the parent group moving to complete the advocacy group activities and the advocate group moving to become the judge group and the judge group moving into the parent group activities till all the hearings for the Pressley case have been completed and all 8 case managers have testified. On day two roles will change and the non case manger groups will become the 8 case managers for the Alloff case. The remaining participants who testified as case managers on day 1 will be placed in parent, judge and court advocate groups and the process repeated .		

While this class is for veteran case managers, the courtroom experience may vary significantly between the participants. During introductions ask participants to state how often they have been to court, how frequently they have testified and who does their court papers to determine the levels of court experience in the class. It will also assist in determining in that jurisdiction whether the case manager or the Special Assistant Attorney General is the person who has in practice been responsible for the primary preparation of the case presentation in court.

The primary goal of this training is ensure that a case manager is confident, *comfortable and competent* in the preparation of a case to be heard in court. The secondary goal of this training is to *practice best practices*. Case managers wear many difficult hats in their profession. One of the most difficult is having to think like a lawyer in the context of their social work investigation. However, if they can anticipate the direct and cross examination questions they will be asked and the types of evidence that can be admitted, they will be much better prepared to assess the strength of their case.

This training is designed to force the case manager to think by doing. They will be charged with not only preparing their own case but that of the child advocate attorney and the parent. They will also sit as judges of their peers so that they can have an opportunity to consider the balancing of competing interests and understanding what is important from the bench.

While the trainer will have considerable discretion in directing the training, there will be suggested direct and cross examination areas and evidentiary problems. Rather than simply provide answers to the case managers, it is suggested that the trainer refer the case manager to *Legal Issues for Social Services Case Managers, particularly Appendix B* and have them find the applicable section for reading, analysis and application to the issue at hand.

Instruction Components:

The following sections outline the basic instructional components of the training and provide a synopsis of the training you will be delivering.

- Present case scenarios divided approximately along the lines of specific hearings (72-hour or detention hearing; adjudicatory hearing, disposition hearing, etc.);
- Group working time;
- Group presentation;
- Group self-critique;
- Trainer critique;
- Question and answer period; and
- Supplementary instructional or reference materials.

SAAG Skill Set:

The skill sets will include:

- Knowledge of OCGA 15-11;
- Knowledge of trial techniques;
- Knowledge of trial ethics and professionalism;
- Knowledge of lawyer's obligations to his or her client;
- Knowledge of evidence and admission of evidence into the record;
- Knowledge of best or model practices in deprivation matters;
- Knowledge of how to both structure and encourage non-lawyers;
- Knowledge of the local rules (both written and practiced) in the locality in which the case managers will be working; and
- Knowledge of group teaching and interaction; and
- Knowledge of how to present the required information in a dynamic format.

Co-Trainer Skill Set:

The co-trainers skill set is centered on:

- DFCS policy and practice
- Content deliver/class room management
- Creating a safe learning environment
- Facilitating group discussions to promote learning
- Providing constructive feedback on practice observed

Group Division

If there are the expected 16 persons per training, there will be 4 groups. You may have to adjust the afore mentioned group assignments based on actual attendance.

Group Options

The facilitator will rotate the parent, judge and child advocate groups at each hearing. The case manager group will remain the same. The advantages of this method are that it provides a new and different experience for every group and allows each member of the case manager group an opportunity to practice testifying in court. It allows the participants to see the case from different perspectives. The court advocate group will have the least amount of information at their disposal. This is done intentionally to reflect actual court room experience especially at Detention and Adjudication.

Trainers' Attitude

It is vital that the trainers' convey both a sense of excitement about the execution of training and sense of seriousness about the content of the training. This training is designed to keep the trainees moving and thinking in a dynamic environment that mirrors actual case preparation. While trainee experience will vary wildly and for legitimate reasons, the trainer should stress being well prepared using the highest standards. This training will focus on extensive preparation early in the case, particularly beginning with preparation for the detention hearing and presentation at the detention hearing. The underlying themes of this training are:

- Follow best practices
- Excellent early preparation equates into an efficient future process;
- Excellent early preparation correlates highly into permanency, either at home or another appropriate placement;
- Know how to assist your SAAG in the preparation of the case;
- Know what the role of the SAAG is;
- Anticipate what other parties may ask by role playing;
- Anticipate what is important for decision making by role playing as the judge;
- Learn from the group; learn how to learn from the group in real life;
- Practice, practice, practice; and
- Time management is at least 50% of the job.

Case Scenarios

Each group will be handed separate case information depending on their assigned group. This allows for the staff to experience how a real courtroom situation would work. The SAAG is often at an advantage because they have the majority of information in a case. The parent, child advocate, and judge group will have notes about the case as well, and will be guided about information that they need to think about to prepare for the case. The case scenario will be sequenced as follows:

- Investigation
- Preparation for 72 hour hearing
- 72 hour hearing
- Preparation for Adjudicatory hearing
- Adjudicatory hearing
- Discussion of the Dispositional hearing
- Preparation for the Extension/Permanency Planning Hearing
- Permanency Planning Hearing
- Preparation for Termination of Parental Rights hearing
- Termination of Parental Rights hearing

Early Preparation

ONE OF THE KEY ELEMENTS TO GOOD PREPARATION IS TIME MANAGEMENT. WE WANT TO STRESS EXCELLENT EARLY PREPARATION.

Good early preparation means:

- Use investigation AND THE COURTROOM to conduct investigations at the detention hearing especially; in some cases diligent relative searches, permanency plans, new findings of facts, etc., can be completed
- Use excellent early preparation to improve public relations with the families and agencies DFCS works with
- Use excellent early preparation to set the stage for clearer and sometime shorter future hearings
- Use excellent early preparation to set clear expectations of each party
- Use excellent early preparation to move a case more efficiently through the system, relying on fewer continuances, and lowering workload
- Use the Safety Assessment (455A) to establish their rationale for determining that the child was unsafe
- Use the risk assessment tool as a valuable ally in delimiting areas of concern (Concepts) and how they may or have been minimized through intervention and court action.

The trainers are encouraged to allow the case managers to make mistakes in their preparation and presentation and then to have the case managers repeat the exercise until the preparation and presentation is performed using the very best practices for the actual court room. The trainers' will have to both be flexible with the suggested time limits and cognizant of maintaining movement to reach the end of the termination hearing by the second day of training. One of the many goals of this training is to demonstrate how early and thorough preparation and model court room strategy and techniques can pay off if the case goes to termination. In practice, termination hearings are where any of the flaws of case preparation, strategy and tactics come to light.

Each group will be responsible for taking on a specific party position. They will be allowed some latitude in creativity to challenge the other parties by 1) making reasonable assumptions based on the facts provided in the scenario; and 2) adding one normal surprise fact and one unusual surprise fact.

Note that whatever is determined at one hearing will not affect going forward with the exercise in the next hearing. Trainers should therefore allow the judge to decide on an outcome based upon the evidence presented at that hearing regardless if that outcome is a dismissal of the case. This training is designed to let that happen as an instructional device. No matter what the outcome, the trainers will move to the next hearing assuming that the case has actually moved to the next hearing and assuming the facts set for the in the trainee manual for that next hearing. (Not focusing on "winning" or "losing" the hearing, the trainer may review the case with the trainees after the judge's group has dismissed the case, as follows: "OK, judge, what factors led you to dismiss this case?" To the DFCS representatives or to the SAAG, the trainer may say, "Please tell us what you may have done to persuade the judge's group to come to a different conclusion. What is the result to the case of failing to do that?"

This method will highlight the purpose for preparation for surprises and not getting rattled in court or on the stand when unexpected information is introduced. An underlying theme is that social work is by nature an ambiguous and often unpredictable science. We should prepare for the ambiguities and unpredictability as a natural part of the process.

One of the key features of the case scenario process is that if the initial attempt at conducting a hearing reveals deficits in knowledge and practice skills, there can be a critique and the exercise can be repeated until the basic skills are firmly in place.

Remember, in order to provide the most varied case scenario experience, each hearing of the case will be a stand alone hearing. That means that no matter what the outcome of a hearing (such as dismissal and reunification), the case scenarios will assume solely for purposes of moving through the entire sequence of hearings, that the court made a decision to move to the next step in the sequence. Therefore, it is perfectly fine if the outcome of a hearing is a return home, a legal guardianship or some other disposition. Nonetheless, the training will move sequentially to the next hearing and make some new assumptions.

Case Strategy

The short and simple definition of case strategy is how to we get from “here” to “there” within the available amount of time and money.

First, one must know clearly what “here” and “there” are. Key to the deprivation process is “available time.” Probably less clear but just as important is “available money” or in the case of deprivation services, “available and funded services.”

The trainer should counsel the groups to develop a case strategy and let them be creative with that exercise. Caution the groups that case strategy is clearly different from trial tactics.

“Tactics involve the use of instruments of power in action. Strategy proposes; tactics dispose. Once strategy is established, tactics may be the details of the plan, the logistics for supporting the strategy, the rules of the game, or the maneuvers along the way.

The line between strategy and tactics is often not a bright one. The most important principle in this regard is to avoid getting bogged down in details, which usually are tactics.” (*Legal Strategy: A New Pedagogy for Teaching Practical Wisdom*, Paul J. Zweir and Deanne C. Siemer, Emory Law School Summer Discussion Series, July 5, 2006)

Effective Use of In-Court Testimony

The trainer will want to observe how effectively the case managers use the courtroom setting to accomplish multiple tasks. One of the chief complaints by case managers is that they do not have sufficient time to gather the vast amount of information required of their job. In court testimony, particularly by a parent can provide a lot of credible testimony or leads on where to find answers.

Direct examination:

The direct examination of a case manager by a SAAG can set the stage significantly for a productive, healthy, informative and child-centered hearing.

The case manager should have memorized for every hearing the following information. The case manager should practice responding to these questions in a pleasant and confident manner. There should be no question in the mind of the listeners that the case manager is both competent to provide testimony as a case manager and prepared specifically for this case at hand. The resume tool in the Participant Guide (PG) provides a template for this aspect of the worker's testimony.

Accordingly, on direct examination from their own attorney (the SAAG), the case manager should know by rote the following:

- Name;
- Educational background, including graduation dates and majors;
- What position the case manager currently holds at DFCS;
- What positions they have held in the past at DFCS;
- Approximately how many deprivation cases they have handled;
- Other similar job experience;
- Specialized training or certificates granted;
- All this information is captured in the Social Services Witness Resume Handout that workers are encouraged to use in preparation for court.
- As to the information about the family involved in the case to be heard:
 - How case manager knows family;
 - Ages of child(ren);
 - Names of the other parties;
 - Relatives of the parties or attempts to identify them;
 - Contacts (and dates thereof) you have made with the child;
 - Contacts (and dates thereof) you have made with the family;

- Contacts with school officials;
- Contacts with foster parents;
- Knowledge of mental and medical status of child;
- Most recent review of case file; and
- Other providers (and names of provider staff) who have or are working with family;

As to information about the case, the case manager should know:

- The allegations in the complaint;
- The date of filing the complaint;
- The date the child came into care;
- The placement of the child (whether in a foster home, group home, etc.);
- Previous involvement with DFCS prior to the child's removal;
- The efforts made to maintain the child in the home and the efforts made or to be made to allow the child to return safely back home;
- The possible damages to the child from being removed (child well-being such as loss of connection to social structure, school, and faith communities);
- The position of the parents if that can be determined before the hearing;
- The position of the child advocate attorney if that can be determined before the hearing;
- The alternatives to removal that were considered or are being pursued;
- A declaration of the strengths of the family;
- A declaration of the risks to the child in remaining in the home;
- A declaration of the what actions or changes would provide safety for the child in the home to off-set the risks;
- A time frame in which such actions or changes could occur; and
- On whom such actions or changes would depend.

Cross Examination:

Calling a parent for cross-examination as the first witness often provides a tactical advantage for learning information which a case manager, despite best efforts, or because of very little time to prepare, had been unable to ascertain.

For instance, if a case manager may be working with a parent who is not cooperative and will not provide the case manager with basic information. Often, parties will provide information in court under oath and the penalty of perjury that they will not otherwise provide. Thus cross-examination questions could include:

- Age and date of birth information of parents;
- Address and telephone information of parents;
- Names, addresses and phone numbers of extended family for diligent relative search;
- Determination of whether DFCS or a DFCS similar agency has been involved with the family before;
- Employment verification (address, phone numbers and supervisor);
- Medical issues for child(ren);
- Names of physicians child(ren) have seen;
- Names of schools child(ren) have attended;
- List of locations where family has lived in Georgia and outside of Georgia;
- Whether child has an existing IEP;
- Names of persons with whom child has lived since birth;
- Level of pre-natal care mother of infants had;
- Strengths of family as identified by parent;
- Asking the parent how they feel with the child not in their home.

A cheat sheet is included in Appendix A for the co-trainer to use when cross examining case managers or their witnesses. The list of questions is by no means exhaustive. You will develop more questions based on responses given at the hearing.

All of these questions either reveal other matters which can help fill in the blank EARLY in the process. They help a case manager prepare for the ultimate negative hearing outcome of termination of parental rights. More importantly, these questions are primary child-focused and move the parties toward what result they might have in common – getting the child home.

Remind all of those who are preparing to respond to cross-examination questions that they will be peppered with leading questions. Phrases like, “Isn’t it true....” are sometimes very difficult to respond to. Remind cross-examiner that it is perfectly appropriate tactic to lead a witness. But remind the responder that it is perfectly appropriate to answer a question and then explain the answer.

Refer the case managers to *Legal Issues for Social Services Case Managers* for assistance in how to answer direct and cross-examination questions rather than providing that information to them. This will give the trainer some indication of how well they are incorporating their previous training into this exercise and/or their ability to use that reference as a guide for this exercise. Either method is permissible.

Evidence

The central reason compelling fact cases collapse is due to lack of evidence. This often translates into lack of admissible evidence – you have the evidence but not in a form that the court can allow into the record. The case manager is not a SAAG. However the case manager can assist the SAAG by knowing what evidence can be admitted and alerting the SAAG to possible evidentiary issues early on. This was introduced during Legal1 training. Use your knowledge as a trial attorney to assist the case manager to assist the SAAG in preparing evidence for admission. This will require that they understand, among other evidentiary matters:

- Laying a foundation for admission of a photograph;
- Laying a foundation for admission of business records;
- Admission of a court order;
- General knowledge of hearsay;
- When to subpoena a witness for testimony;
- How to obtain stipulations of documents into the record in advance of a hearing;
- What cumulative evidence is; and
- How to obtain a hospital record and get it admitted into evidence.

Summary

This training is unlike other training in that it is all participation and critique. It will be exhausting for the participants. They will be exercising new muscles. Hopefully, there will be some break-through moments when veteran case managers understand the previously mysterious ways that lawyers do things. Even more important, these case managers will see you as the trainer, as struggling with them, a partner, a client. Finally, the case managers will have a profound knowledge of the best model presentation practices and model these practices for others. Their work will be prepared with greater diligence and confidence. And always, most importantly, the families they serve will have the case managers they deserve.

Introductions

TRAINER'S NOTE: Greet participants as they enter and pass out name tags. You will need to review housekeeping items prior to starting the training. Location of bathroom, lunch, breaks...You can do a brief introduction of yourself and the co-trainer and then allow participants to introduce themselves. After introductions, thank the participants for completing the questionnaire prior to the beginning of class. Keep introductions brief.

TRAINER'S NOTE: The following information in the introductory section of the participants guide will need to be discussed. Let the participants know what they will be doing in this training, what the focus will and will not be.

Introduce yourselves. Provide information on your background. Ask participants to complete their name tags and introduce themselves by stating their name, position, county, length of time with DFCS, frequency of court attendance and appearing as DFCS witness and their expectations of the training. Please address expectations that will or may not be met. Please review the following training expectations:

- **Class duration 8:30 - 4:30**
- **Take responsibility for your own learning**
- **Professional-Courtroom Attire and Behavior is required**
- **Communication devices muted**
- **Court House Protocol**

TIME: Explain that the timeframes are close for the next two days and participant cooperation is essential to successful delivery of the training. You may use the agenda in the TG to outline the agenda and time frame and address the aspects of expectations that WILL NOT be covered in the training.

PURPOSE: The primary goal of this training is ensure that case managers present as confident, *comfortable and competent* in the preparation of a case to be heard in court. The secondary goal of this training is to *demonstrate best practices*.

Learning Objectives

- Participants will demonstrate the skills and demeanor necessary in preparing a case for presentation in court
- They will show clear understanding of the types of evidence to be presented and how such evidence should be entered
- Participants will show understanding of evidentiary matters including laying a foundation for admission of a photograph, records; the admission of a court order and general knowledge of hearsay
- Participants will be able to present to the court an account of personal, educational, and professional qualifications and experience to enhance credibility
- Participants will collaborate with the SAAG in the preparation of case information
- Participants will present case information clearly, truthfully, specifically and with relevant responses to show they are cognizant of the burden of proof and evidence required to show such burden
- Participants will show the skills and demeanor necessary for presenting a case in court for both direct examination and cross examination
- Each participant will work collaboratively in their assigned groups to gather information to promote effective decision making and overall learning

Introduction to Legal 2

This training is an active preparation and practice training rather than a passive listen and learn lecture training. Most of your time in the next two days will be spent as follows:

- Working on case assignments;
- Working within time limitations;
- Working within groups;
- Working on effective and efficient case preparation;
- Working on creating and modifying case strategies;
- Working on your responses to direct and cross examination;
- Working to develop models for case preparation and presentation in your jurisdiction; and
- Having fun doing this.

You have already had training on legal terminology, legal procedures and court etiquette through Legal Issues 1 for Social Services Case Managers. You will be expected to have the base of legal issues knowledge contained in that document.

Some of you have already had significant experience in getting prepared for court hearings and testifying. Others have had less experience in the courtroom. You know the court vocabulary, you have worked with challenging clients, and you know what “reasonable efforts” means in theory and in practice.

Some important questions....

What makes us better in our professions? Answer: Practice and learning from our mistakes?

What makes us more confident in our work? Answer: So much practice that you can handle any surprise thrown your way calmly and competently.

What is one of the factors that make our job more enjoyable?

Answer: Knowing that we can perform with competence under any kind of pressure.

Preparing and testifying in court is something that takes practice from even the most seasoned lawyers. Almost every case has a surprise or two and some are full of surprises. Therefore, we should anticipate them and incorporate them in our preparation. Finally, having confidence in your competence is assuring to the families you serve and to you as a professional.

Focus of this training:

This training **will** focus on the following:

- A short review of your previous legal training to make sure we are all on the same page;
- A determination of what is particularly challenging to you in your courtroom preparation and presentation;
- Practicing working alone and with your attorney or Special Assistant Attorney General (SAAG) at all stages of court preparation and presentation;
- Preparation of direct examination and cross examination questions;
- Practicing identification and preparation of all forms of evidence which you may need to effectively prepare and present your case;
- Practicing case strategy or case theme thinking;
- Practicing putting yourself in the roll of the other parties, including the judge, in preparation and presentation of your case;
- Practicing “best practices” models of hearing preparation and presentation for your particular court.

You will work on two cases many parts of which may seem familiar to you. You will have surprises thrown in. Just as in your real professional life, you will work with other case managers to both prepare and present your case. Unlike your real professional life, you will be asked to step into the shoes of

the other parties. You will think, prepare and present like they do. In performing this latter exercise, you will begin to anticipate surprises and the surprise questions and gain the confidence you need to handle any question asked of you in court.

The point of this training is to know enough about the other parties' role and the role of their attorney to prepare your case well. If you can understand and speak some of the legal vocabulary, your comfort and understanding of what is going on in court will be enhanced. If you can begin incorporating some of the components of case preparation and presentation naturally into your investigative function, then your case preparation and presentation will be much easier and less stressful.

Remember, most people generally learn best by from their mistakes. Don't be afraid to make a mistake! The more you make in the training, the less you likely will make the next time you are in court.

Not a focus of this training:

This training will **not** focus on the following:

- Detailed DFCS policies and procedures;
- Services available in your jurisdiction;
- Federal and state funding issues;
- In-depth review of types of hearings, types of evidence and court procedure

The above topics are covered either in your college or masters courses, through specific training by your agency, or through on-the-job training. While this training will not review the above, you will be expected to apply and demonstrate your knowledge of policy in the evidence collected and the assessments completed to promote decision making. You will also incorporate knowledge of these topics in your preparation and presentation skills over the next 2 days.

A word about your trainers:

One of your trainers is a Special Assistant to the Attorney General (SAAG) with significant experience in deprivation cases. The SAAG is contracted by DFCS to represent DFCS in juvenile court cases. The other trainer has been specially trained to perform as an attorney in this training to provide you with a realistic experience as a witness. Your trainers will tell you when it is permissible to pause in the middle of a case presentation and ask a question, or the trainer may insist that you stay totally within the “real hearing model.

Your trainers have been chosen for their special skill sets. The SAAG trainer will sometimes provide a short lecture on a specific topic, answer questions that arise during your preparation and presentation practices, and critique your preparation or presentation. Both trainers will act as facilitators by organizing you into work groups, provide groups with assignments, and set up the training area as a courtroom for in-court presentations. Then, the trainers will provide experience to each participant in witnessing as a case manager on both direct and cross-examination. Remember, not all of your cases will be presented from the view of a case manager. You already have significant skills in that area.

The best way to anticipate what the other party will ask you on cross-examination is to get into the roll of that party. This exercise is more than showing empathy for the other party. This exercise is to provide you with the ability to get outside of your case and into the mind of the other party and dissect your own case as the other party might. Therefore, your trainer will continually remind you what role you are playing for any given exercise.

Summary:

We will be working and practicing. We will be critiquing each other. We will have fun. Once you begin preparing a case for court and then step in the courtroom, your thinking will naturally shift into court mode.

After this training, when you attend court you will not be tense or anxious because you will know intuitively how to prepare and present. You will not be surprised or caught off guard by unexpected twists in cases because you will come to not only expect them but be prepared for them.

Nothing can shake your confidence.

You can focus on being the best that you are.

Now, let's get to work.....

TRAINER'S NOTE: After discussing the information in the **"Introductory" section.** of the participant guide, you will need to divide the group into 4 groups as described earlier. You may designate the groups by colors or letters P-parent, G – Guardian/ court advocate, j –judge and C for Case manager so that you can let each group know what role they need to play in the different hearings. This information is found in the participant guide in the **"Group Work and Division of Responsibilities" section.** After each group has been designated by a color or number you will need to have them report to one of the following groups-Case Manager, Parent, Child Advocate, or Judge Group. Have each group sit together in a certain section of the court room after you have told them which role they will be playing for the 72 hour hearing. As they change roles for each mock hearing, they will need to sit in the designated section of the court training room to prepare for their case. Have them read what the roles and responsibilities are for each group in the **"Group Work and Division of Responsibilities" Section.**

Group Work and Division of Responsibilities

Next we are going to divide into four groups. Each person in the case manager group is expected to be a case manager witness in one of the four hearings to be held each day of the two day training.

All of the groups will be provided with the same general case scenario. However, each group will be asked to approach the case scenario from a different viewpoint during each hearing. Each group will be given time to prepare for the hearing designated by the trainer.

The trainer will have discretion on the assignment of the groups. But it is the intent to provide everyone an opportunity to participate in and prepare for the various legal interests in a hearing as well as to take the lead within your group. It is an expectation of training that regardless of assigned role, individuals will take responsibility for both learning and participation.

The groups will represent the following interests:

- DFCS – case manager (one or more case manager (s) will testify from this group at each hearing)
- Parent or parent attorney (members of this group will prepare cross examination questions for the parents attorney)
- Child or child advocate/Guardian ad Litem (members of this group will prepare questions to ask the DFCS case manager consistent with directions on their position at each hearing) and complete their activity packet.
- Judge (entire group will serve as judge panel) and will complete the activity assigned in their packet

The trainers (one an experienced DFCS SAAG) will act as the attorney for the parent and the SAAG and present direct testimony and cross-examine opposing witnesses. The trainers will assist the witnesses for the parties in preparing for the trial and will provide assistance to the Child Advocate and Judge group prior to and after the hearing. The point of the training is to apply the information learned in the “Legal Issues 1 for Social Services Case Managers,” by viewing the juvenile court case from many vantage points, to become more comfortable with appearing as a witness in juvenile court hearings and to make mistakes in a safe environment.

Case manager group: The case manager group in each exercise will be responsible for preparing strategy and tactics for the case, suggesting witnesses for the presentation of their case, suggesting direct examination questions, anticipating cross-examination questions and preparing responses to those questions. Lead by a trainer, the case manager group will also be responsible for determining the types of evidence to be presented in the hearing. The case manager group will be assigned to each hearing and will have a turn to prepare and testify in one of the four hearings. Remember, you are preparing you are giving your testimony to the court and should direct your attention and speech to the judge.

Parent Group: Lead by a trainer, the parent group in each exercise will be responsible for suggesting direct and cross examination questions for the case managers called by the parents’ attorney—one of the trainers. This group will also be responsible for suggesting cross-examination questions for the witnesses called by the case manager group. The trainers may provide this group with a surprise fact to test the ability of the case manager group to think on its feet.

Child Advocate Group (CASA or Guardian Ad Litem): The child advocate group will be responsible for determining how to best represent the interests of their client in the courtroom. This group will be responsible for developing a position under the given facts. One of the group members should be designated as a lay child advocate to ask limited questions to clarify or highlight evidence which will help to present the child's interest in the proceeding. At the close of the evidence, the child advocate group must make a recommendation to the court based on the position indicated in your activity packet which should also be completed. One of the questions this group should consider is what weight to give to the child's wishes in making that recommendation.

Judge Group: Complete the Activity packet assigned. The group which is assigned the judge's position will have the opportunity to observe the scope of conflicting views presented and to make determinations on whether the burden of proof in a particular hearing was met. The judge group will be called upon to make quick decisions about whether to grant: the finding of deprivation, the extension of a court order or an order terminating parental rights, the approval of the case plan, the calling of the child as a witness, etc. The judge group can make their own decisions outside the information provided, i.e. – at the end of each exercise, the judge group may order something not contemplated in the text of the training. Nonetheless, for purposes of this training, the groups will move to the next exercise.

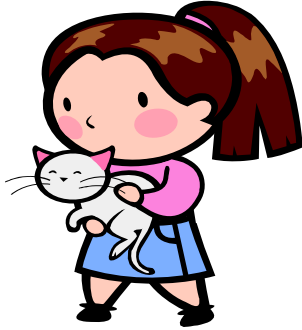
The case manager and parent group, may produce documentary evidence. Any evidence submitted has to meet the legal standard for admission into evidence. For instance, you may use a copy of prior conviction of a party but it has to be a certified copy. You will not be able to obtain an actual certified copy of a document for the training but you must place a fake certification on the document and note in testimony that it is certified before presentation to the court for admission into evidence. **The answers to the questions given to the judge's group are in the trainer's edition to Judge's Group Activities based on which hearing is being convened. There should be one copy each in the Judges packet of the Trainer's answer sheet. Copies are also to be found in Appendix A of this Trainer's Guide.**

In the questioning by the parties, the parent group may make reasonable assumptions from the facts expanding the fact scenario.

Be creative. Keep the other parties on their toes. Make them anticipate surprises. Watch them squirm or watch them calmly and professionally respond to any question that is thrown at them.

Case Information

In the center of all of this is.....



Ginger Pressley, Age 4

CASE: In the interest of: Ginger Pressley (4 years old)

This case was investigated as a physical abuse case. As you will see, there are other issues suggested along the way. The Case Manager group and the Parents group each have a set of facts known to them. Some of these facts will be a surprise to the other group.

Here are the main parties:

Child:	Ginger Pressley
Mother:	Ms. Pressley
Possible father 1:	Jerry Stinger
Possible father 2:	Mr. T
Day care staffer 1:	Ms. Pip
Day care staffer 2:	Ms. Knight
CPS Case manager:	Ms. Madonna
Another case manager:	Mr. Hanks
Placement Case Manager:	Ms. Placement
Doctor:	Dr. Jolie
SAAG:	Mr. Mason
Mother's attorney:	Mr. Seinfeld
Judge:	Judge Thomas
Therapeutic Placement:	TP
1 st Foster Parents:	Mr. and Mrs. Excellent
2 nd Foster Parents:	Mr. and Mrs. Foster

At every stage of the case, the Case Manager group will be provided 452s with the facts available to them. The Parent Group will be provided the notes of Mr. Seinfeld to use in presenting Ms. Pressley's case. The Child Advocate group will sometimes be given facts in their instructions. The judge group will listen to the evidence and will not have knowledge of any of the facts until they are presented in court.

SECTION 1 *The 72 hour Hearing/Detention Hearing*

72 Hour Hearing/Detention Hearing

What happened at court before the detention hearing began:
Only the mother appears at the hearing. She appears in time for Ms. Madonna to speak with her. However, Ms. Pressley says very little of help to Ms. Madonna. Soon, the case is called. On the way into court, the child advocate, Ms. Winfrey, says there is no way this child is going home, no matter what the child says she wants.

The SAAG, Mr. Mason, is new. He smiles at Ms. Madonna as they sit down in front of Judge Thomas. Mr. Mason, when asked by Judge Thomas whether DFCS is ready, responds, "Yes, your honor." Ms. Madonna knows she will have to "feed" him questions.

Ms. Pressley already has an attorney appointed to represent her. His name is Mr. Seinfeld. He is seen introducing himself to her as they sit down.

TRAINER'S NOTE: Prior to the hearing the SAAG will need to discuss: What is the purpose of the 72 hour hearing and when is it held?
Who has the burden of proof at the 72 hour hearing?
What does the term deprived child mean?
What kind of fact evidence will support a finding that a child is deprived?

Activity

Preparation for 72 hour/Detention Hearing

TIME: **30 minutes**

PURPOSE: **To prepare for the 72 hour/Detention hearing**

MATERIALS: **452's given to Case manager group.**
Pre-Detention Hearing Notes given to Parent Group;
Participant guide instructions for each group
Resume Handout
Court Hearing Preparation Handout

INSTRUCTIONS:

- 1. Read all information titled “For All Groups” in the participant guide**
- 2. Then read your assigned groups activity listed below to prepare you for the 72 hour/Detention hearing**
- 3. If you are in the Case Manager group, one person will be the case manager witness. Case Manager witnesses will be assigned so that everyone will have an opportunity to testify at one of the four hearings.**

Activity

Preparation for 72 hour/Detention Hearing

- 4. If you are in one of the other three groups, complete the activities in the folders provided to you and be prepared to ask questions and provide feedback.**
- 5. Prepare for the case accordingly**

For All Groups

- Refer to Courtroom Etiquette and types of evidence you will need for this hearing based on Legal1
- Refer to Case manager Resume and witness tips in Appendix A
- Note that a detention hearing done exceptionally well can save time on the back end of a case;
- Consider what type of evidence is allowed in a detention hearing.
- What would the Safety Assessment (455A) determine based on the facts of this case? Why is the child client unsafe?
- Have you carefully considered your Justification of Findings from the risk assessment instrument to support your concerns? This allows you to articulate your concerns of risk indicators to the family clearly so they and the court will understand changes needed. Your testimony is strengthened when supported by facts as to risk concerns
- Were the reasonable efforts guidelines met?
- Consider what witnesses you will need to call, if any;
- Consider what kind of medical evidence you will need and how you will get it into evidence; how can you assist your SAAG on this?
- Consider whether you need to take pictures and how you will assist the SAAG in having them admitted into evidence;
- Consider what notes you may need to make to refresh your recollection.
- What is the purpose of the 72 hour hearing and when is it held?
- Who has the burden of proof at the 72 hour hearing?
- What does the term deprived child mean?
- What kind of fact evidence will support a finding that a child is deprived?

Case manager group

Assign one member of your group to prepare the complaint which will be used as the basis for the 72 hour hearing. All members on the team should participate in determining what allegations should be included in the Complaint. Give a copy of the complaint to the other parties no later than ten minutes into the preparation time. One member will testify as the case manager witness. Witnesses are assigned for each hearing alphabetically. The members should work with the trainer on preparing the direct examination questions, documentary evidence, other witnesses and responses to anticipated cross-examination questions or surprise questions. In suggesting questions for the trainer who will play the role of SAAG, try to think of the information you will need to make your case easier to handle. Do you need to know diligent search information? Do you need information about what reasonable efforts you might make to reunify? Do you need to tie the mother's story down about a particular part of your case?

Parent group

The group should determine what the parent wants and how to present the parent's position. The group should determine whether the complaint states a claim for deprivation, determine what evidence will be needed to substantiate it, and determine what evidence it can offer to counter that evidence. This will require that the group consider questions that could be asked during the direct examination of the parent. The members should begin discussing cross-examination questions for the case manager group. These should include "reasonable efforts" questions. Remember, this child was taken from school before actually speaking to the mother or visiting the mother at her home. Remember, from Legal Issues 1: for Social Services Case Managers, you have more latitude in cross-examination than in direct examination; How can you counter the allegations given that the hearsay is allowed and burden of proof in a 72 hour case is low?

Child Advocate group

Maybe the first question here is how you represent a 4 year old child? What outcome does the child want? What outcome would be best for the child. You know that the law states a preference for every child living in their own home if possible. What is the harm to this child if she is removed from the only family she has. What are the risks in returning her? Should she be returned now so that DFCS can begin services directly with the child and mother together or is more investigation warranted? Why not put the mother up in a motel room with a parent mentor and keep the child in the same day care? You need to ask some questions of the case manager which determine whether the case manager, as representing the agency who wishes to take physical and legal custody of this child, has thought through these issues and has a plan which clearly balances risk and safety and child well-being. What questions can your court representative ask to drive home your position. Members of this group will be allowed to ask questions during the hearing. You should assume that Ginger wants to go home, says she loves her mother, and cries for her.

Judge Group (Please see Judges Packet for trainer's edition with suggested responses)

The judge group should examine the complaint and start making a mental list of what elements have to be demonstrated by probable cause to justify removal of this child from the home. The judge group should decide whether they will simply listen to the evidence provided, no matter how poorly or well it is presented, or whether the judge group wishes to ask some questions on its own.

The judge group should also note the body language of the witnesses and attorneys, their apparent confidence in their case presentation, their organization and their professional demeanor. This information will be used for a critique of the presentation at a later time. Make notes about what happens during the hearing so that you will not forget anything that is important to deciding the case or to critiquing the participants.

Remember compliments can be as important as criticisms. At the close of the detention hearing that judges must be prepared to determine whether there is reasonable cause to believe that Ginger is deprived based on the evidence heard at the detention hearing. Be prepared to explain your decision.

Case Presentation for 72 hour hearing:

Activity

Mock Trial for 72 Hour Hearing/Detention Hearing

- TIME:** 30 minutes for the case manager group to testify. The trainer has discretion to limit or expand these time limitations.
- PURPOSE:** To provide testimony for the 72 hour/Detention hearing
- MATERIALS:** Witness Observation Checklist
- INSTRUCTIONS:**
1. The case manager group will go first and will have 30 minutes.
 2. The child advocate group will have an opportunity to ask the case manager witness questions.
 3. As you observe the witness please complete the Witness Observation Checklist.
 4. The judge group will have an opportunity to debrief and share what they observed during the trial.
 5. The SAAG will debrief using the following questions listed below.

TRAINER'S NOTE: After the mock trial, the trainer will need to debrief and discuss the questions below.

Debrief 72 hour/Detention Hearing:

- How did preparation support your testimony?
- What were the challenges encountered in direct/cross examination?
- What was observed about our own skills in presenting?
- What was done well and what might have been improved and how?
- What were the legal issues reviewed or learned during the hearing?
- Was there optimal use of the detention hearing to get information that the parties needed for use in later hearings and for case management?
- Was there substantial credible evidence to support the judge's conclusion?
- What is the result to the case of failing to provide that evidence?

After the 72 hour hearing presentation and the discussion, the groups will rotate. The next task will be to prepare for the adjudication hearing using the additional information found in section two.

SECTION 2 *Adjudicatory Hearing*

<i>Adjudicatory Hearing</i>

Assume for this section that the court in the 72 hour hearing ordered a petition filed and you are headed toward the adjudicatory hearing. There are some new developments.....

Preparation for the Adjudicatory Hearing:

Assume the court made a ruling that there was probable cause to file a petition alleging that the child was deprived. Some of the preparation for the Adjudicatory Hearing will be influenced by what facts were determined at the Detention Hearing. However, the trainers may ask the groups to disregard some of the facts for purposes of the exercise.

At the Adjudicatory Hearing:

What happened at court before the adjudicatory hearing began: At the adjudicatory hearing, Ms. Pressley shows up with a man she identifies as her friend, Mr. T. She explains that Mr. T has taken care of Ginger off and on and can verify her story that Ginger “likes to wrestle.” Ms. Pressley also shows up with a woman she identifies as her sister. “Well, like a sister,” she says. The sister and Mr. T are seen rubbing each other’s arms in court.

While Mr. Thomas is introducing the case, Mr. Seinfeld advises the court that the father of the child is Jerry Stinger, who is thought to be incarcerated in Chatham County. The judge notes that information on the record. He says he will not continue the hearing for Mr. Stinger, but will ask Ms. Madonna to look for him and publish so that he can be served and notified of the court proceedings.

Ms. Madonna makes a note of that but still has a funny feeling in her stomach about this case. After the hearing has begun, before the Case Manager group presents its evidence, one of the trainers will state the following assumption: We will assume that at the adjudicatory hearing the first witness for DFCS was Dr. Jolie. She needed to be back at the hospital by 11:30 A.M. and the court allowed her to testify first. She testified, using x-rays, that she examined Ginger Pressley on 10/16/06 and found that her right arm was fractured just below the elbow and that x-rays showed the left arm had been fractured in the same place. Both these injuries were consistent with Ginger's being thrown down to a hard floor or against a hard surface, most likely a wall. On cross-examination she also admitted that the fractures could have resulted from Ginger's falling on her arm from a height of four feet or more. Dr. Jolie also testified that she saw five round scars on Ginger's thighs that resembled cigarette burns. She also testified that, based on a reasonable medical certainty, these scars are from six months to a year old. On cross-examination she admitted that the scars might have been infected bug bites. Dr. Jolie was excused with the thanks of the court and all parties.

TRAINER'S NOTE: Before beginning the adjudicatory hearing, the SAAG trainer should discuss the purpose of the adjudicatory hearing, when this hearing is held, the kind of evidence which is admissible at the hearing, and the burden of proof that DFCS must bear. The participants should also be reminded that the main focus of the hearing is whether Ginger is a deprived child.

Activity

Preparation for Adjudicatory Hearing

- TIME:** 30 minutes
- PURPOSE:** To prepare testimony for the Adjudicatory Hearing
- MATERIALS:** 452's provided to case manager group
Pre-Adjudicatory Hearing Parent Group Information
Activity Folders for the Judge and Child Advocate group
- INSTRUCTIONS:**
1. Read all information titled "For All Groups"
 2. Then read your assigned groups activity listed below to prepare you for the Adjudicatory hearing
 3. According to the group you are in, determine who will be the main character and who will be the witness.
 4. Prepare for the case accordingly

For All Groups

- Refer to Courtroom Etiquette and types of evidence you will need for this hearing based on Legal1
- Refer to Case manager Resume and witness tips in Appendix A
- Note that an adjudicatory hearing it is not unusual for testimony to reveal pertinent new evidence about the substance of the case. How can you prepare for these surprises?
- Consider what type of evidence is allowed in an adjudicatory hearing. Hearsay is NOT allowed at this hearing!
- Consider what witnesses you will need to call, if any;
- Consider if you need to obtain a copy of the birth certificate; could you have obtained a copy at the detention hearing and solved an issue that is now presented?
- Consider what kind of medical evidence you will need and how you will get it into evidence; how can you assist your SAAG on this?
- How can you get the doctor at the hearing; how soon in advance do you have to notify your SAAG in advance that you may need him or her
- What alternatives might there be to getting medical evidence into the record; how can you work with your SAAG to have medical evidence stipulated into the record? Is that always a good idea?
- Did you speak with the doctor in person? Is he or she a very compelling witness?
- Consider what notes you may need to make to refresh your recollection.

Case manager group

Assign two members of your group to review the adjudicatory petition within 20 minutes. Give a copy of the petition to the other parties. The other members should work on preparing the anticipated cross-examination questions and responses to anticipated cross-examination questions or surprise questions. Once the petition is prepared, consider what two new witnesses (case managers) you will call and in what order. The evidence presented by your group at the hearing should support the allegation that Ginger is a deprived child. You may select a case manager witness from the main parties list at the beginning of the case scenario. You should consider what questions the case manager witnesses should be asked during direct examination. The trainers' will lead the discussion of direct and cross-examination questions.

Parent group

The group should determine what the mother wants and how to articulate that to the court. Should she be called? How do you prepare the mother if she is the first witness to be called by the Case Manager group? What questions should you ask to challenge reasonable efforts in this case? What can DFCS really prove? The group should begin suggesting direct examination questions for mother, cross-examination questions for the case manager, and anticipated cross-examination responses for the mother and other witnesses who may be called. The trainer will lead this discussion. Remember, from Legal Issues for Social Services Case Managers, you have more latitude in cross-examination than in direct examination. Review the petition together to determine any flaws. Does it state a case for deprivation even if all the facts were true? Remember that DFCS has to prove its case by clear and convincing evidence. See if you can find a way to attack the clarity and convincing nature of the evidence presented by DFCS.

Child Advocate group

The child advocate attorney has to decide whether to represent the child's best interest or whether to represent what the child wants as the child articulates her interest. How does one represent a 4 year old? One way the child advocate might approach this situation is to decide that the child should absolutely remain in care. The risk of placing a child with a mother who has allowed the child's safety to be at risk and who is avoiding the case manager is considerable. But wait. If there is a reunification plan, the child is coming home one day, hopefully within 12-18 months. What does a removal from the biological mother do to the child now and when and if he is reunified with her mother. Your job is to prepare cross-examination questions that probe this dilemma and state your position to the court. Represent the child as if you will have to explain to the child why you did what you did when the child is old enough to ask. Assume that you go into the adjudicatory hearing believing that Ginger should be returned to her mother with services provided so that she can be safe in her home. You may want to ask how the first few visits between Ginger and her mother went.

Judge Group (Please see Judges Packet for trainer's edition with suggested responses)

The judge group should watch the preparation of the parties. The judge group should examine the petition and start making a mental list of what elements have to be demonstrated by clear and convincing evidence to justify removal of this child from the home. The judge group should decide whether they will simply listen to the evidence provided, not matter how poorly or well it is presented, or whether the judge group wishes to ask some questions on its own. Remember, one of your jobs is to determine the truthfulness of the parties. You may note their expressions, body language and attitude in making those decisions. But you have to decide what the appropriate attitude of a mother should be if her child has been removed. Is her age a factor in her emotional maturity? Is her emotional maturity a deprivation issue? How do you note someone's attitude for the court record when the only official record of the hearing is a tape record or CD recording? What finding of facts will you make after hearing all of the evidence? You will need to state those findings for inclusion in an order and for development of a case plan if you order one. At the close of the evidence the judge group should be prepared to state findings of fact and conclusions of law to support its finding and to announce a temporary disposition.

Presentation for Adjudicatory hearing:

Activity

Mock Trial for Adjudicatory Hearing

- TIME:** 30 minutes. The trainer may limit the time due to the dynamics of the testimony.
- PURPOSE:** To practice testifying at the Adjudicatory Hearing
- MATERIALS:** Witness Observation Checklist
- INSTRUCTIONS:**
1. The case manager group will be direct examined first and then cross examined by the parent's attorney.
 2. The child advocate group will have an opportunity to ask the case manager group questions.
 3. As you observe the witness please complete the Witness Observation Checklist
 4. The judge group will have an opportunity to debrief and share what they observed during the trial.
 5. The SAAG will debrief using the following questions listed below.

TRAINER'S NOTE: After the hearing, you will ask the Judge group to announce their decision. The trainer will then lead a discussion addressing the following topics in the debrief.

Debrief: Adjudicatory Hearing

What were your observations of this hearing?

What was different about testifying at this hearing?

How was the purpose of the hearing accomplished?

How prepared were the witnesses for testimony?

What was done well and what might have been improved and how?

What were the legal issues reviewed or learned during the hearing?

Was there optimal use of the detention hearing to get information that the parties needed for use in later hearings and for case management?

What language must be in the court orders to obtain IV E funding?

After the adjudicatory hearing presentation, the judge and child advocate groups will rotate. The next task will be the Motion to Extend Custody/ Permanency Hearing.

TRAINER'S NOTE: The SAAG can briefly discuss the dispositional hearing and the purpose of this hearing before moving to Section 3. The following need to be discussed: What is the purpose of the dispositional hearing? When does it occur? What happens in the dispositional hearing? The reason a dispositional hearing is held.

After the adjudicatory hearing presentation, the judge and child advocate groups will rotate. The next task will be the Motion to Extend Custody/ Permanency Hearing.

SECTION 3 Hearing on Motion to Extend Custody and Permanency Hearing

Hearing on Motion to Extend Custody and Permanency Hearing

Between the Adjudicatory Hearing and the Hearing on Motion to Extend Custody and Permanency Hearing:

Assume that at the adjudicatory hearing, Ginger was found to be deprived as to Ms. Pressley. Mr. T. denied being Ginger's father and the court continued the adjudicatory hearing as to Mr. T. and permitted the county department to amend its petition to add allegations of deprivation against an unknown father, in addition to Mr. T. The unknown father was served by publication and, at a later hearing, a DNA test demonstrating that Mr. T. is not Ginger's father was introduced into evidence by his attorneys. Ginger was adjudicated deprived as to her unknown father and prior disposition order remained in place.

Refer to the two case plans and the Motion to Extend Custody and Permanency Hearing Court Report to follow the progress of the case following the adjudicatory hearing.

At the Hearing on Motion to Extend Custody and Permanency Hearing:

At this hearing the parties take the following positions respectively

DFCS requests that the custody order be extended because Ginger remains deprived and an extension is necessary to accomplish the purposes of the original custody order. DFCS wants to keep working with her on a reunification plan despite the challenges. They are also requesting a concurrent plan of termination of parental rights and adoption, though DFCS hopes it will not have to follow this route.

The Child Advocate's position will not be known until the time of the hearing.

Mr. Seinfeld, is asking that the motion to extend be denied and that Ginger be returned to her mother.

Judge Thomas listens to all of this.
Everyone sees Ginger embrace Ms. Pressley on the way into the courtroom and say, "Can I come home today, Mommy?"

TRAINER'S NOTE: Before the Extension and Permanency Hearing, the SAAG trainer should remind the group of the purpose of the hearing on the motion to extend and the permanency hearing. There should be a discussion of what findings the court must make to extend custody, the rules of evidence which will be applied and the burden of proof which must be met in an extension hearing. The trainer should also discuss the findings which should be made at the permanency hearing and why these are important for IV-E funding.

Activity

Preparation for Extension and Permanency Planning Hearing

TIME: 30 minutes

PURPOSE: To prepare testimony for the Extension and Permanency Planning Hearing

MATERIALS: Custody Extension and Permanency Hearing Court Report for all groups

Activity folders for each group to prepare for the hearing.

All groups will follow instructions in participant guide

- INSTRUCTIONS:**
- 1. Read all information titled “For All Groups”**
 - 2. Read your assigned groups activity listed below to prepare you for the extension and permanency planning hearing**
 - 3. Based on the group you are in, determine who will be the main character and who will be the witness.**
 - 4. Prepare for the case accordingly**

For All Groups

- Refer to Courtroom Etiquette and types of evidence you will need for this hearing based on Legal1
- Refer to Case manager Resume and witness tips in Appendix A
- Consider the purpose for the hearing on the motion to extend and the permanency hearing.
- Consider what type of evidence is allowed in a permanency planning hearing.
- Consider what witnesses you will need to call, to present your case.
- Consider what kind of evidence of progress by the parents or lack thereof you will need and how you will get it into evidence;
- Consider what notes witnesses may need to make to refresh their recollections.

Case manager group

Assign two members of your group to prepare a motion to extend custody in fifteen minutes and serve it on all parties. All parties have already been provided a copy of the proposed case plan. In the meantime, the other members of the group should be considering the case manager witnesses that need to be called to support the motion and concurrent case plan. Decide who your two witnesses will be and what evidence they should be prepared to present. What case manager witnesses may Ms. Pressley call and what cross-examination questions should be asked? Food for thought: In her heart, Ms. Placement wants this child to return home. However, will Ginger be safe in her mother's care? Has anything changed? It's been suggested that this case go to termination. Is this child really any better off with adoptive parents and can an adoptive family be found for her? What about Ginger's attachment to her mother? The judge must be wondering about these same questions.

Parent group

Remember this is the hearing where DFCS will ask for custody to be continued and make a recommendation about whether to continue on with reunification or adopt a concurrent plan that will include termination of the rights of the mother. Buying some more time is one strategy. Consider taking the offensive this time. There is not much you can do if the case manager presents accurately what the mother has or has not done. Or is there? Why not focus on the still strong bond of the child with the mother. Note that the child came in with a broken arm and that has healed? Why not return the child now? Is there any deprivation lingering. The mother apparently is not living with those that probably harmed the child. But will that scenario repeat? If you choose, within the limits of the Court Report, you can decide to disclose where Ms. Pressley is living.

After you choose a strategy, decide what evidence is needed to present and consider cross-examination questions for the DFCS' witnesses.

Child Advocate group

The child advocate group will be given a card with their position and instructions. These will be a surprise for the other participants.

Judge Group (Please see Judges Packet for trainer's edition with suggested responses)

The judge group should watch the tension between the parties. How long does this child have to remain in limbo? If it was my child, how long would it take me to get my act together? Is that really relevant to this case? All the mother did was visit her child and she didn't make all her visits. What about her attachment to her mother? Is there some alternative out there that I can consider that will provide some safety for this child, both emotionally and physically? What kinds of questions should I ask? Is anyone telling me the truth? Or is my job to read between the lines and try to figure out the truth?

Activity

Mock Trial for Hearing to Extend and Permanency Hearing:

- TIME:** 30 minutes. The trainer may limit the time due to the dynamics of the testimony.
- PURPOSE:** To testify in the motion to extend/permanency hearing
- MATERIALS:** Witness Observation Checklist
- INSTRUCTIONS:**
1. The case manager group will be direct examined first and then cross examined by the parent's attorney.
 2. The child advocate group will have an opportunity to ask the case manager questions about the case.
 3. As you observe the witness please complete the Witness Observation Checklist.
 4. The judge group will have an opportunity to debrief and share what they observed during the trial.
 5. The SAAG will debrief.

TRAINER'S NOTE: After the hearing, the judges should render a decision. Then, one of the trainers' should lead a discussion of the success of each participant in the hearing and a discussion of what might be improved.

Debrief: Extend and Permanency Hearing

What are the significant issues to be raised at this hearing?

How was the evidence that was presented supportive of the conclusions made?

What was done well and what might have been improved and how?

What were the legal issues reviewed or learned during the hearing?

Was there optimal use of the Extend and Permanency Hearing to get information that the parties needed for use in later hearings and for case management?

TRAINER'S NOTE: The SAAG can briefly review the Extend and Permanency hearing and the purpose of this hearing before moving to Section 4. The following need to be discussed: What is the purpose of the Extend and Permanency Hearing? When does it occur? What happens in the Extend and Permanency Hearing?

After the Extension and Permanency Hearing, the groups will debrief and then rotate. The next task will be to prepare for the termination of parental rights hearing using the following additional information in section four.

SECTION 4 Pressley *Termination of Parental Rights Hearing (TPR)*

Termination of Parental Rights Hearing (TPR)

TRAINER'S NOTE: Before the termination hearing, the SAAG should discuss the purpose of a termination hearing and the effect of an order terminating parental rights. Also go over the grounds for termination of parental rights, the standards for evidence presented at the hearing and DFCS burden of proof at the termination hearing.

Between the Extension and Permanency Hearing and the Termination of Parental Rights (TPR) Hearing:

The events between the Extension and Permanency Hearing and the Termination Hearing are found in the Termination Hearing Court Report. Ginger had been in DFCS custody for 15 out of the last 22 months on January 16, 2008. A decision was made to file a petition for termination of parental rights on January 5, 2008 and the petition was filed in early February, after the termination packet was provided to the SAAG. The hearing was delayed for service upon Ginger's unknown biological father and a hearing was scheduled in April, 2008. DFCS continued to provide services under the reunification plan while concurrently working toward finding an adoptive placement for Ginger.

At the Termination of Parental Rights Hearing:

DFCS sought to have the parental rights of the Ginger's unknown biological father and Ms. Pressley terminated.

Activity

Preparation for the Termination of Parental Rights Hearing

- TIME:** 30-45 minutes depending on time needed by participants
- PURPOSE:** To prepare testimony for the Termination of Parental Rights Hearing
- MATERIALS:**
- Termination Hearing Court Report for the case manager group
 - Pre-termination Hearing information for the parent group
 - Termination Hearing position for the child advocate
 - Participant guide instructions for “all groups” and your specific group
- INSTRUCTIONS:**
1. Read all information titled “For All Groups”
 2. Then read your assigned groups activity listed below to prepare you for the termination hearing
 3. According to the group you are in, determine who will be the main character and who will be the witness.
 4. Prepare for the case accordingly

For All Groups

- Refer to Courtroom Etiquette and types of evidence you will need for this hearing based on Legal1
- Refer to Case manager Resume and witness tips in Appendix A
- Consider what type of evidence is allowed in a TPR hearing.
- Consider what witnesses you will need to call, if any; Can you rely on the testimony of previous witnesses now? Should you consider presenting certified copies of all previous orders of this court into evidence so it will go up with the case if the case is appealed? Why?
- Consider what notes you may need to make to refresh your recollection.

Case manager group

You need to decide first what grounds for termination which you can prove given the evidence you have. Perhaps you should review the termination packet to get ideas. Then, work together as a group on going over the case from start to finish – from when the case first came in up to the present. You should consider the value of getting a copy of the earlier termination case against her from Chatham DFCS as a part of a thorough case review. There may be patterns you are missing or gaps in the information that could be filled. Be extremely methodical. Write down dates, visitation times, names of parties, places and events to refresh your memory. Get the evidence together that will support the termination grounds you have chosen. Other than the termination grounds, what else must you prove? What about relatives who are willing and able to care for the child? What about whether termination of parental rights is in the child's best interest?

You know from the previous hearings what kinds of questions the parties will ask. You already know their positions. They want more time. Perhaps with more time, the mother could reunify successfully. Is that likely or not? What not? What will be your response if you are asked that? What does the law say about whether deprivation will continue? What if a party says she is not deprived today? What is your response going to be? Will harm likely come to the child if reunified? Will the child be harmed by remaining away from the mother? How will you balance those two competing ideas? How will you respond to questions about them? Will you be convincing? What other witnesses should you call?

Note that a termination of parental rights hearing, particularly if contested, is likely to bring out all of the flaws of the case, from the initial investigation all the way through to this hearing.

However, it is also a time where you DFCS can really shine in presenting a very organized case, where every reasonable effort was made, where communications were well maintained and where a clearly defined strategy was followed. What evidence will best showcase all that DFCS did in this case?

Some matters you may want to think about include:

- Consider with your SAAG what the parents have said to you in the past. Did you make a notation of that in your records? Should those records come into evidence? How?
- Consider with your SAAG if calling the parent first is a good strategy? Has the parent attorney prepared her for that? How can you prepare your SAAG about what the parent will say? Will the parent be hostile? Should you advise your attorney of that? If so, how should you act to contrast your testimony to that of the parent?

Parent group

Down to the wire! The mother has not really done anything more than last time. Explore some of the possible reasons for this including any lack of support by DFCS or failure on their part to amend case plans to address steps in the plan that have not worked. So what is the strategy? Doesn't the fact that this is a final decision make this a very different hearing? Can you try to buy some more time? The mother says she now has a job and a place to stay. Shouldn't we at least postpone this hearing to find out more? And what if we find that it all bogus? That's certain termination of parental rights. My client seems depressed for some reason. I'm not sure I would want her to take the child home. Should I put her on the stand? Can I trust her to perform? I have to believe my client and fight for her. This might be me and my child.

Child Advocate group

The position of the Child Advocate is known only to this group.

Judge Group (Please see Judges Packet for trainer's copy with suggested responses)

The judge group should make sure that each and every element of the termination of parental rights statute is met and check it off as the evidence is being given. Is the evidence this time clear and convincing? And what if a relative shows up at the last minute? Someone we didn't know about, nobody knew about? That will make my decision harder. Shouldn't we see if the relative can take the mother in? Everything will be all fine then. What kind of relatives does this mother have I wonder? Is Mr. Seinfeld going to finally rise to the occasion and ask some probing questions? That will make my decision harder too.

Case Presentation for the Termination Hearing:

Activity

Mock Trial for Termination of Parental Rights Hearing:

- TIME:** **45 minutes. The trainer may limit the time due to the dynamics of the testimony.**
- PURPOSE:** **To testify in the termination of parental rights hearing**
- MATERIALS:** **Witness Observation Checklist**
- INSTRUCTIONS:**
- 1. The case manager group will go first and will have 45 minutes**
 - 2. The child advocate group will have an opportunity to ask questions.**
 - 3. As you observe the witness please complete the Witness Observation Checklist.**
 - 4. The judge group will have an opportunity to make a decision and debrief and share what they observed during the trial.**
 - 5. The SAAG will debrief.**

Closing Debrief Questions

What things could the case manager have done in the investigation of this case to better prepare for the questions he/she would have been asked at the detention hearing? At the termination hearing?

What could the case manager have done to prepare for direct examination questions he/she will be asked?

What things can a case manager do to prepare for cross-examination questions he/she will be asked from all the parties?

What were other possible strategies the case manager might have used at the termination hearing? If so, what? Would another strategy have been more effective? Why?

What were the critical points in this case where the case manager could have assisted the SAAG? What does she know that he does not?

What could the case manager have done to find out in advance what the positions of the parties were going to be?

Should the SAAG also consult with the lawyers for the parties to ask what their client's position will be?

How could the case manager and SAAG work together on developing and strengthening a case strategy? When should this be done?

How can you prepare for questions which imply that you are covering for the liability of your agency?

In what circumstances might it be appropriate to exhibit displeasure or even anger at the questions you are being asked?

At what point can you stop the proceedings and ask for a conference with your attorney? What are the consequences, good or bad, by doing that?

Is it appropriate for you to whisper to your attorney during the questioning of other witnesses or to hand your attorney notes during the questioning of another witness?

If the judge asks you a question directly, should you respond on your own or through your attorney? Are there exceptions to this general rule?

TRAINERS” Note: This will end day 1 of the Legal Issues 2: In Court Training. The next day will have a different scenario the Cinnamon Alloff Case and participants from the judge, child advocate and parent group will participate as the case managers and have an opportunity to testify. Thank the group for their participation.

Case Information Alloff

In the center of all of this is.....



Fatima, Age 4



Mickey 5 mths

CASE: In the interest of: Fatima Alloff (4 years old) & Mickey Alloff 5 months

This case was investigated as a neglect case. As you will see, there are other issues suggested along the way. The Case Manager group and the Parents group each have a set of facts known to them. Some of these facts will be a surprise to the other group.

Here are the main parties:

Parties:

Children:	Fatima and Mickey Alloff
Mother:	Ms. Cinammon Alloff
Possible father 1 of Fatima:	Mr. U.N. Known
Possible father 2 of Mickey:	Mr. Dru G. Uzer
Hotel Night manager/ reporter:	Mr. Al Knight
Hotel neighbor:	Mr. John Dogooder
Hotel neighbor:	Mr. Bob Slob
CPS Intake Case manager:	Ms. Jane Quick
CPS Investigating case manager:	Ms. Dee Facts
CPS Investigating case manager:	Ms. Eager Beaver
Placement Case Manager 1:	Ms. Sarah Homefinder
Placement Case Manager 2:	Ms. Ima Placement
Doctor:	Dr. Sams
SAAG:	Mr. Handle
Mother's attorney:	Mr. Cheatam
Judge:	Judge Jones

Friend of mother:	Ms. Exotic Dancer
Sister of mother:	Ms. Joy Happy
Foster Parents:	Mr. Mrs. Good Placement

At every stage of the case, the Case Manager group will be provided 452s with the facts available to them. The Parent Group will be provided the notes from the perspective of the mother. The Child Advocate group will sometimes be given facts in their instructions. The judge group will listen to the evidence and will not have knowledge of any of the facts until they are presented in court.

Section One 72 Hour/ Detention Hearing Alloff Case

Alloff Case Detention Hearing
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Alloff Detention/72 hour hearing:

What happened at court before the detention hearing began:

Cinnamon Alloff appears at the court house 30 minutes before court. She wore chartreuse spandex pants with a lime green blouse that had a plunging neckline. Cinnamon was displaying her assets to her advantage but inappropriately for court. The clerk of courts advised her if she went into the court like that the judge would cite her for contempt. She returned five minutes before the hearing began in a plain black dress with a Mandarin collar. She was then accompanied by her friend Ms. Exotic Dancer.

Ms. Alloff was appointed an attorney, Mr. Cheatam. She told the court she was “just a hard working mother and a victim of circumstances.”

She had initially seated herself at the back of the court room behind the case manger and SAAG and was advised by her attorney where to sit. She fidgeted with her dress collar and appeared as if she had not slept in a while having rings around her eyes. She also picked at the skin along her right arm and with glazed eyes and flat affect tried to focus on the judge.

Activity: Alloff case
Preparation for 72 hour/Detention Hearing

TIME: 30 minutes

PURPOSE: To prepare for the 72 hour/Detention hearing

MATERIALS: 452's given to Case manager group.
Pre-Detention Hearing Notes given to Parent Group;
Participant guide instructions for each group
Case Manager Resume Appendix A
Court Hearing Preparation Handout

INSTRUCTIONS:

1. Read all information titled "For All Groups"
2. Then read your assigned groups activity listed below to prepare you for the 72 hour/Detention hearing
3. If you are in the Case Manager group, one person will be the case manager witness. Case Manager witnesses will be assigned so that everyone will have an opportunity to testify at one of the four hearings.
4. If you are in one of the other three groups, complete the activities in the folders provided to you and be

Activity: Alloff case

Preparation for 72 hour/Detention Hearing

prepared to ask questions and
provide feedback.

5. Prepare for the case.

For All Groups

- Refer to Courtroom Etiquette and types of evidence you will need for this hearing based on Legal1
- Refer to Case manager Resume and witness tips in Appendix A
- Note that a detention hearing done exceptionally well can save time on the back end of a case;
- Consider what type of evidence is allowed in a detention hearing.
- Have you carefully considered your Justification of Findings from the risk assessment instrument to support your concerns? This allows you to articulate your concerns of risk indicators to the family clearly so they and the court will understand changes needed. Your testimony is strengthened when supported by facts as to risk concerns
- What would the Safety Assessment (455A) determine based on the facts of this case?
- Were the reasonable efforts guidelines met?
- Consider what witnesses you will need to call, if any;
- Consider what kind of medical evidence you will need and how you will get it into evidence; how can you assist your SAAG on this?;
- Consider whether you need to take pictures and how you will assist the SAAG in having them admitted into evidence;
- Consider what notes you may need to make to refresh your recollection.
- What is the purpose of the 72 hour hearing and when is it held?
- Who has the burden of proof at the 72 hour hearing?
- What does the term deprived child mean?
- What kind of fact evidence will support a finding that a child is deprived?

Case manager group

Assign one member of your group to review the complaint which will be used as the basis for the 72 hour hearing. All members on the team should participate in determining what allegations should be included in the Complaint. Give a copy of the complaint to the other parties no later than ten minutes into the preparation time. One member will testify as the case manager witness. Witnesses are assigned for each hearing alphabetically. The members should work with the trainer on preparing the direct examination questions, documentary evidence, other witnesses and responses to anticipated cross-examination questions or surprise questions. In suggesting questions for the trainer who will play the role of SAAG, try to think of the information you will need to make your case easier to handle. Do you need to know diligent search information? Do you need information about what reasonable efforts you might make to reunify? Do you need to tie the mother's story down about a particular part of your case?

Parent group

The group should determine what the parent wants and how to present the parent's position. The group should determine whether the complaint states a claim for deprivation, determine what evidence will be needed to substantiate it, and determine what evidence it can offer to counter that evidence. This will require that the group consider questions that could be asked during the direct examination of the parent. The members should begin discussing cross-examination questions for the case manager group. These should include "reasonable efforts" questions. These children had a neighbor who was willing to watch them at some point. Could he have mitigated the risk and become a safety resource? Was this an emergency type situation? Were there other ways to control for safety? Remember, from Legal Issues 1: for Social Services Case Managers, you have more latitude in cross-examination than in direct examination; How can you counter the allegations given that the hearsay is allowed and burden of proof in a 72 hour case is low?

Child Advocate group

Maybe the first question here is how you represent an infant and toddler? What outcome do the children want? What outcome would be best for them. You know that the law states a preference for every child living in their own home if possible. What is the harm to these children from being removed from their mother? Could there be values related to her profession that may prejudice opinions in terms of her ability to care for her children? What are the risks of reunification? Could they be returned now with family preservation services being offered to this mother or is more investigation warranted? Why not evaluate whether there is a twenty four hour child caring facility/individual that could keep the children while the mother works at night? You need to ask some questions of the case manager which determine whether the case manager, as representing the agency who wishes to take physical and legal custody of this child, has thought through these issues and has a plan which clearly balances risk and safety and child well-being. What questions can your court representative ask to drive home your position. Members of this group will be allowed to ask questions during the hearing. Please assume that the children mostly Fatima shows great attachment to her mother and expresses love for her.

Judge Group (Please note the Judges Packet at the end of the Appendices in TG with suggested responses.)

The judge group should examine the complaint and start making a mental list of what elements have to be demonstrated by probable cause to justify removal of these children from the home. The judge group should decide whether they will simply listen to the evidence provided, no matter how poorly or well it is presented, or whether the judge group wishes to ask some questions on its own.

The judge group should also note the body language of the witnesses and attorneys, their apparent confidence in their case presentation, their organization and their professional demeanor. This information will be used for a critique of the presentation at a later time. Make notes about what happens during the hearing so that you will not forget anything that is important to deciding the case or to critiquing the participants. Remember compliments can be as important as criticisms. At the close of the detention hearing the judges must be prepared to determine whether there is reasonable cause to believe that Fatima and Mickey are deprived based on the evidence heard at the detention hearing. Be prepared to explain your decision.

Case Presentation for 72 hour hearing Alloff Case:

Alloff Case Activity

Mock Trial for 72 Hour Hearing/Detention Hearing

- TIME:** 30 minutes for the case manager group to testify. The trainer has discretion to limit or expand these time limitations.
- PURPOSE:** To provide testimony for the 72 hour/Detention hearing
- MATERIALS:** Witness Observation Checklist
- INSTRUCTIONS:**
1. The case manager group will go first and will have 30 minutes.
 2. The child advocate group will have an opportunity to ask the case manager witness questions.
 3. As you observe the witness please complete the Witness Observation Checklist.
 4. The judge group will have an opportunity to debrief and share what they observed during the trial.
 5. The SAAG will debrief using the following questions listed below.

Debrief 72 hour/Detention Hearing:

- How did preparation support your testimony?
- What were the challenges encountered in direct/cross examination?
- What was observed about our own skills in presenting?
- What was done well and what might have been improved and how?
- What were the legal issues reviewed or learned during the hearing?
- Was there optimal use of the detention hearing to get information that the parties needed for use in later hearings and for case management?
- Was there substantial credible evidence to support the judge's findings?
- What is the result to the case of failing to provide that evidence?

After the 72 hour hearing presentation and the discussion, the groups will rotate, except for the case manager group. The next task will be to prepare for the adjudication hearing using the additional information found in section two.

Section Two Adjudicatory Hearing Alloff Case

Alloff Adjudicatory Hearing

Assume for this section that the court in the 72 hour hearing ordered a petition filed and you are headed toward the adjudicatory hearing. There are some new developments.....

Preparation for the Adjudicatory Hearing:

Assume the court made a ruling that there was probable cause to file a petition alleging that the children were deprived. Some of the preparation for the Adjudicatory Hearing will be influenced by what facts were determined at the Detention Hearing. However, the trainers may ask the groups to disregard some of the facts for purposes of the exercise.

At the Adjudicatory Hearing:

What happened at court before the adjudicatory hearing began.

At the informal hearing, held on August 23, the judge finds that there is reason to believe that the two children are deprived and the children are placed in DHR custody until the adjudicatory hearing. The judge asks Cinnamon Alloff if she will take a drug screening test and she agrees. The judge suggests that she go to the testing facility at the court and give a specimen.

The SAAG prepares the petition and CM Eager verifies it and takes it to the juvenile court to be filed on August 28, 2006. The adjudicatory hearing is scheduled for September 7, 2006. The drug test comes back positive for cocaine. The adjudicatory hearing is continued due to the judge being. In the order granting the continuance, custody of the children is continued with DHR.

The adjudicatory hearing was continued until September 21, 2006. At the Adjudicatory hearing Ms. Alloff is represented by her court appointed attorney, Mr. Cheatam. She tells the attorney briefly about the case that this was a big misunderstanding and how much she “misses her babies and can’t live without them.” She explains that the one visit she had with her children “was so hard she sometimes just wants to run away and that Fatima now looks at her funny and is brain washed by the foster parent not to like her.”

Today Ms. Alloff is dressed “for church.” She talks briefly and angrily with a man identified as Mr. Dru G Uzer, Mickey’s biological father. They do not sit together. Before the hearing she announces to the case manager that her sister Joy Happy has agreed to take the children till she can “get her act together” and it is her hope that DFCS not “mess that up.” She said Joy agreed to do that late last night “not wanting strangers to raise her family.” Ms. Alloff is convinced Joy “will get there” before the hearing is concluded.

The case manager is doubtful about this new information based on her prior telephone contacts with Joy Happy. After the hearing has begun, before the Case Manager group presents its evidence, one of the trainers will state the following assumption: We will assume that at the adjudicatory hearing the first witness for DFCS was Dr. Sams. Dr. Sams needed to be back at the hospital by 10:30 A.M. and the court allowed the doctor to testify first. Dr. Sams testified, using several tests and blood work, that Mickey Alloff was examined on 08/21/2006 and when his medical records were checked including a review of his birth weight and progress on the growth chart Mickey was diagnosed with non-organic failure to Thrive. On cross-examination Dr. Sams admitted there were organic explanations to FTT like cancer, inflammatory bowel disease or cystic fibrosis but the tests done did not confirm any of these illnesses. He further explained that in non-organic FTT with physical characteristics of chronic hunger, distended stomach, discoloration of the skin, pinched face, poor hygiene, listlessness and the infant's initial unresponsiveness to adult touch indicated more of a failure in parent child emotional attachment and bonding which would be exacerbated by drug and alcohol use.

Dr. Sams was excused with the thanks of the court and all parties.

The hotel manager Al Knight and the neighbor John Dogooder testify about the children crying and being found alone on August 21, 2001. They also testify about the condition of the apartment. John Dogooder testifies concerning the children's eating habits and the prior incidents when the children cried and no one responded.

The drug testing company expert testifies concerning the outcome of the drug test.

Cinnamon Alloff admits that she abuses cocaine and has been doing so for the last three months at least.

Alloff Case Activity
Preparation for Adjudicatory Hearing

TIME: 30 minutes

PURPOSE: To prepare testimony for the Adjudicatory Hearing

MATERIALS: 452's provided to case manager group
Pre-Adjudicatory Hearing Parent Group Information
Activity Folders for the Judge and Child Advocate group

- INSTRUCTIONS:**
1. Read all information titled "For All Groups"
 2. Then read your assigned groups activity listed below to prepare you for the Adjudicatory hearing
 3. If you are in the Case Manager group, two new people will be the case manager witnesses. Case Manager witnesses will be assigned alphabetically so that everyone will have an opportunity to testify at one of the four hearings.
 4. If you are in one of the other three groups, complete the activities in the folders provided to you and be prepared to ask questions and provide feedback.
 5. Prepare for the case accordingly

For All Groups

- Refer to Courtroom Etiquette and types of evidence you will need for this hearing based on Legal1
- Refer to Case manager Resume and witness tips in Appendix A
- Note that an adjudicatory hearing it is not unusual for testimony to reveal pertinent new evidence about the substance of the case. How can you prepare for these surprises?
- Consider what type of evidence is allowed in an adjudicatory hearing. Hearsay is NOT allowed at this hearing!
- Consider what witnesses you will need to call, if any;
- Consider if you need to obtain a copy of the birth certificate; could you have obtained a copy at the detention hearing and solved an issue that is now presented?
- Consider what kind of medical evidence you will need and how you will get it into evidence; how can you assist your SAAG on this?
- How can you get the doctor at the hearing; how soon in advance do you have to notify your SAAG in advance that you may need him or her
- What alternatives might there be to getting medical evidence into the record; how can you work with your SAAG to have medical evidence stipulated into the record? Is that always a good idea?
- Did you speak with the doctor in person? Is he or she a very compelling witness?
- Consider what notes you may need to make to refresh your recollection.

Case manager group

Assign two members of your group to review the adjudicatory petition within 20 minutes. Give a copy of the petition to the other parties. The other members should work on preparing the anticipated cross-examination questions and responses to anticipated cross-examination questions or surprise questions. Once the petition is prepared, consider what two new witnesses (case managers) you will call and in what order. The evidence presented by your group at the hearing should support the allegation that Mickey and Fatima are deprived. The two case manager witnesses will be CM Dee Facts and CM Eager. You should consider what questions the case manager witnesses should be asked during direct examination. You may select a case manager witness from the main parties list at the beginning of the case scenario. You should consider what questions the case manager witnesses should be asked during direct examination. The trainers' will lead the discussion of direct and cross-examination questions.

Parent group

The group should determine what the mother wants and how to articulate that to the court. Should she be called? How do you prepare the mother if she is the first witness to be called by the Case Manager group? What questions should you ask to challenge reasonable efforts in this case? What can DFCS really prove? The group should begin suggesting direct examination questions for mother, cross-examination questions for the case manager, and anticipated cross-examination responses for the mother and other witnesses who may be called. The trainer will lead this discussion. Remember, from Legal Issues for Social Services Case Managers, you have more latitude in cross-examination than in direct examination. Review the petition together to determine any flaws. Does it state a case for deprivation even if all the facts were true? Remember that DFCS has to prove its case by clear and convincing evidence. See if you can find a way to attack the clarity and convincing nature of the evidence presented by DFCS.

Child Advocate group

The child advocate attorney has to decide whether to represent the children's best interest or whether to represent what the children want. How does one represent an infant and a 4 year old? One way the child advocate might approach this situation is to decide that the children should absolutely remain in care. The risk of placing children with a mother who has allowed the children's safety to be at risk and who is avoiding the case manager is considerable. But wait. If there is a reunification plan, the children are coming home one day, hopefully within 12-18 months. What does a removal from the biological mother do to the children now and when and if they are reunified with their mother. Your job is to prepare cross-examination questions that probe this dilemma and state your position to the court. Represent the children as if you will have to explain to them why you did what you did when they are old enough to ask. Assume that you go into the adjudicatory hearing believing that the children could be returned to her mother with intensive family preservation services provided so that she can be safe in her home. You may want to ask how the first visit between the children and their mother went.

Judge Group

The judge group should watch the preparation of the parties. The judge group should examine the petition and start making a mental list of what elements have to be demonstrated by clear and convincing evidence to justify removal of this child from the home. The judge group should decide whether they will simply listen to the evidence provided, no matter how poorly or well it is presented, or whether the judge group wishes to ask some questions on its own. Remember, one of your jobs is to determine the truthfulness of the parties. You may note their expressions, body language and attitude in making those decisions. But you have to decide what the appropriate attitude of a mother should be if her child has been removed. Is her age a factor in her emotional maturity? Is her emotional maturity a deprivation issue? How do you note someone's attitude for the court record when the only official record of the hearing is a tape record or CD recording? What finding of facts will you make after hearing all of the evidence? You will need to state those findings for inclusion in an order and for development of a case plan if you order one. At the close of the evidence the judge group should be prepared to state findings of fact and conclusions of law to support its finding and to announce a temporary disposition.

Case Presentation for Adjudicatory hearing:

Activity

Mock Trial for Adjudicatory Hearing

- TIME:** 30 minutes. The trainer may limit the time due to the dynamics of the testimony.
- PURPOSE:** To practice testifying at the Adjudicatory Hearing
- MATERIALS:** Witness Observation Checklist
- INSTRUCTIONS:**
1. The case manager group will be direct examined first and then cross examined by the parent's attorney.
 2. The child advocate group will have an opportunity to ask the case manager group questions.
 3. As you observe the witness please complete the Witness Observation Checklist.
 4. The judge group will have an opportunity to debrief and share what they observed during the trial.
 5. The SAAG will debrief using the following questions listed below.

Debrief: Adjudicatory Hearing

- What were your observations of this hearing?
- What was different about testifying at this hearing?
- How was the purpose of the hearing accomplished?
- How prepared were the witnesses for testimony?
- What was done well and what might have been improved and how?
- What were the legal issues reviewed or learned during the hearing?
- Was there optimal use of the detention hearing to get information that the parties needed for use in later hearings and for case management?

After the adjudicatory hearing presentation, the judge and child advocate groups will rotate. The next task will be the Motion to Extend Custody/ Permanency Hearing.

Section Three Hearing on Motion to Extend Custody and Permanency Hearing Alloff Case

Alloff Motion to Extend and Permanency Hearing

Between the Adjudicatory Hearing and the Hearing on Motion to Extend Custody and Permanency Hearing:

The judge finds the children to be deprived as to Ms. Alloff and Mr. Dru G Uzer and places them in the custody of DHR on September 21, 2006. Mr. U. N. Known Fatima's biological father whereabouts remained undetermined. Mr. U.N. Known was served by publication and Fatima was adjudicated deprived as to her father Mr. U.N. Known and prior disposition order remained in place

Refer to the two case plans and the Motion to Extend Custody and Permanency Hearing Court Report to follow the progress of the case following the adjudicatory hearing.

At the Hearing on Motion to Extend Custody and Permanency Hearing:

At this hearing the parties take the following positions respectively:

DFCS requests that the custody order be extended because Fatima and Mickey remain deprived and an extension is necessary to accomplish the purposes of the original custody order. DFCS wants to keep working with the mother on a reunification plan despite the challenges. They are also requesting a concurrent plan of termination of parental rights and adoption, though DFCS hopes it will not have to follow this route.

The Child Advocate's position will not be known until the time of the hearing.

The mother's attorney is asking that the motion to extend be denied and that Fatima and Mickey be returned to their mother.

Judge listens to all of this.

The Court was notified at the hearing through a message left for the judge that Ms. Alloff was again in California working to provide the home her children needed.

Activity

Preparation for Extension and Permanency Planning Hearing

TIME: 30 minutes

PURPOSE: To prepare testimony for the Extension and Permanency Planning Hearing

MATERIALS: Custody Extension and Permanency Hearing Court Report for all groups

Activity folders for each group to prepare for the hearing.

All groups will follow instructions in participant guide

- INSTRUCTIONS:**
1. Read all information titled “For All Groups”
 2. Then read your assigned groups activity listed below to prepare you for the extension and permanency planning hearing
 3. The case manager group will need to choose new case manager witnesses according to alphabetical order.
 4. Prepare for the case

For All Groups

- Refer to Courtroom Etiquette and types of evidence you will need for this hearing based on Legal1
- Refer to Case manager Resume and witness tips in Appendix A
- Consider the purpose for the hearing on the motion to extend and the permanency hearing.
- Consider what type of evidence is allowed in a permanency planning hearing.
- Consider what witnesses you will need to call, to present your case.
- Consider what kind of evidence of progress by the parents or lack thereof you will need and how you will get it into evidence;
- Consider what notes witnesses may need to make to refresh their recollections.

Case manager group

Assign two members of your group to prepare a motion to extend custody in fifteen minutes and serve it on all parties. All parties have already been provided a copy of the proposed case plan. In the meantime, the other members of the group should be considering the case manager witnesses that need to be called to support the motion and concurrent case plan. Decide who your two case manager witnesses will be and what evidence they should be prepared to present. What case manager witnesses may Ms. Alloff call and what cross-examination questions should be asked? Food for thought: In her heart, Ms. Homefinder wants to continue to work with Ms. Alloff. However, will the children be safe in their mother's care? Has anything changed? It's been suggested that this case go to termination. Are the children really any better off with adoptive parents and can an adoptive family be found for them? What about Mr. Uzer? Should we try to do more with him? The judge must be wondering about these same questions.

Parent group

Remember this is the hearing where DFCS will ask for custody to be continued and make a recommendation about whether to continue on with reunification or adopt a concurrent plan that will include termination of the rights of the mother. Buying some more time is one strategy. Consider taking the offensive this time. There is not much you can do if the case manager presents accurately what the mother has or has not done. Or is there? Why not focus on finding a protective caregiver in Ms. Exotic Dancer who the children already know and trust? Could Ms. Alloff be encouraged to care for the children with identified adult supervision when she has to work and arrange child care during the hours she has to rest? Is there any deprivation lingering? Hasn't she done her drug tests? Did anyone tell her they should have come back negative for her to regain custody? What about housing assistance? Has the agency done all they could to revise the steps Ms. Alloff was having difficulty completing?

After you choose a strategy, decide what evidence is needed to present and consider cross-examination questions for the DFCS' witnesses.

Child Advocate group

The child advocate group will be given a card with their position and instructions. These will be a surprise for the other participants.

Judge Group

The judge group should watch the tension between the parties. How long does these children have to remain in limbo? If it was my child, how long would it take me to get my act together? Is that really relevant to this case? All the mother did was visit her children and she didn't make all her visits. What else could be done for this mother? Have all options been exhausted? Is there some alternative out there that I can consider that will provide some safety for this child, both emotionally and physically? What kinds of questions should I ask? Is anyone telling me the truth? Or is my job to read between the lines and try to figure out the truth?

Activity Alloff Case

Mock Trial for Hearing to Extend and Permanency Hearing:

- TIME:** 30 minutes. The trainer may limit the time due to the dynamics of the testimony.
- PURPOSE:** To testify in the motion to extend/permanency hearing
- MATERIALS:** Witness Observation Checklist
- INSTRUCTIONS:**
1. The case manager group will be direct examined first and then cross examined by the parent's attorney.
 2. The child advocate group will have an opportunity to ask the case manager questions about the case.
 3. As you observe the witness please complete the Witness Observation Checklist.
 4. The judge group will have an opportunity to debrief and share what they observed during the trial.
 5. The SAAG will debrief.

Debrief: Extend and Permanency Hearing

- What are the significant issues to be raised at this hearing?
- How was the evidence that was presented supportive of the conclusions made?
- What was done well and what might have been improved and how?
- What were the legal issues reviewed or learned during the hearing?
- Was there optimal use of the Extend and Permanency Hearing to get information that the parties needed for use in later hearings and for case management?

After the Extension and Permanency Hearing, the groups will debrief and then rotate. The next task will be to prepare for the termination of parental rights hearing using the following additional information in section four.

Section Four *Termination of Parental Rights Hearing (TPR) Alloff Case*

Alloff Termination of Parental Rights Hearing (TPR)

Between the Extension and Permanency Hearing and the Termination of Parental Rights (TPR) Hearing:

The events between the Extension and Permanency Hearing and the Termination Hearing are found in the Termination Hearing Court Report. Fatmina and Mickey have been in DFCS custody for 15 out of the last 22 months as January 15, 2008. A decision was made to file a petition for termination of parental rights on October 2, 2007 and the petition was filed November 1, 2007, after the termination packet was provided to the SAAG. Publications were done for both Dru G Uzer and U.N. Known. The hearing was held January 15, 2008. DFCS continued to provide services under the reunification plan while concurrently planning for the foster/adoptive placement for Fatima and Mickey.

At the Termination of Parental Rights Hearing:

DFCS sought to have the parental rights of the U.N.Known and Dru G. Uzer and Cinnamon Alloff.

Activity Alloff Case

Preparation for the Termination of Parental Rights Hearing

- TIME:** 30-45 minutes depending on time needed by participants
- PURPOSE:** To prepare testimony for the Termination of Parental Rights Hearing
- MATERIALS:**
- Termination Hearing Court Report for the case manager group
 - Pre-termination Hearing information for the parent group
 - Termination Hearing position for the child advocate
 - Activity folder for Judge group
 - Participant guide instructions for “all groups” and your specific group
- INSTRUCTIONS:**
1. Read all information titled “For All Groups”
 2. Then read your assigned groups activity listed below to prepare you for the termination hearing
 3. According to the group you are in, determine who will be the main character and who will be the witness.
 4. Prepare for the case

For All Groups

- Refer to Courtroom Etiquette and types of evidence you will need for this hearing based on Legal1
- Refer to Case manager Resume and witness tips in Appendix A
- Consider what type of evidence is allowed in a TPR hearing.
- Consider what witnesses you will need to call, if any; Can you rely on the testimony of previous witnesses now? Should you consider presenting certified copies of all previous orders of this court into evidence so it will go up with the case if the case is appealed? Why?
- Consider what notes you may need to make to refresh your recollection.

Case manager group

You need to decide first what grounds for termination exist which you can prove given the evidence you have. Perhaps you should review the termination packet to get ideas. Then, work together as a group on going over the case from start to finish – from when the case first came in up to the present. Be extremely methodical. Write down dates, visitation times, names of parties, places and events to refresh your memory. Get the evidence together that will support the termination grounds you have chosen. Other than the termination grounds, what else must you prove? What about Joy Happy in Texas could she with Adoption Assistance care for the children? What about whether termination of parental rights is in the children's best interest?

You know from the previous hearings what kinds of questions the parties will ask. You already know their positions. They want more time. Perhaps with more time, the mother could reunify successfully. Is that likely or not? Why not? What will be your response if you are asked that? What does the law say about whether deprivation will continue? What if a party says she is not deprived today? What is your response going to be?

Will harm likely come to the children if reunified? Will the children be harmed by remaining away from the mother? How will you balance those two competing ideas? How will you respond to questions about them? Will you be convincing? What other witnesses should you call?

Note that a termination of parental rights hearing, particularly if contested, is likely to bring out all of the flaws of the case, from the initial investigation all the way through to this hearing. However, it is also a time where you DFCS can really shine in presenting a very organized case, where every reasonable effort was made, where communications were well maintained and where a clearly defined strategy was followed. What evidence will best showcase all that DFCS did in this case? Some matters you may want to think about include:

- Consider with your SAAG what the parents have said to you in the past. Did you make a notation of that in your records? Should those records come into evidence? How?
- Consider with your SAAG if calling the parent first is a good strategy? Has the parent attorney prepared her for that? How can you prepare your SAAG about what the parent will say? Will the parent be hostile? Should you advise your attorney of that? If so, how should you act to contrast your testimony to that of the parent?

Parent group

Down to the wire! The mother has not really done anything more than last time. Explore some of the possible reasons for this including any lack of support by DFCS or failure on their part to amend case plans to address steps in the plan that have not worked. So what is the strategy? Doesn't the fact that this is a final decision make this a very different hearing? Can you try to buy some more time? The mother says she now has a job and a place to stay. Shouldn't we at least postpone this hearing to find out more? She also says that her cousin in Waco just heard about the children and is very interested in caring for them. She felt that the family abandoned Cinnamon and she was sorry about that and wanted to help. And what if we find that it's all bogus? That's certain termination of parental rights. Ms. Alloff seems depressed so how could the therapist miss that dual diagnosis? I'm not sure I would want her to take the child home. Should I put her on the stand? Can I trust her to

perform? I have to believe my client and fight for her. This might be me and my child.

Child Advocate group

The position of the Child Advocate is known only to this group.

Judge Group

The judge group should make sure that each and every element of the termination of parental rights statute is met and check it off as the evidence is being given. Is the evidence this time clear and convincing? And what if a relative shows up at the last minute? Someone we didn't know about, nobody knew about? That will make my decision harder. Shouldn't we see if there is a relative in Texas who can take Ms. Alloff in? Everything will be all fine then. What kind of relatives does this mother have I wonder? What if the defense gets better with more credible, convincing evidence? That will make my decision harder too.

Case Presentation for the Termination Hearing:

Activity

Mock Trial for Termination of Parental Rights Hearing:

- TIME:** 45 minutes. The trainer may limit the time due to the dynamics of the testimony.
- PURPOSE:** To testify in the termination of parental rights hearing
- MATERIALS:** Witness Observation Checklist
- INSTRUCTIONS:**
1. The case manager group will go first and will have 45 minutes
 2. The child advocate group will have an opportunity to ask questions.
 3. As you observe the witness please complete the Witness Observation Checklist
 4. The judge group will have an opportunity to make a decision and debrief and share what they observed during the trial.
 5. The SAAG will debrief.

Closing Debrief Questions

What things could the case manager have done in the investigation of this case to better prepare for the questions he/she would have been asked at the detention hearing? At the termination hearing?

What could the case manager have done to prepare for direct examination questions he/she will be asked?

What things can a case manager do to prepare for cross-examination questions he/she will be asked from all the parties?

What were other possible strategies the case manager might have used at the termination hearing? If so, what? Would another strategy have been more effective? Why?

What were the critical points in this case where the case manager could have assisted the SAAG? What does she know that he does not?

What could the case manager have done to find out in advance what the positions of the parties was going to be?

Should the SAAG also consult with the lawyers for the parties to ask what their client's position will be?

How could the case manager and SAAG work together on developing and strengthening a case strategy? When should this be done?

How can you prepare for questions which imply that you are covering for the liability of your agency?

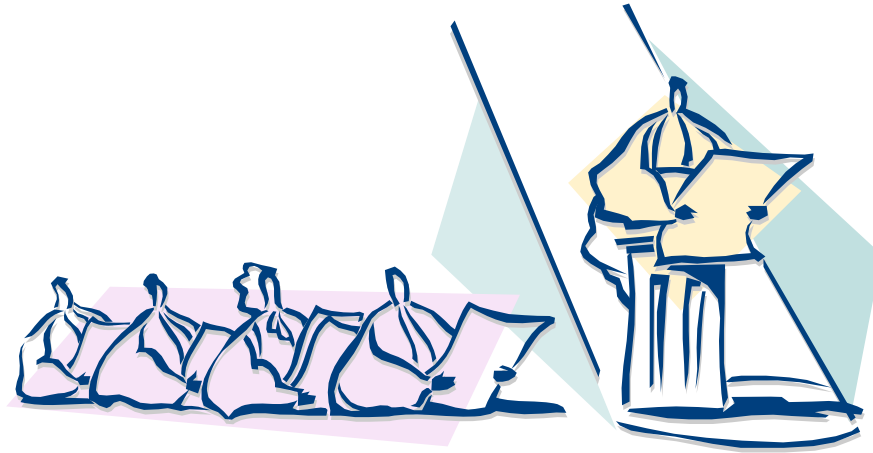
In what circumstances might it be appropriate to exhibit displeasure or even anger at the questions you are being asked?

At what point can you stop the proceedings and ask for a conference with your attorney? What are the consequences, good or bad, by doing that?

Is it appropriate for you to whisper to your attorney during the questioning of other witnesses or to hand your attorney notes during the questioning of another witness?

If the judge asks you a question directly, should you respond on your own or through your attorney? Are there exceptions to this general rule?

Appendix A – Trainer's Edition



COURT PREPARATION QUESTIONS

Review the following so you will know to expect from the SAAG in preparation for the defense of your client.

Direct examination:

Information case managers must have to assist their SAAG derived from actual observations, record reviews, collateral contacts, Interviews with parties concerned, list of witnesses to be called etc

Case Manager Specific Information

- Social Services Witness Resume including but not limited to:
- Name;
- Educational background, including graduation dates and majors;
- What position the case manager currently holds at DFCS;
- What positions they have held in the past at DFCS;
- Approximately how many deprivation cases they have handled;
- Other similar job experience;
- Specialized training or certificates granted;

Family's Basic Information

- How case manager knows family;
- Ages of child(ren);
- Names of the other parties;
- Relatives of the parties or attempts to identify them;
- Contacts (and dates thereof) you have made with the child;
- Contacts (and dates thereof) you have made with the family;
- Contacts with school officials;
- Contacts with foster parents;
- Knowledge of mental and medical status of child;
- Most recent review of case file; and

- Other providers (and names of provider staff) who have or are working with family;

Case Details:

- The allegations in the complaint;
- The date of filing the complaint;
- The date the child came into care;
- The placement of the child (whether in a foster home, group home, etc.);
- Discussion of placement decision with parents/caregivers
- Documentary evidence you have for the court *written materials such as case reports, letters, memoranda, hospital records, school records, etc.*
- Demonstrative Evidence: *photographs, charts, graphs and visual aides that demonstrate a point (i.e., pictures that show how dirty the house was at the time you conducted your investigation).*
- Collateral Contact made
- Previous involvement with DFCS prior to the child's removal;
- The efforts made to maintain the child in the home and the efforts made or to be made to allow the child to return safely back home;
- The possible damages to the child from being removed (child well-being such as loss of connection to social structure, school, and faith communities);
- The position of the parents if that can be determined before the hearing;
- Diligent Search for significant others/ family members, Number of contacts or attempted contacts
- Request a GAL when the complaint is filed
- The position of the child advocate attorney if that can be determined before the hearing;
- The alternatives to removal that were considered or are being pursued;
- A declaration of the strengths of the family;
- A declaration of the risks to the child in remaining in the home;

- A declaration of the what actions or changes would provide safety for the child in the home to off-set the risks;
- A time frame in which such actions or changes could occur; and
- On whom such actions or changes would depend.

RISK ASSESSMENT COURT SUMMARY OUTLINE

Make sure workers can apply the following aspects of Risk Assessment to support the court preparation process:

- Please tell us which family you are in court with today?
- On which Concept/Concern will you focus today's testimony?
- Mr. /Ms. _____ (name), how long have you been working for DFCS?
- When did you first have contact with the _____ (name) family?
- What was the initial report/complaint received on this family?
- As of today, how much concern do you have about the _____ (family name) regarding the _____ (Concept participant is defending?)
- According to the Risk Assessment Tool, there are ____ (number) risk factors/questions for that scale of concern. I will now ask you those same risk indicator questions.
- First answer yes, no, or Unknown and...
- (**Link** the risk factor questions with the chosen Concept)
- Justify why you have _____ (level chosen) concern about this family's functioning
- Is there any other justification for your findings?
- Does your case information and witness(es) justify the _____ level of concern for this family?
- Are there any other questions you want the S.A.A.G to ask the family or other witnesses?

Justification Checklist

Concepts/Concerns	Check Relevant Concern(X)	Evidence Collected- Pictures, observations, certified records, reports/documentation, statements, etc
1. Child Vulnerability		
Child Fragility/Protection		
Child Behavior		
2. Caregiver Capability		
Knowledge/Skills		
Control		
Functioning		
3. Quality of Care		
Emotional Care		
Physical Care		
4. Maltreatment Pattern		
Current Severity		
Chronicity		
Trend		
5. Home Environment		
Stressors		
Dangerous Exposure		
6. Social Environment		
Social Climate		
Social Violence		
7. Response To Intervention		
Attitude		
Deception		

Cross examination of the CM

- Challenge the testimonial, documentary and demonstrative evidence to be challenged. Make sure records entered as evidence are certified!
- Object to conversations outside the courtroom reported by DFCS as hearsay
- Challenge worker credibility
- Opinions must be deemed as speculation and be objected to
- Challenge whether DFCS made reasonable efforts prior to removal by questioning their efforts in the following areas:
 - ✓ **Use family resources, neighbors, or other individuals in the community as safety resources**
 - ✓ **Use of community agencies or services as safety resources (different terminology than Georgia's placement with relatives)**
 - ✓ **Having the alleged maltreater leave the home either voluntarily or in response to legal action**
 - ✓ **Having the non-maltreating parent move to a safe environment with the child**
 - ✓ **Having the parent (s) place the child outside the home**
 - ✓ **Legal action must be taken to place the child outside the home**
 - ✓ **Other interventions**
- Raise questions about Diligent Searches to find relatives including whether the case manager made efforts to locate parents, relatives and other persons who have demonstrated an ongoing commitment to the child
- Explore where they did or did not look for parties

Cross Examination Questions– Suggested Defense Attorney Questions for DFCS Stinger Case (Not listed in any particular order)

- What is the best environment for a child to be raised?
- When did you offer Child Protective Ongoing Services to keep this family together?
- When did you advise my client about her right to counsel?
- You haven't worked with deprivation cases, nor graduated from school a long time, have you?
- Isn't it true that you have no medical training, nor children of your own?
- Isn't it also true that you failed to notify my client BEFORE interrogating her child?
- Just how concerned were you to find my client and let her know you snatched her child?
- You thought it was in this child's best interest to keep her from her mother who she evidently loves deeply, and traumatize her by place her with complete strangers?
- When you found Ms. Pressley didn't she cooperate with you?
- I know that DFCS workers have high case loads and are always in a crisis, being always on the move you didn't spend a long time interviewing Ginger did you? Just another case before quitting time?
- When she told you she didn't want to talk about her injury did you stop the interrogation?
- Has this child ever told you her mother hurt her?
- You never saw Ms. Pressley beat and injure Ginger did you?
- So why do you persist in persecuting my client?
- Have you considered the fact that Ginger's injuries could have resulted from rough play?
- Isn't it possible Ginger have sustained these injuries from playing with the children at the day care center or falling off the monkey bars?
- Ginger is susceptible to insect bites, could she have got a streptococcal infection leading to impetigo and the resulting scars.

- Did you have tests done to rule out the possibility of scarring left from impetigo? Is your habit to force children to submit to painful medical procedures without parental permission?
- While at the hospital did you make any attempts to contact my client and let her know her child sustained injuries in your custody?
- You routinely violate parent's rights don't you?
- Who verified these injuries? Did anyone else at the hospital see this child? Did they report this incident?
- Did you look into the possibility that Ginger could have been hurt at day care?
- You have seen the stairs that Ginger used to routinely slide down or jump down have you?
- You've harassed Ginger into making false statements haven't you?
- Do you even know how this child got these injuries?
- Can you tell the court, who inflicted these injuries on this baby?
- What were the different options used to contact my client to notify her of what was happening with her child?

○ **Motion and Termination**

- Ms. Madonna haven't you been just a bit over vigilant about this case, can't you see this mother lives for her child, and that Ginger wants to go home to her mom?
- My client has worked hard to comply with your demands why do you continue to punish her by keeping her child in foster care?
- Don't children die in foster care? Why would you forcibly place this child where she could die?
- Can't you return Ginger home through intensive family preservation efforts?
- When did you stop harassing Ms. Pressley?
- Did you have probable cause to accuse my client of substance Abuse?
- You expressed concerns about my client always wearing sun shades ergo she a "crack head." I wear glasses that are shaded should we assume I and everyone else with tinted shades are "crack heads?"

- My client has changed her living environment, she has got employment, she has become more mentally healthy, she has maintained meaningful contact with Ginger despite the obstacles in place and she has agonized over the separation from the child she loves can't you return Ginger and continue Family Preservation efforts?
- Have you considered that my client missed parenting appointments because they conflicted with times she was searching for a job?
- Did you indicate anywhere or to my client that the expectation was that her drug screens were to be negative?
- Did you explain to her the connections between her drug screens and her success in parenting?
- What are the alternatives to parenting classes that you offered to my client when you realized that the parenting class step was becoming a failure?
- What housing options did you offer my client? How did you support them? Was my client opposed to them?
- When did you meet with **my client and her therapist together** to discuss her progress? *(If the worker says she did meet co-jointly then quickly conclude that she did not effectively assess progress)*
- What aspect of the case plan addresses the physical abuse which is why this child was yanked from her parents?
- How often were visits set up between my client and her child?
- How long were these visits to be? (Multiply the frequency and the length of time then state as number of days over the 12 month time frame) Ask if this period is enough to rebuild bonds?
- The child hasn't told you who hurt her, has she?
- If she hasn't told you why are you so bent out of shape that my client doesn't know? You have had her so long, you have experts why haven't you found out?
- Where is your sense of fairness? My client does not have her child because she was taken against her wishes without her permission and you think this is justifiable cause for her to pay child support?

RESUME OF EXPERIENCE AND TRAINING FOR DFCS CASE MANAGERS

(This information will add to your credibility and qualify you as an expert witness.)

I. EDUCATION

Undergraduate Degree(s):

Degree: _____ Major: _____

University or College: _____

Graduate Degree:

Degree: _____

University or College: _____

Other Post Graduate Study/ Licensure Relevant to Child Welfare Services:

Courses Taken	Date Completed	Hours Credit
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

II. CHILD WELFARE AGENCY TRAINING AND CERTIFICATION

DFCS Certification and Training:

Certification: _____ Date of Certification: _____

Training Required for Certification (list time periods):

On the Job Training for Certification(list time periods):

Training, Certification in Other States:

Certification: _____ Date of Certification: _____ State: _____

Training Required for Certification:

On the Job Training for Certification:

List all Training in Child Protective Services and Foster Care that you have taken since being employed as a case manager or supervisor:

Course	Date Completed	Course	Date Completed
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(If necessary list other training on back of this sheet)

III. EXPERIENCE

Experience as CPS Case Manager (Investigator or General CPS Case Manager)

Years & Months	State	Approx. Cases:	Per Year	or Month
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Experience as CPS Case Manager (Ongoing only)

Years & Months	State	Approx. Cases:	Per Year	or Month
_____	_____	_____	_____	_____

_____	_____	_____	_____
_____	_____	_____	_____

Experience as Foster Care or Placement Case Manager (Including Adoptions)

Years & Months	State	Approx. Cases:	Per Year or Month
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Experience as CPS Supervisor

Years & Months	State	Approx. Cases:	Per Year or Month
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Experience as Foster Care or Placement Supervisor (Including Adoptions)

Years & Months	State	Approx. Cases:	Per Year or Month
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

IV. OTHER WORK EXPERIENCE RELEVANT TO CHILD WELFARE SERVICES (e.g. Teaching in Child Welfare Area, Social Work Positions)

Experience	Years & Months	Location
_____	_____	_____
_____	_____	_____

V. MEMBERSHIP IN PROFESSIONAL SOCIETIES, PROFESSIONAL ACTIVITIES/ HONORS AND AWARDS

SUMMARY OF CHILD WELFARE EXPERT RESUME

(After filling out the resume of training and experience, complete this summary to use in courtroom testimony. Strike out the portions not applicable to you.)

1. I received a B.A. in _____ from _____ in _____. I have a _____ (graduate degree) in _____ which I received in _____.

2. I was certified as a case manager through the Division of Family and Children Services of DHR. This required that I take _____ months of training, including _____ months of class room instruction and _____ months of supervised on the job training. My certification also required that I pass a test or #____ or tests prior to being certified.

3. I have been employed by DFCS as a _____ case manager since _____. During that time I have investigated (or handled) approximately _____ cases per year. I also worked for DFCS as a _____ case manager for _____ years. During that time I was the case manager for approximately _____ cases per year.

4. I have taken approximately _____ weeks of ongoing child welfare training since I have been employed by DFCS.

5. I was previously employed for _____ years as a _____ case manager at _____ in the State of _____. While there I investigated or was the case manager for approximately _____ cases per year. I had approximately _____ weeks of child welfare training while employed at the child welfare agency in _____.

6. I have been employed as a _____ supervisor with DFCS for _____ years. I supervised _____ employees who investigated (or handled) _____ cases per year. I was employed as a supervisor at the child welfare agency, _____, in _____ for _____ years. During that time I supervised _____ employees who investigated (or handled) _____ cases per year.

7. I was also employed as _____ at _____ in _____ for _____ years. My job responsibilities included (list past job responsibilities helpful to child welfare expertise)

Witness Tips and Pointers

Tips Before Going to Court:

- Review your record thoroughly.
- Express your concerns about the case and/or fears about your testimony to your SAAG before the hearing.
- If you do have a "skeleton" in your closet, tell your SAAG before the hearing so that s/he may evaluate it.

Courtroom Tips:

- Always be on time for court.
- Stand whenever the judge enters the courtroom and remain standing until the judge says you may be seated (even if it's several minutes).
- Always address the court as "Your Honor."
- While in the courtroom, sit quietly when court is in session. Do not chat or whisper with friends, clients, or other case managers. The Court proceedings are being recorded and background conversation can interfere not only with the ability of the judge to hear testimony, but the accuracy of this important record. Courtroom chit chatting may result in a reprimand from the judge.
- Once a hearing or trial starts, you may not freely move around the courtroom. Continuously entering and leaving the courtroom disrupts the proceedings. Try to keep all movement to a minimum
- Always give careful attention to the courtroom proceedings. Do not look bored.

- Avoid reading newspapers or books in the courtroom, particularly if your use of such material is a distraction to others. Some judges are offended when books and newspapers are read in their courtrooms.
- No weapons, food, drink, or gum chewing in the court building.
- Turn off your cell phones and pagers. They may be confiscated if they interrupt court proceedings. Vibration setting, if at all audible, may result in confiscation as well.
- If the rule of sequestration is invoked, then the case manager cannot talk with other witnesses about the case.
- Nervous habits are distracting. Avoid pencil-tapping, finger-drumming, knuckle-cracking, nail-biting, teeth-grinding, paper-shuffling, change-jingling and knee-bouncing. They give the impression that you are impatient or anxious. You do not want to give the impression that you are unsure of your case or yourself.
- Remember that the judge can see you when you are not on the witness stand.
- Avoid facial expressions, noises or outbursts that are distracting or disrespectful to other court participants. Don't do anything that would affect your credibility as a witness.
- **Dress Requirements:**
 - How you appear in the courtroom affects your credibility as a witness.
 - Dress should be simple, modest, and professional. (Dress as if you were going to a job interview.) Sexy or revealing clothing is inappropriate. Follow practices of the particular courtroom.

- Present a professional image by wearing clean, pressed shirts, pants or skirts. Clothing should be comfortable.
- Women should wear hose with skirts or dresses and avoid open-toe shoes. Men should not wear sandals.
- Skirts should be of modest length and no more than three inches above the knee.
- No jeans, sunglasses or tennis shoes. All jewelry should be removed from facial piercings.
- Hair should be conservative – nothing wild or outrageous
- Jewelry should be kept to a minimum and should not be distracting.

Witness Tips and Pointers:

- Preparation is important to good testimony. **Review your record.** Preparation will assure that your testimony is accurate and that you can testify with confidence and sincerity.
- You may take handwritten or typed notes to the stand to help you remember dates, times and details. Be aware, however, that these notes may be reviewed by opposing counsel. **DO NOT BRING YOUR CASE RECORD TO COURT UNLESS YOUR SAAG HAS SPECIFICALLY REQUESTED YOU TO DO SO.** Carrying the entire file makes one susceptible to having it reviewed by the opposing party and entered into evidence.
- Respond to the witness oath or affirmation clearly and affirmatively. If you wish to affirm your testimony, rather than swearing, please tell your SAAG before the hearing.
- Listen carefully to each question. Make no assumptions. If you do not understand a question, ask for clarification.

- Wait until the entire question is presented before answering. This will keep you from talking over the questioner and will give you time to consider your answer.
- Answer out loud. It is difficult to write down a nod or other gesture.
- Answer directly and clearly, at a normal rate of speed, so that everyone can hear and understand your words. Try to avoid work related jargon or slang
- When asked a question, pause, think about the question and think about your answer before you start talking. Limit answers to the question asked. Keep answers short and to the point.
- Answer in factual terms and keep opinion statements to a minimum.
- Be specific and descriptive. (Describe the observations that caused you to conclude that the house was not only “dirty” but also “unsanitary.” Specifically identify the risk and safety issues that resulted in court action and specifically identify any goals or steps in the case plan which the parents have failed to complete.)
- If your testimony is interrupted for any reason, stop talking. This is especially true when it is interrupted by a question from the judge or an objection.
- Avoid phrases such as “I think,” “I believe,” or “I am not sure, but...” They make you appear unsure of your testimony.
- **Tell the truth.** If you do not know the answer to a question, say so! If you knew once and have forgotten, say that you do not recall or remember.
- If during your testimony something causes your recollection to be refreshed (you remember the answer to

a question whose answer you could not recall before), then say so. If you have inadvertently answered a question incorrectly, clear it up right away.

- Be prepared to assert the fact that you as a case manager are an expert witness. Be able to list credentials, past experiences and training that make you an expert. A guide to use in listing your credentials is provided in this training. Fill it out and give a copy or a resume to your SAAG.

- **Tips for Cross-Examination:**

- Keep your cool when cross-examined. Stay close to the facts. Avoid humorous or inappropriate banter with opposing counsel. **Do not argue with opposing counsel.**
- Address opposing attorneys as Mr., Mrs. or Ms. when testifying even if you are on a first name basis with them.
- Sometimes an attorney will ask the same or similar question over and over. Do not show your impatience or point out that the question is repetitive. (Your SAAG will object if appropriate.) The attorney may be more interested in your getting you angry or irritated than in the answer. Patiently answer the question again and again in the same way, explaining that the answer you are providing is the one you provided before.
- Remember that you will be asked leading questions on cross-examination. Listen carefully to the question. There may be some questions that you cannot answer because of the way they are asked. (Ex. When did you stop beating your husband?) In those cases, explain that you cannot answer the question because to do so would provide incorrect information to the court, etc.

- Listen carefully to each question, and be sure that everything in it is true before adopting it as truth. For example be careful when asked: "Isn't it true that..."
- Sometimes an attorney will deliberately misstate your prior testimony to try to get you to agree with his or her position. Don't fall in this trap. Listen carefully to his characterization of your testimony. If there are inaccuracies, point them out.
- Other times an opposing attorney will quote some of your previous testimony and ask why you left that information out of a report or answer, etc. Answer truthfully. There is a good reason for everything you do and you cannot catch everything. Your response may be "I forgot" or "I put in the information I knew was important at the time." Perhaps the information from the testimony is not as important as other information in the report.
- At other times, opposing counsel may question your professional experience and training. Anticipate this. Take a written record of your training experience or a resume with you to court.
- Remember that you do not have to have children of your own to be a child welfare expert or to provide social services. You have had training and other experiences with children that give you both child welfare expertise and practical knowledge about children and child rearing.
- Opposing counsel may attack your credibility as a witness through some error in your report and/or exploiting your failure to recollect the facts of the case at that moment. Remain calm. Innocent mistakes are not uncommon. Acknowledge your innocent error or lack of recollection and straighten it out.
- If you are asked a question that requires you to speculate or testify to things that you did not actually see, hear or experience, do not answer by guessing or speculating

about what might happen in the future or what might have happened in the past. You are there to tell what you know. Phrases such as "I suppose," "I think so," or "If you say that is correct" often appear in speculative answers. Avoid them. The evidence before the court does not need to be clouded with what might have happened before or what might occur in the future. The correct answer to such questions is usually "I do not want to speculate or guess about that."

- Don't respond, without clarification, to questions that use words like "generally," "slightly," "frequently," or "often" to avoid specificity. These words can mean different things to different people. Make sure your answer is specific.
- Don't be intimidated when opposing counsel appears to be reading from a document and then asks you a question beginning with the phrase, Isn't it true...? Stick to what you know is the truth. The document may or may not have anything to do with the case.
- If the attorney insists on a "yes" or "no" answer that will not fully respond to the question or will result in a misleading answer, insist on explaining your answer.
- Sometimes on cross-examination the questioner will let you finish your answer and wait for you to continue. Don't be baited into talking too much.
- If the answer to the question is "yes" or "no," give that simple response.
- **Body Language Tips and Pointers:**
 - **Relax!** Don't fidget. Keep your hands away from your face, even if you have to sit on them. Don't slouch.
 - Don't talk through clenched teeth and relax your hands and shoulders (don't hunch). Don't cross your arms or

legs. Loose, easy, expansive gestures are usually associated with truthfulness.

- Being nervous is normal! You will be more relaxed a few minutes into your testimony. If your hands are shaking, place any documents in your hands on the witness box in front of you.
- **Lean slightly forward** toward the person asking questions and make eye contact with the questioner. When answering questions, remember to make eye contact with the judge. The judge is the person you are trying to convince.
- Don't look down when testifying. Looking down gives the impression that you are being untruthful or evasive. On the other hand, don't look up to the ceiling when thinking about an answer. You don't want it to appear as though the answer is written on a teleprompter on the ceiling.
- **Tips While you are Visiting in The Courthouse:**
 - Remember that courthouse employees are the colleagues and co-workers of the judge. These people talk to each other. Always be polite, honest and courteous to everyone at the courthouse. You don't want to get the reputation of being dishonest, unprofessional or difficult to deal with.
 - Always dress and act professionally when you are in the courthouse. You want your reputation to support your being viewed as a competent and credible professional.

Witness Observation Checklist

Witness Name _____

Observation Areas	Demonstrated	Not Demonstrated, but should have	Needs Improvement	Not Applicable
1. Preparation for testifying				
Consulted with S.A.A.G prior to Hearing				
Had court report or notes				
Showed clear preparation/knowledge of case				
2. Courtroom Dress and Demeanor				
Dressed conservatively/professionally				
Jewelry was kept to a minimum not distracting				
3. Body Language				
Was relaxed, upright and leaned slightly forward				
Maintained eye contact with the judge when answering questions				
Appeared calm and unthreatened throughout				
4. Direct Examination				
Clearly presented resume/qualifications/credentials				
Listened carefully and answered clearly, directly, factually				
Testimony was descriptive, relevant, specific and truthful				
Waited to respond during interruptions				
5. Cross Examination				
Properly addressed opposing counsel and did not argue				
Was not intimidated by cross-examination tactics				
Gave yes or no responses when necessary				
Remained calm/responded candidly to challenges to credibility				
Avoided misstatements, patiently answered repetitive questions				
Told what was known, did not speculate				



Participant Handouts Pressley Case Information

Pre-Detention Hearing Parent Group Information

Mr. Seinfeld, Ms. Pressley's attorney, took a few minutes to interview his client prior to the 72 hour hearing. This is what he took down in his preparatory notes:

- Ms. Pressley is Ginger Pressley's mother. Ginger is 4 years old. Her DOB is 6/22/02. She attends the Little People's Daycare Center. She attends most days, but sometimes she is late.
- On 10/16, Ginger arrived at the daycare center at 10 AM. At 11:30 AM Ginger's teacher noticed that her arm was hurt. The elbow area was swollen and red and she screamed when her arm was touched or moved.
- Ginger told daycare workers she was afraid to go home. She also told the investigating case manager, Ms. Madonna that "they" did it, that "they" told her not to tell, and not to call her mother because "They are there."
- Despite visiting the residence where Ms. Pressley told the daycare center she was living and calling all the emergency telephone numbers Ms. Pressley provided, DFCS was unable to locate Ms. Pressley.
- Ginger was transported to the hospital where Dr. Jolie concluded that her arm was broken, that she had suffered a previous fracture to her other arm and that there were suspicious round circular scars on her thighs.
- DFCS took Ginger into care on 10/16. No one came to the daycare center to pick her up that afternoon.
- Ms. Pressley does not know how Ginger's arm was injured. She says that Ginger plays rough and the scars on her thighs are from "bugs." Maybe Ginger was injured at the daycare center.
- Ms. Pressley will identify Jerry Stinger of Chatham County, Georgia as Ginger's father at the detention hearing.
- Ms. Pressley has not disclosed where she lives.

- She does not have a car but depends on (group choice: friends, people she lives with, public transportation or any other method of transportation or any combination of these choices.)
- She does not have a full-time job, but works part-time when she can. She does not have a paid babysitter.
- Ms. Pressley has no family members who could serve as a placement for Ginger. She is an orphan.

Given the information above, list the questions that you would want your attorney to ask if you were Ms. Pressley:

Pre-adjudicatory Hearing Parent Group Information

Mr. Seinfeld has continued to take notes during several short conversations he has had with Ms. Pressley between the detention and adjudicatory hearing and during their conversations in court. The parent group now knows:

1. Mr. T. and Ms. Amiga are friends of Ms. Pressley. They will come to the hearing with her. Mr. T. has cared for Ginger sometimes in the past. Mr. T. says that Ginger “likes to wrestle.” Ms. Amiga is like a sister to Ms. Pressley. Mr. T. and Ms. Amiga were touching each other’s arms and backs standing on the courthouse steps before the adjudicatory hearing.
2. Ms. Pressley says that she only leaves Ginger in the care of “kin” or “with someone she has been knowing for a while.” Those people “would not hurt the kid” Ms. Pressley told him.
3. Ms. Pressley finally told Mr. Seinfeld that Ginger’s arm had been broken twice. She did not have an explanation for either fracture, except that Ginger plays rough, “always acts like a tomboy, climbs trees, and runs away.”
4. Ms. Pressley identified Jerry Stinger as Ginger’s father. When the case manager ran the required background/systems checks she found that there was history with the agency in Chatham County. Ms. Madonna called Chatham County DFCS and located someone who explained the case history as to why Jerry Stinger was on the Sex Offender Registry. Ms. Pressley had to admit that since he had been in jail for the last 7 years, Mr. Stinger was not Ginger’s Dad. Mr. T. is probably Ginger’s Dad, though he doesn’t believe it. Ms. Pressley does not want Ms. Amiga to know anything about the possibility that Mr. T. is Ginger’s father.
5. Ms. Pressley also had to admit to Ms. Madonna, when Mr. Stinger spilled the beans, that she had a son named Fred who was taken into custody by the Chatham County Department of Family and Children Services. Her rights

were terminated and he has been adopted by his foster parents. Ms. Pressley calls them occasionally. He was removed from Ms. Pressley because he was sexually abused by Mr. Stinger. Ms. Pressley also was sexually abused by her uncle when she was a child.

6. Ms. Pressley went to the visit scheduled with Ginger. Both Gingers arms have been in casts. Ginger keeps crying and saying she wants to go home with her mother.
7. Ms. Pressley moved in with Mr. T. and Ms. Amiga just before the adjudicatory hearing. She can't afford to live anywhere else right now.
8. Ms. Pressley had some intelligence and psychological tests at Better Life Counseling. They said she lacks self-esteem and has no self-confidence. They said that may be why she has trouble protecting Ginger.
9. With the information you now have, list the questions that Ms. Pressley would want her attorney to ask:

Pre-Adjudicatory Hearing Child Advocate Notes

The child advocate has had conversations with both Ms. Madonna (with Mr. Mason's permission and Mr. Seinfeld. The child advocate also attended the detention hearing. This is the information the child has in her notes:

- Ms. Pressley is Ginger Pressley's mother. Ginger is 4 years old. Her DOB is 6/22/02. She attends the Little People's Daycare Center. She attends most days, but sometimes she is late.
- On 10/16, Ginger arrived at the daycare center at 10 AM. At 11:30 AM Ginger's teacher noticed that her arm was hurt. The elbow area was swollen and red and she screamed when her arm was touched or moved.
- Ginger told daycare workers she was afraid to go home. She also told the investigating case manager, Ms. Madonna that "they" did it, that "they" told her not to tell, and not to call her mother because "They are there."
- Despite visiting the residence where Ms. Pressley told the daycare center she was living and calling all the emergency telephone numbers Ms. Pressley provided, DFCS was unable to locate Ms. Pressley.
- Ginger was transported to the hospital where Dr. Jolie concluded that her arm was broken, that she had suffered a previous fracture to her other arm and that there were suspicious round circular scars on her thighs.
- DFCS took Ginger into care on 10/16. No one came to the daycare center to pick her up that afternoon.
- Ms. Pressley does not know how Ginger's arm was injured. She says that Ginger plays rough and the scars on her thighs are from "bugs." Maybe Ginger was injured at the daycare center.
- Ms. Pressley has not disclosed where she lives.
- She does not have a car but depends on (group choice: friends, people she lives with, public transportation or any other method of transportation or any combination of these choices.)
- She does not have a full-time job, but works part-time when she can. She does not have a paid babysitter.

- Ms. Pressley has no family members who could serve as a placement for Ginger. She is an orphan.
- Mr. T. and Ms. Amiga are friends of Ms. Pressley. They will come to the hearing with her. Mr. T. has cared for Ginger sometimes in the past. Mr. T. says that Ginger “likes to wrestle.” Ms. Amiga is like a sister to Ms. Pressley. Mr. T. and Ms. Amiga were touching each other’s arms and backs standing on the courthouse steps before the adjudicatory hearing.
- Ms. Pressley says that she only leaves Ginger in the care of “kin” or “with someone she has been knowing for a while.” Those people “would not hurt the kid” Ms. Pressley told him.
- Ginger’s arm has been broken twice. Ms. Pressley did not have an explanation for either fracture, except that Ginger plays rough, “always acts like a tomboy, climbs trees, and runs away.”
- Ms. Pressley identified Jerry Stinger as Ginger’s father at the detention hearing. Ms. Madonna called Chatham County DFCS and located someone who told her Jerry Stinger was on the Sex Offender Registry. Ms. Pressley had to admit that since he had been in jail for the last 7 years, Mr. Stinger was not Ginger’s Dad. Mr. T. is probably Ginger’s Dad, though he doesn’t believe it. Ms. Pressley does not want Ms. Amiga to know anything about the possibility that Mr. T. is Ginger’s father.
- Ms. Pressley also had to admit to Ms. Madonna, when Mr. Stinger spilled the beans, that she had a son named Fred who was taken into custody by the Chatham County Department of Family and Children Services. Her rights were terminated and he has been adopted by his foster parents. Ms. Pressley calls them occasionally. He was removed from Ms. Pressley because he was sexually abused by Mr. Stinger. Ms. Pressley also was sexually abused by her uncle when she was a child.
- Ms. Pressley went to the visits scheduled with Ginger after the detention hearing. Both Gingers arms have been in casts. Ginger keeps crying and saying she wants to go home with her mother.

- Ms. Pressley moved in with Mr. T. and Ms. Amiga just before the adjudicatory hearing. She can't afford to live anywhere else right now.
- Ms. Pressley had some intelligence and psychological tests at Better Life Counseling. They said she lacks self-esteem and has no self-confidence. They said that may be why she has trouble protecting Ginger.

It is your goal as a child advocate to get as many children as possible back home with their parents. With this goal in mind, what questions would you ask the case managers who testify at the adjudicatory hearing:

() Other Petitioner _____ () Attorney _____
() Guardian ad Litem _____
() Other _____

The following interested part(y)(ies) was/were NOT present:

_____.

2.

The child is of the age and sex and has the name set forth above. The child is a resident of Fulton County, Georgia and was physically present in this county at the time of the filing of the Petition.

3.

The mother of the child, Ms. Pressley, was present in Court for the hearing. She was notified of the proceedings by personal service. The biological father of the child is alleged to be Mr. T. and he was present in Court for the hearing. He was notified of the proceedings by personal service. He did not admit to being the father of the child, but wants a DNA test to determine whether he is Ginger's father.

4.

The court makes the following findings of fact:

1. Ginger Pressley's arm was fractured on or about October 16, 2006 as a result of the intentional acts of Ms. Pressley or some person, at a time when Ms. Pressley was responsible for her care and protection. Ms. Pressley has failed to provide an explanation for this injury.

2. Ms. Pressley failed to protect her son, Fred Stinger, from sexual abuse perpetrated by his father, Jerry Stinger. As a result of her failure to protect Fred and her history of abusing cocaine for three years prior to the termination hearing, her parental rights in Fred were terminated in 2004.

3. Mr. T. has failed to protect Ginger from abuse.

4. Mr. T. has failed to provide care and support to Ginger as required by law.

5. Mr. T. has stated that he is not sure he is Ginger's father and will not take responsibility for her care and support.

5.

The Court finds that based upon the testimony at the hearing, that the Fulton County Department of Family and Children Services made reasonable efforts to preserve and reunify the family prior to the placement of the child(ren) in foster care, to prevent or eliminate the need for removal of the child(ren) from the home and to make it possible for the child(ren) to return home. Specifically, after learning that Ginger's arm was broken, the Fulton County Department of Family and Children Services attempted to locate Ms. Pressley. Despite visiting the address which Ms. Pressley had provided the daycare center where Ginger was located and repeatedly calling all the emergency telephone numbers she had provided, Ms. Pressley could not be located. There was no explanation for Ginger's injury. Further, there was reason to believe that Ginger had been injured by someone in her home. Ms. Pressley did not go to the daycare center to pick Ginger up on the night she was taken into DFCS custody. As a result, no further efforts were reasonable and all reasonable efforts were made on October 16, 2006 to prevent Ginger's removal from the home of Ms. Pressley. After Ginger came into DFCS custody, DFCS has provided psychological services and offered domestic violence counseling, drug evaluation, and parenting services to Ms. Pressley to permit Ginger to return safely to the home. Mr. T. has stated that he is not sure he is the father of Ginger and will not take responsibility for her care and support. DFCS has offered to provide him services but he is unwilling to accept services from DFCS at this time.

CONCLUSIONS OF LAW

Based upon the above findings of fact, the Court concludes as follows:

- 1.

The Court has subject matter jurisdiction over this action and personal jurisdiction over the child's mother and putative father. Venue is proper in this Court.

2.

This child is a deprived child as defined in O.C.G.A. Section 15-11-2(8)(A) in that she is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his/her/their physical, mental or emotional health or morals. The causes of the deprivation as to the mother are:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Physical abuse | <input type="checkbox"/> Sexual abuse |
| <input type="checkbox"/> Emotional abuse | <input checked="" type="checkbox"/> Neglect/Lack of Supervision |
| <input type="checkbox"/> Medical Neglect | <input type="checkbox"/> Neglect/Inadequate Housing |
| <input type="checkbox"/> Educational Neglect | <input type="checkbox"/> Substance Abuse by Parent |
| <input type="checkbox"/> Abandonment | <input type="checkbox"/> Mental/Physical Impairment of Parent |
- ☐ Neglect/Failure to Provide adequate support for child(ren) due to unstable or irregular employment
- ☐ (Perpetration of) (Failure to Protect from) Domestic Violence
- ☒ Other: The mother's failure to protect another of her children which resulted in the child's being sexually abused and in the termination of her parental rights.

The causes of deprivation as to the putative father are:

- | | |
|--|---|
| <input type="checkbox"/> Physical abuse | <input type="checkbox"/> Sexual abuse |
| <input type="checkbox"/> Emotional abuse | <input checked="" type="checkbox"/> Neglect/Lack of Supervision |
| <input type="checkbox"/> Medical Neglect | <input type="checkbox"/> Neglect/Inadequate Housing |
| <input type="checkbox"/> Educational Neglect | <input type="checkbox"/> Substance Abuse by Parent |
| <input type="checkbox"/> Abandonment | <input type="checkbox"/> Mental/Physical Impairment of Parent |

- () Neglect/Failure to Provide adequate support for child(ren) due to unstable or irregular employment
- () (Perpetration of) (Failure to protect from) Domestic Violence
- (x) Other: Mr. T. has stated that he is unwilling to provide for the care and support of Ginger at this time.

3.

The Fulton County Department of Family and Children Services made reasonable efforts to preserve and reunify the family prior to the placement of the child(ren) in foster care, to prevent or eliminate the need for removal of the child(ren) from the home and to make it possible for the child(ren) to return home. **The reason(s) the child(ren) cannot be adequately and safely protected at home are that** Ginger is at risk of abuse while in the care of her mother and Mr. T. has refused to provide her with care and support at this time.

Therefore, continuation in the home would be contrary to the welfare of the child and removal of the child(ren) from the home is in the best interest of the child(ren).

Any of the "Findings of Fact" herein which should have been properly classified by the Court as "Conclusions of Law" shall be considered as "Conclusions of Law" and any "Conclusions of Law" which should have been properly classified as "Findings of Fact" shall be considered as "Findings of Fact."

TEMPORARY DISPOSITION

Temporary custody and control of the child(ren) is HEREBY AWARDED to the Georgia Department of Human Resources through the Fulton County Department of Family and Children Services pending the completion of the DNA test on Mr. T. and the receipt of the relative search report concerning Mr. T. from the Department within 90 days of the date the child(ren) was/were removed from the home.

Unless otherwise ordered following a permanency hearing, the Permanency Plan is to reunite the child(ren) with the parent(s). ACCORDINGLY, the Fulton County Department of Family and Children Services is HEREBY DIRECTED to prepare a Case Plan for reunification pursuant to Section 15-11-58 of the Official Code of Georgia Annotated which shall be submitted to the Court to become the Court Ordered plan of care unless a party appeals the plan as provided by law. At a minimum, said plan shall include the following goals which must be accomplished before the child(ren) may return home. Said goals must coincide with the issues of deprivation found herein.

Mother's Goals:

1. Protection of the child from physical abuse.
2. Protection of the child from lack of supervision and neglect by the mother.
3. Drug abuse evaluation and drug testing to be completed by the mother as a result of her significant history of drug abuse resulting in her rights being terminated in another child.

Putative Father's Goals:

1. To provide care and support for Ginger.

IT IS FURTHER ORDERED that while said child(ren) is/are in the custody of the Fulton County Department of Family and Children Services the parents of said child(ren) shall participate in the Judicial Citizen Panel Review program or

Judicial Review as directed and the Fulton County Department of Family and Children Services is HEREBY directed to furnish the Court or the Judicial Citizen Review Panels all information in its possession concerning the family, including but not limited to psychological evaluations performed on the child(ren), the parents or any other extended family member if available.

IT IS FURTHER ORDERED that the mother and the father shall notify the Clerk of this Court of any change in address within 72 hours of the change.

IT IS FURTHER ORDERED that the Fulton County Department of Family and Children Services is authorized to obtain for said child(ren) physical examinations, ordinary medical care, and such additional medical treatment and care which, in the opinion of a licensed physician, is necessary for the care and well being of the child(ren).

This matter is HEREBY SET for Final Disposition on the 10th day of December, 2006 at 9:00 a.m. at which time the Court will consider the report of the DNA tests on the putative father, Mr. T. The report of the Department concerning the availability as a placement resource of a relative of the mother or other individual with an ongoing commitment to the child is hereby accepted by the court. Should the DNA test demonstrate that Mr. T. is the father of the child, the Department shall submit a report concerning his relatives who are available as a placement resource for the child. **All parties shall be in attendance at that time.**

This Order shall expire on October 16, 2007, unless sooner terminated by Order of this Court. IT IS SO ORDERED this 10th day of November, 2006.

Judge _____
JUDGE

Fulton County Juvenile Court

Custody Extension and Permanency Hearing Court Report

Child: Ginger Presley
DOB: 6/17/2002
Date Entered Care: 10/16/2006

Mother: Ms. Pressley
DOB: 8/12/1983

Father: Unknown

Social History: Ginger Pressley was placed in DFCS custody on 10/16/06 when she presented at Little People's Daycare Center with a broken arm. Her mother has never provided an explanation for this injury, but denies having injured Ginger. During this period Ginger was being cared for by a variety of persons whom Ms. Pressley met after coming to Atlanta from Savannah, GA. Ginger was adjudicated deprived on 11/10/06 and placed in the custody of the Department of Human Resources, acting by and through the Fulton County Department of Family and Children Services. The court found that she had been physically abused by unknown persons and that either her mother had been responsible for her injury or failed to protect her from injury by others. The court also found that Ms. Pressley had a history of drug abuse and of failure to protect an older child, Fred, from sexual molestation, which caused her parental rights in Fred to be terminated. The court adopted a thirty day case plan submitted on 11/15/06.

Ms. Pressley is the biological parent of a child formerly known as Fred Stinger, now age 9. Her parental rights in Fred were terminated in 2004 in Chatham County Juvenile Court. By report of Ms. Pressley, he was adopted by his foster parents two years ago. She has maintained sporadic contact with them.

Ms. Pressley initially identified Jerry Stinger as Ginger's father, but after being reminded that he had been in jail for the last

seven years, Ms. Pressley identified Mr. T. as Ginger's father. DNA results indicated that Mr. T. cannot be Ginger's father. The identity of her father is currently unknown. Ms. Pressley disclosed she was "high" when Ginger was conceived and has no idea who her father is.

Ms. Pressley has stated she is an orphan and was raised in foster care in the state of New York. She has been unable or unwilling to identify any relatives or friends who could serve as resources for Ginger. She has stated that an uncle molested her as a child.

Case Progress:

During a visit at the Central Presbyterian Church Visitation Center, Ginger attempted to fondle the genitals of a five year old male child in foster care. This event was witnessed through a visitation viewing window and heard by two case managers who were caring for Ginger when her foster parent was unavoidably detained as the result of an accident during the visitation. One of the case managers, Ms. Finder, was able to locate a therapeutic placement for Ginger immediately and she was removed from the Excellent foster home to the Therapeutic foster home the next day. Ginger remained in the Pre-K program at Greenacres School after the change in her foster home and is now enrolled in the K program at Greenacres. She has adjusted well to the Therapeutic foster home. Ginger was tested by the Better Life Counseling Service. She has a normal IQ. Based upon observations and testing, Ms. Child Therapist, has reached the conclusion that Ginger has most probably been sexually abused. She told Ms. Child Therapist and Ms. Placement, her current case manager, that when she was living with her mother "not long before her arm got hurt" that "the Big T touched her down there" and liked for her to touch him there too." Ginger has been undergoing therapy to address her sexually acting out. Greenacres School is aware of this situation and is working with the therapist to control this behavior. Ginger is doing well developmentally at the Greenacres K program. Ginger is currently receiving therapy twice a month.

Ms. Pressley has attended counseling at Better Life Counseling. She admitted during therapy sessions that she was sexually abused by an uncle as a child and that she was aware that Mr. Stinger, Fred's father, had sexually abused him. She stated to her counselor, Ginger's therapist and Ms. Finder, during a meeting concerning Ginger's treatment that she had been sexually molested by her uncle and that she "hoped" Mr. T. did not sexually abuse Ginger, though she did worry about that "some." She said she wanted to protect Ginger, but was afraid when her "sister" Ms. Amiga told her that Mr. T. "would kill her like he tried to do to me" if she crossed him. Ms. Presley admitted to Ms. Placement, case manager, that she used cocaine regularly for three years before her rights in Fred were terminated. That scared her so badly that she has not used cocaine since then. Her random drug tests were positive for marijuana on two occasions during November and December, 2006, but thereafter she refused further random drug tests and did not obtain a drug use evaluation as she had agreed in her case plan. The therapist, Dr. Adult, continues to work with Ms. Pressley on the issues of her sexual abuse and her need to protect Ginger from sexual abuse and physical abuse. Some progress is being made. Her therapist has prepared a report for the court.

Ms. Pressley has not attended and completed a parenting class which addressed Ginger's need for safe supervision.

Ms. Pressley admitted to Ms. Placement that at the time of the adjudicatory hearing and "before then" she was living with Mr. T. and Ms. Amiga. After the disclosures at the adjudicatory hearing, Mr. T. "kicked her out. Ms. Pressley has been unable to obtain a full-time job or housing for herself and Ginger. She continues to live with various friends whom she will not identify to her case manager, Ms. Placement.

Ms. Pressley has been regularly visiting Ginger, every other Tuesday, at the Therapeutic foster home, since December, 2006. These visits are observed by Ms. Finder, who is assisting with Ginger's placement in the Therapeutic foster home. She has only missed two visits, but did not call to cancel

them beforehand. She arrives by bus or in a car driven by someone else. Mr. T. has driven her to several visits, but has not visited himself. Visits are appropriate and mother and daughter are obviously bonded. The Therapeutics have included Ms. Pressley in some family outings and have permitted visits to go beyond the two hours originally provided Ms. Pressley for visits.

Recommendation: That Ginger continue in the custody of the Department of Human Resources and that a concurrent case plan be established, with goals of both reunification and termination and adoption.

Respectfully submitted,

Ms. Placement

Child Advocate Position at Motion to Extend and Permanency Hearing

The Child Advocate is adamant that Ginger be permitted to return home to the mother now. He/she asks, "What is it that can't be provided in the mother's home that is being provided in the foster home." The Child Advocate wants the cash spent on the therapeutic foster home to be instead spent on the mother and the child living together and getting therapy from the same therapist the mother trusted at the placement. The Child Advocate argues that Ginger has healed physically and now can best heal emotionally with her mother.

The mother is living sort of by herself now. If she had the cash they were paying the foster parents, she and the child could live together and you could close your case. She might get a bruise here and there but emotional well-being is worth more. Cut off from her mother, not having a father and having a brother floating around out there somewhere is not really in her best interest. The likelihood she will ever bond with anybody other than her mother at age 4 is slim to none. If the foster parents adopt her, it will most likely disrupt and then what? But what if Ginger gets hurt badly while she is living with her mother?

Read the court report and case plans. If the statements above were your opinion, what questions would you ask the case managers at the hearing:

DEPUTY CLERK
DEPUTY CLERK

IN THE JUVENILE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

IN THE INTEREST OF:

FRED STINGER SEX: M DOB: 6/1/1998 CASE # 040-12345-98

____ SEX: ____ DOB: _____ CASE # _____

____ SEX: ____ DOB: _____ CASE # _____

____ SEX: ____ DOB: _____ CASE # _____

Child (ren) Under 18 Years of Age

ORDER TERMINATING PARENTAL RIGHTS

The above and foregoing matter came before the Court on December 10, 2004, for a Hearing on a Petition to Terminate the Parental Rights of Ms. Pressley and Jerry Stinger filed by the Georgia Department of Human Resources by and through the Chatham County Department of Family and Children Services.

Based upon the evidence presented, the Court makes the following Findings of Fact and Conclusions of Law, by clear and convincing evidence.

FINDINGS OF FACT

1.

Present in the courtroom during the entire hearing were the mother, Ms. Pressley and her attorney, Mr. Solicitor, the biological father of Fred Stinger, Jerry Stinger, who was transported to the hearing from Reidsville Prison, and his attorney Mr. Lawyer, the Petitioner the Georgia Department of Human Resources, present through Case Manager Permanency Jones employed at the Chatham County Department of Family and Children Services,

represented by Leo Strother, Special Assistant Attorney General, and the Guardian ad Litem/Child Advocate Mr. Child.

2.

The child is of the age and sex stated above and has the name set forth above. The child is a resident of Chatham County, Georgia. The child was physically present in this county at the time of the filing of the Petition. The child is subject to the jurisdiction of this court.

3.

The mother is a resident of Chatham County, Georgia and is subject to the jurisdiction of this court. The mother was notified of the proceedings by timely personal service in accordance with law. The biological father of the child, Fred Stinger, was notified of the proceedings by timely personal service in accordance with law. He is a resident of Chatham County, Georgia and is subject to the jurisdiction of this court.

4.

Based upon the evidence presented at the hearing the Court finds as to the mother, Ms. Pressley, by clear and convincing evidence that Fred Stinger is a deprived child, as that term is defined in O.C.G.A. Section 15-11-2; that the lack of parental care and control by Ms. Pressley is the cause of the deprivation of Fred Stinger; that such deprivation is likely to continue and will not likely be remedied; and that such continued deprivation is likely to cause serious physical, moral, mental and emotional harm to Fred Stinger. The court further finds that Fred Stinger is without proper parental care and control as a result of the misconduct of Ms. Pressley and that:

1) Ms. Pressley has neglected and failed to protect Fred Stinger from the sexual abuse perpetrated against him by Jerry Stinger. Jerry Stinger was arrested for and convicted of a felony for molesting Fred Stinger. Ms. Pressley had knowledge of or strongly suspected such sexual abuse and failed and refused to protect her child Fred Stinger from such abuse. Ms. Pressley's actions are physical and emotional neglect of Fred Stinger by his parent, Ms. Pressley as described in O.C.G.A. Section 15-11-94(b)(4)(B)(v).

2) Ms. Pressley has a history of excessive use of and chronic unrehabilitated abuse of narcotics, dangerous drugs and controlled substances with the effect of rendering her incapable of providing adequately for the physical, mental, emotional or moral conditions and needs of Fred Stinger. Ms. Pressley admitted

to her case manager, Ms. Jones, prior to the termination hearing and also admitted in open court at the hearing that she was a regularly under the influence of crack cocaine for three years prior to the termination hearing. She was unable to care for or protect Fred Stinger from sexual abuse by Jerry Stinger.

3. Ms. Pressley also:

a) failed significantly, without justifiable cause, for a year or more prior to the filing of the termination petition, to develop and maintain a bond with Fred Stinger in a meaningful supportive manner, in that she visited the child only once between March, 2002 and the time of the filing of the termination petition on February 15, 2004;

b) failed significantly, without justifiable cause, for a year or more prior to the filing of the termination petition to care for or support Fred Stinger, in that she failed to provide any support for Fred Stinger from March, 2002 and the time of the filing of the termination petition on February 15, 2004; and

c) failed significantly, without justifiable cause, for a year or more prior to the filing of the petition, to comply with a court ordered plan designed to reunite her with her child Fred Stinger, from March, 2002 until February 15, 2004, in that she failed to comply with the requirement that she remain drug free, attend a drug abuse evaluation and drug abuse counseling, attend parenting classes for the purpose of learning to protect Fred Stinger, obtain a psychological evaluation, attend counseling as recommended by the evaluator and provide her case manager proof of having complied with her case plan. Ms. Pressley admitted to her failure to comply with the above requirements of her case plan in open court.

5.

Based upon the evidence presented at the hearing the Court finds as to the father, Jerry Stinger, by clear and convincing evidence, that Fred Stinger is a deprived child, as that term is defined in O.C.G.A. Section 15-11-2; that the lack of parental care and control by Mr. Stinger is the cause of the deprivation of Fred Stinger; that such deprivation is likely to continue and will not likely be remedied; and that such continued deprivation is likely to cause serious physical, moral, mental and emotional harm to Fred Stinger. The court further finds that Fred Stinger is without proper parental care and control as a result of the misconduct of Jerry Stinger and that:

1. Jerry Stinger is guilty of egregious conduct toward Fred Stinger of a physically and sexually cruel and abusive nature in that he sexually abused Fred Stinger during a period of a year or more during 1998 and 1999; and

2. Jerry Stinger was convicted of felony child molestation and imprisoned therefore and such imprisonment for a seven year period has had a demonstrable negative effect on the quality of the parent-child relationship.

6.

The Court finds that the Chatham County Department of Family and Children Services has made reasonable efforts to finalize the concurrent permanency plans, reunification and termination of parental rights and adoption, in that the Chatham County Department of Family and Children Services has offered reunification services, including psychological evaluation and counseling, drug evaluation and treatment and counseling and parenting classes to Ms. Pressley. The Chatham County Department of Family and Children Services have also brought this action to terminate the parental rights of the parents of Fred Stinger, when reunification with his parents could not be achieved.

7.

It is in the best interest of Fred Stinger that the parental rights of Ms. Pressley and Jerry Stinger be terminated. Termination of their parental rights will permit Fred Stinger to be placed in a permanent home where his physical, mental, emotional and moral needs can be met.

8.

There are no relatives by blood or marriage who are willing and qualified to receive and care for Fred Stinger.

CONCLUSIONS OF LAW

Based upon the above findings of fact, the Court concludes as follows:

1.

The Court has subject matter jurisdiction over this action and personal jurisdiction over the child, Fred Stinger; his mother, Ms. Pressley; and his biological father, Fred Stinger. Venue is proper in this Court.

2.

Based upon the evidence presented at the hearing the Court finds, by clear and convincing evidence that Fred Stinger is a deprived child, as that term is defined in O.C.G.A. Section 15-11-2; that the lack of parental care and control by Ms. Pressley and Jerry Stinger is the cause of the deprivation of Fred Stinger; that such deprivation is likely to continue and will not likely be remedied; and that such continued deprivation is likely to cause serious physical, moral, mental and emotional harm to Fred Stinger.

3.

That it is in the best interest of Fred Stinger that the parental rights of Ms. Pressley and Jerry Stinger be terminated. Further, there are no relatives by blood or marriage willing and qualified to care for Fred Stinger. Any of the “Findings of Fact” herein which should have been properly classified by the Court as “Conclusions of Law” shall be considered as “Conclusions of Law” and any “Conclusions of Law” which should have been properly classified as “Findings of Fact” shall be considered as “Findings of Fact.”

Accordingly, it is HEREBY ORDERED and ADJUDGED that the parental rights of Ms. Pressley and Jerry Stinger in and to Fred Stinger are HEREBY TERMINATED. This Order is without limit as to duration and terminates all the parent’s rights and obligation with respect to the child, and all rights and obligations of the child to the parent arising from the parental relationship, including rights of inheritance. Ms. Pressley and Jerry Stinger are hereafter NOT entitled to notice of proceedings concerning the adoption of the child by another, nor have they any right to object to the adoption or otherwise participate in the proceedings.

Pursuant to O.C.G.A. §15-11-103(a), permanent custody of Fred Stinger is hereby Ordered and Awarded to the Department of Human Resources, pursuant to paragraph (2) of this code subsection for the purpose of placing Fred

Stinger for adoption. The Court determines that such placement is the most appropriate for and in the best interest of the child because there are no relatives by blood or marriage willing and qualified to provide for the care of Fred Stinger and the Department of Human Resources is capable of finding an appropriate permanent adoptive home for Fred Stinger.

This case is hereby set for REVIEW six months from this date to determine what efforts have been made to assure the adoption or other permanent placement of the child.

IT IS SO ORDERED this 10th day of December, 2004.

Judge Shine
JUDGE, Chatham County Juvenile Court

Child Advocate Termination Hearing Position

The Child Advocate opposes termination. Below are some of the questions that are going through your head:

Has DFCS really made enough efforts to reunify Ginger and her Mom? Isn't that what Ginger wants and is best for her? Ginger knows and loves her mother won't she be scarred by never seeing her again? What about Fred, shouldn't Ginger have some contact with him?

Can DFCS assure the Court that this child is going to be better off with the foster parents than with her mother? Isn't it true that the foster parents are already asking for more adoption subsidy? Why not give that to the mother and let the child return home to her only known relative? Think of other hard questions that may be posed to support the Child Advocate's position opposing termination.

What questions would you ask the case managers to support your position that termination is a bad idea for Ginger:

BETTER LIFE COUNSELING

123 Second Street
Atlanta, Georgia 30303

September 30, 2007

Ms. Placement
Southwest Center
Fulton DFCS
Atlanta, Georgia 30303

RE: Ms. Pressley

Dear Ms. Placement,

Please accept this letter as a report on the results of ongoing therapy with Ms. Pressley. As indicated in an earlier report, Ms. Pressley is of normal intelligence and therefore is able to benefit from therapy. During therapy sessions, Ms. Pressley admitted she was sexually abused by an uncle as a child. She also stated that was aware that Mr. Stinger, her son Fred's father, was sexually abusing Fred at the time the abuse occurred. She is remorseful about her failure to protect Fred and says she was unable to protect him because she was using cocaine at the time. She has also stated that she "hoped" Mr. T. did not sexually abuse Ginger, though she did worry about that "some." She said she wanted to protect Ginger, but was afraid when her "sister" Ms. Amiga told her that Mr. T. "would kill her like he tried to do to me" if she crossed him. Ms. Presley has admitted that she used cocaine regularly for three years before her rights in Fred were terminated in 2004. This event apparently caused her to stop using cocaine. She has admitted to using marijuana

infrequently since that time. I understand that two of her drug tests have been positive for marijuana.

At this point, Ms. Pressley is dealing with the issues of her own sexual abuse, Fred and Ginger's sexual abuse and her responsibility to protect her children. I continue to be concerned that Ms. Pressley is unable to protect her children because of her poor self esteem and inability to assert and provide for her own needs and those of her children in relationships with abusive men. Some, but not significant progress, is being made on these issues.

My recommendation at this time is that Ginger remain in foster care until these issues are resolved positively. I am also recommending that Ms. Pressley attend parenting classes to which she has been referred in the past. To date she is unwilling to do so. I also believe that Ms. Pressley could benefit from a drug use evaluation. I have suggested that she undergo such an evaluation and she has thus far refused.

Sincerely,

Mr. Adult
Licensed Clinical
Psychologist
License No. 123456

Termination Hearing Court Report

Child: Ginger Pressley
DOB: 6/17/2002
Date Entered Care: 10/16/2006

Mother: Ms. Pressley
DOB: 8/12/1983

Father: Unknown

Social History: Ginger Pressley was placed in DFCS custody on 10/16/06 when she presented at Little People's Daycare Center with a broken arm. Her mother has never provided an explanation for this injury, but denies having injured Ginger. During this period Ginger was being cared for by a variety of persons whom Ms. Pressley met after coming to Atlanta from Savannah, GA. Ginger was adjudicated deprived on 11/10/06 and placed in the custody of the Department of Human Resources, acting by and through the Fulton County Department of Family and Children Services. The court found that she had been physically abused by unknown persons and that either her mother had been responsible for her injury or failed to protect her from injury by others. The court also found that Ms. Pressley had a history of drug abuse and of failure to protect an older child, Fred, which caused her parental rights in Fred to be terminated. The court adopted a thirty day case plan submitted on 11/15/06. The court ordered a second reunification case plan in April, 2007. A concurrent case plan including both reunification and adoption was ordered in October, 2007.

Ms. Pressley is the biological parent of a child formerly known as Fred Stinger, now age 9. Her parental rights of Fred were terminated in 2004 in the Chatham County Juvenile Court. By report of Ms. Pressley, he was adopted by his foster parents two years ago.

Ginger's father and his whereabouts are unknown.

Ms. Pressley has always claimed to be an orphan and has not identified any relatives or friends who could serve as resources for Ginger. She has also alleged contact with an uncle during her childhood.

Case Progress:

During the last six months Ms. Pressley has made no progress on her case plan. Approximately seven months ago Ms. Placement Two became her primary case manager. The county department moved for a contempt order when Ms. Pressley continued to refuse random drug tests and Ms. Pressley began to take random tests in December, 2007 before the motion was heard. She has tested positive for marijuana in three of the six monthly drug tests she has taken. She has not tested positive for cocaine in any of these drug tests. She asked Ms. Two to attend a drug abuse evaluation with her, but failed to participate by providing the information needed by the evaluator. Ms. Pressley has admitted to Ms. Two that the reason that she tested positive for marijuana in three of the six drug screens is that she was using marijuana “to get over her depression from being separated from Ginger.” Ms. Two has repeatedly asked her about whether she has obtained employment sufficient to support her and Ginger and she has stated that she does not make enough money to support herself and Ginger, though she is looking for a job. When asked by Ms. Two she has said she does not have a place where she and Ginger can live together. She has continued to participate in counseling, but has refused to take parenting classes. Ms. Two has asked her repeatedly to take parenting classes and she has refused. Dr. Adult has seen real improvement in Ms. Pressley’s mental health and ability to parent Ginger in the last two months. However, overall there has only been minimal improvement during the 18 months since Ginger came into care. Dr. Adult continues to recommend that Ms. Pressley attend parenting classes and Ms. Pressley asked last week that he provide a referral for parenting classes. Ms. Pressley continues to deny that she injured Ginger and states that she has no idea how her arm was broken. She takes no responsibility for the injury.

Ms. Pressley has only attended 6 of the 12 visits scheduled during the last six months. These visits continue to be observed by Ms. Finder. She did not call to cancel any of the visits she missed. During the last four months, visits have been moved to the DFCS office or a local fast food restaurant. At the December visit, Ms. Pressley asked if she could spend the night with the Therapeutics. This made the Therapeutics uncomfortable and they requested that visits in their home be discontinued.

Ginger has healed physically. While she is still affectionate with Ms. Pressley it is clear she is very much attached to the Therapeutics. After talking with Ms. Finder, the Therapeutics have stated that they wish to adopt Ginger if a termination order is entered. The Therapeutics have asked Ms. Finder about obtaining adoption assistance for Ginger, since she is a special needs child. Ginger continues in therapy for sexual and physical abuse, though she now sees Ms. Child Therapist about once every six weeks. Ms. Child Therapist and Ms. Finder credit the Therapeutics and their care for the progress Ginger has made.

Recommendation: That the parental rights of Ms. Pressley and Ginger's unknown father be terminated.

Respectfully submitted on April 20, 2008,

Ms. Placement Two

MOTION FOR EXTENSION OF JUVENILE COURT ORDER
IN THE JUVENILE COURT OF _____ COUNTY, GEORGIA

In the interest of

Ginger Pressley Age 5 yrs. DOB 6/17/02 CASE # 07-258

_____ SEX _____ AGE _____ DOB _____ CASE # _____

_____ SEX _____ AGE _____ DOB _____ CASE # _____

_____ SEX _____ AGE _____ DOB _____ CASE # _____

A child/children.

ADDRESS: Fulton County DFCS

MOTHER: Ms. Pressley, unknown address in Fulton County,
Georgia

FATHER: Unknown, unknown address

IN CUSTODY OF: Department of Human Resources, acting by
and through the Fulton County Department of Family and
Children Services

DATE OF ORDER: 11/10/2006 ORIGINAL CASE
NUMBER: 06-125 _____

FACTUAL BASIS FOR MOTION:

Now comes the Georgia Department of Human Resources,
acting by and through the Fulton County Department of Family
and Children Services, and moves the Court to extend the
order of the Juvenile Court of Fulton County, Georgia, dated
November 10, 2006, for an additional one year period, from the
date of expiration of said order, in accordance with O.C.G.A.
Section 15-11-58.

This 25th day of August, 2007.

Ms. Placement
Movant

NOTICE OF HEARING

The within and foregoing Motion filed and the said matter to come on for a review in the Juvenile Court of Fulton County, Georgia, on November 6, 2007 at 9:00 AM, the interested parties should be present in Court to show cause why said motion should not be granted.

This 30th day of September, 2007.

Mr. Clerk
Clerk/Deputy Clerk of
Fulton County Juvenile Court

IN THE JUVENILE COURT OF FULTON COUNTY, GEORGIA

In the interest of

Ginger Pressley SEX F AGE 4 yrs DOB 6/17/02 CASE # 06-125

_____ SEX _____ AGE _____ DOB _____ CASE # _____
_____ SEX _____ AGE _____ DOB _____ CASE # _____
_____ SEX _____ AGE _____ DOB _____ CASE # _____

A child/children under 18 years of age.

Your petitioner alleges the child(ren) named above to be of the sex(es) and age(s) and to have the name(s) there set forth above; that the (putative) father of said child(ren) is Mr. T. who resides at 125 Mulberry Street, Atlanta, Fulton County, Georgia; the mother is Ms. Pressley, who resides at unknown address in Fulton County Georgia; said child(ren) reside(s) at unknown address, in said county and state, and is/are in the custody and control of Department of Human Resources, acting by and through Fulton County Department of Family and Children Services, who resides at 155 Peachtree Street, Atlanta, Georgia 30305; that the said child(ren) is/are subject to the jurisdiction of this Court; that said child(ren) is/are in need of protection of this Court and is/are deprived (O.C.G.A. § 15-11-2(8)) due to the following condition(s):

That said child(ren) was/were (not) taken into custody under the provisions of O.C.G.A. § 15-11-45(a)(4).

That it is in the best interest of the child(ren) and the public that this proceeding be brought.

That said child(ren) is/~~are~~ ~~is not~~/~~are not~~ currently in a foster home facilities under the supervision of the Fulton County Department of Family and Children Services, having been placed there at 1:20 P.M., on October 16, 2006.

Petitioner prays that process issue, directed to the parties hereto, requiring them to appear before this Court to answer the allegations of this petition.

Ms. Madonna
(Petitioner)

Subscribed and sworn to before me, on information and belief, this 24th day of October, 2006.

Mr. Attestor
(Attesting Officer)

The above petition is approved to be filed in the best interest of the public and the named child(ren).

This _____ day of _____, 20____.

Mr. Designee
(Court Designee)



Activity: Judges Group Preparation for Detention Hearing

Trainer's Edition – Suggested responses

TIME: 30 Minutes

PURPOSE: To recognize the implications of each court hearing and examine the scope of existing views in the case being presented. The group will also establish guidelines to evaluate the evidence presented and develop questions based on available information to ask witnesses/counsel in order to promote decision making by the court.

INSTRUCTIONAL METHOD: Small- large Group Discussion and Observation

INSTRUCTIONS:

1. **Read and clarify** the judges' role description. Be sure to review the legal definitions in Legal Issues1 Handbook to be clear on terms and definitions. Carefully review the **Evidentiary Matters.** Review any other reference tools to re-enforce your understanding of the judge's position.
2. As a group discuss the following with a view to gathering facts that may become part of the court order:
 - Who bears the burden of proof at this hearing? The Department
 - What three types of evidence giving examples of each would you expect to be presented at this hearing? Documentary; Testimonial; Demonstrative. **Make and complete a checklist for this hearing.**
 - What evidence would be considered hearsay? Hearsay is a statement made out of court that is being offered to

prove a fact asserted at trial. One of the reasons hearsay is not admissible is that it does not allow the person for who the evidence is being offered against the right to confront his or her accuser. Is hearsay admissible at the detention hearing? **Yes.** Please remember that if the Court allows hearsay evidence to be used at the detention hearing, this does not mean that hearsay will be allowed at the adjudicatory hearing.

- Who is allowed to be present in the court room?
The Judge ;Court officials (clerk, court reporter, bailiff)
Attorneys for the parties (SAAG, Guardian Ad Litem,
Attorneys for the parents);CASA representative;Parties to
the action (DFCS representative, the child(ren), mother,
biological father, legal father, putative father, guardian etc.)
Witnesses
- How would you determine whether “reasonable efforts” were made by the Department to prevent removal?
The order issued as a result of the 72-hour hearing must
contain the “contrary to the welfare of the child” * or
“placement is in the best interest of the child” language.
Ask: 1) Has there been an ongoing Child Protective Services
case with the family with services provided to try to keep the
family together? 2) Did the parent accept the offered
services? and 3) Has the Case Manager/Department
explored the possibility of other family members who could
be a placement resource to the child to avoid the child being
in the temporary custody of the Department? In short, has
the Case Manager considered every reasonable and safe
alternative to prevent removal of a child from the home,
making temporary custody of the child in the Department the
last resort.
- Based on the complaint, what findings would determine whether custody remain with the department or that the child be returned home? Whether conditions for deprivation exists: The Juvenile Court Code defines a deprived child as a child who:

“Is without proper parental care or control, subsistence, education as required by law; or other care or control necessary for his physical, mental, or emotional health or morals;”

“Has been placed for care or adoption in violation of law;”

“Has been abandoned by his parents or other legal custodian;” or

“Is without a parent, guardian or custodian.” O.C.G.A. Section 15-11-2(8).

If a child is found to be deprived, the court may, among other possibilities, place the child in the custody of the Department of Human Resources or enter a protective order, while leaving the child in the care of his parent or other custodian

- How would you determine whether service among the parties occurred? *The law requires that the Court inform the parties (any parent and the Petitioner) of their right to counsel (including the right to appointed counsel if they are indigent), before the hearing begins.*
- Generate a list of questions you need to ask the parties before you give your findings.

JUDGES GROUP ACTIVITY SHEET

Role Description

You will have the opportunity to observe the scope of conflicting views presented and to make determinations on whether the burden of proof in a particular hearing was met. The judge group will be called upon to make quick decisions about whether to grant: the finding of deprivation, the extension of a court order or an order terminating parental rights, the approval of the case plan, the calling of the child as a witness, etc. You may make decisions outside the information provided, i.e. – at the end of each exercise, the judge group may order something not contemplated in the text of the training. Nonetheless, for purposes of this training, the groups will move to the next exercise.

The case manager and parent group, may produce documentary evidence. Any evidence submitted has to meet the legal standard for admission into evidence. For instance, you may use a copy of prior conviction of a party but it has to be a certified copy. You will not be able to obtain an actual certified copy of a document for the training but you must place a fake certification on the document and note in testimony that it is certified before presentation to the court for admission into evidence.

In the questioning by the parties, the parent group may make reasonable assumptions from the facts expanding the fact scenario.

Be creative. Keep the other parties on their toes. Make them anticipate surprises. Watch them squirm or watch them calmly and professionally respond to any question that is thrown at them.

TYPES OF EVIDENCE CHECKLIST

Types of evidence	Examples Presented	Relevant Y/N
Testimonial	Witnesses etc	
Demonstrative	Photographs etc	
Documentary	Written materials ex.	

[illegible]



**Activity: Judges Group Preparation for
Adjudicatory Hearing**
Trainer's Edition – Suggested responses
TIME: 30 Minutes

PURPOSE: To recognize the implications of each court hearing and examine the scope of existing views in the case being presented. The group will also establish guidelines to evaluate the evidence presented and develop questions based on available information to ask witnesses/counsel in order to promote decision making by the court.

INSTRUCTIONAL METHOD: Small- large Group Discussion and Observation

INSTRUCTIONS:

1. **Read and clarify** the judges' role description. Be sure to review the legal definitions in Legal Issues1 Handbook to be clear on terms and definitions. Carefully review the **Evidentiary Matters.** Review any other reference tools to re-enforce your understanding of the judge's position.
2. **As a group discuss the following with a view to gathering facts that may become part of the court order:**
 - Based on the Deprivation petition what justifies the removal of this child? **Unexplained injuries; Mother's explanation not matching injuries: Past deprivation and termination of rights; substance abuse; no relatives available; father unknown.**
 - What three types of evidence giving examples of each would you expect to be presented at this hearing? **Documentary; Testimonial; Demonstrative.** **Make a checklist to be completed during the hearing**
 - What evidence would be considered hearsay? **Hearsay is a statement made out of court that is being offered to**

prove a fact asserted at trial. One of the reasons hearsay is not admissible is that it does not allow the person for who the evidence is being offered against the right to confront his or her accuser. Is hearsay admissible at the Adjudicatory hearing? **NO.** Is hearsay admissible at the adjudicatory hearing? Please remember that if the Court allows hearsay evidence to be used at the detention hearing, this does not mean that hearsay will be allowed at the adjudicatory hearing.

- List the areas to determine the truthfulness of witnesses? Body language, eye movements; hand movements; stress-shaking of legs; Face turned away, no eye contact. Also wiping hands on pants to get rid of sweat or fidgeting with hands; aggression - Clenched fists, squaring of shoulders, stiffening of posture, tensing of muscles- anxiety- Massaging temples, different than normal breathing rates, hunched shoulders, nervous head movements
- What aspect of the reasonable efforts guidelines should be considered at this hearing? Ask: 1) Has there been an ongoing Child Protective Services case with the family with services provided to try to keep the family together? 2) Did the parent accept the offered services? and 3) Has the Case Manager/Department explored the possibility of other family members who could be a placement resource to the child to avoid the child being in the temporary custody of the Department? In short, has the Case Manager considered every reasonable and safe alternative to prevent removal of a child from the home, making temporary custody of the child in the Department the last resort. Both Georgia law and federal law require that DHR make reasonable efforts, prior to a child's placement in foster care, to prevent the removal of the child from the home or to reunify the family. In order to obtain Title IV-E funding for a child, a judicial determination that (1) reasonable efforts were made, prior to the child's placement in foster care, to prevent or eliminate the need to remove the child from the home and to permit the child to return safely to the home or (2) that

such efforts were not required, must be made within sixty days from the day the child is removed from the home.

- What findings would determine whether custody should remain with the department or that the child be returned home? Whether conditions for deprivation exists: The Juvenile Court Code defines a deprived child as a child who:
“Is without proper parental care or control, subsistence, education as required by law; or other care or control necessary for his physical, mental, or emotional health or morals;”
“Has been placed for care or adoption in violation of law;”
“Has been abandoned by his parents or other legal custodian;” or
“Is without a parent, guardian or custodian.” O.C.G.A. Section 15-11-2(8).
If a child is found to be deprived, the court may, among other possibilities, place the child in the custody of the Department of Human Resources or enter a protective order, while leaving the child in the care of his parent or other custodian
- How would you determine whether service among the parties occurred? The law requires that the Court inform the parties (any parent and the Petitioner) of their right to counsel (including the right to appointed counsel if they are indigent), before the hearing begins.
- Generate a list of questions you need to ask the parties before you give your findings.

JUDGES GROUP ACTIVITY SHEET

Role Description

You will have the opportunity to observe the scope of conflicting views presented and to make determinations on whether the burden of proof in a particular hearing was met. The judge group will be called upon to make quick decisions about whether to grant: the finding of deprivation, the extension of a court order or an order terminating parental rights, the approval of the case plan, the calling of the child as a witness, etc. You may make decisions outside the information provided, i.e. – at the end of each exercise, the judge group may order something not contemplated in the text of the training. Nonetheless, for purposes of this training, the groups will move to the next exercise. The case manager and parent group, may produce documentary evidence. Any evidence submitted has to meet the legal standard for admission into evidence. For instance, you may use a copy of prior conviction of a party but it has to be a classroom prepared certified copy. In the questioning by the parties, the parent group may make reasonable assumptions from the facts expanding the fact scenario.

Examine the petition and start making a mental list of what elements have to be demonstrated by clear and convincing evidence to justify removal of this child from the home. Decide whether you will simply listen to the evidence provided, not matter how poorly or well it is presented, or whether you would need to ask some questions on your own. Decide how you will determine the truthfulness of the parties. You may note their expressions, body language and attitude in making those decisions. But you have to decide what the appropriate attitude of a mother should be if her child has been removed. Is her age a factor in her emotional maturity? Is her emotional maturity a deprivation issue? How do you note someone's attitude for the court record when the only official record of the hearing is a tape record or CD recording? What finding of facts will you make after hearing all of the evidence? You will need to state those findings for inclusion in an order and for development of a case plan if you order one. At the close of

the evidence the judge group should be prepared to state findings of fact and conclusions of law to support its finding and to announce a temporary disposition.

TYPES OF EVIDENCE CHECKLIST

**Types of
evidence
Testimonial**

**Examples Presented
Witnesses etc**

**Relevant
Y/N**

Demonstrative

Photographs etc

Documentary

Written materials ex.

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This image shows a single page of white paper with horizontal black lines, resembling notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



Activity: Judges Group Preparation for Motion Hearing

Trainer's Edition – Suggested responses

TIME: 30 Minutes

PURPOSE: To recognize the implications of each court hearing and examine the scope of existing views in the case being presented. The group will also establish guidelines to evaluate the evidence presented and develop questions based on available information to ask witnesses/counsel in order to promote decision making by the court.

INSTRUCTIONAL METHOD: Small- large Group Discussion and Observation

INSTRUCTIONS:

1. **Read and clarify** the judges' role description. Be sure to review the legal definitions in Legal Issues1 Handbook to be clear on terms and definitions. Carefully review the **Evidentiary Matters.** Review any other reference tools to re-enforce your understanding of the judge's position.
2. As a group **discuss** the following with a view to gathering facts that may become part of the court order:
3. What were the Findings of Fact at Adjudication and Disposition? Ginger Pressley's arm was fractured on or about October 16, 2006 as a result of the intentional acts of Ms. Pressley or some person, at a time when Ms. Pressley was responsible for her care and protection. Ms. Pressley has failed to provide an explanation for this injury. Ms. Pressley failed to protect her son, Fred Stinger, from sexual abuse perpetrated by his father, Jerry Stinger. As a result of her failure to protect Fred

and her history of abusing cocaine for three years prior to the termination hearing, her parental rights in Fred were terminated in 2004. Mr. T. has failed to protect Ginger from abuse. Mr. T. has failed to provide care and support to Ginger as required by law. Mr. T. has stated that he is not sure he is Ginger's father and will not take responsibility for her care and support.

What three types of evidence giving examples of each would you expect to be presented at this hearing? Documentary; Testimonial; Demonstrative. **Make a checklist to be completed during the hearing**

- List the areas to assess the truthfulness of witnesses at this hearing? Body language, eye movements; hand movements; stress-shaking of legs; Face turned away, no eye contact. Also wiping hands on pants to get rid of sweat or fidgeting with hands; aggression - Clenched fists, squaring of shoulders, stiffening of posture, tensing of muscles- anxiety- Massaging temples, different than normal breathing rates, hunched shoulders, nervous head movements
- What findings would determine whether custody should remain with the department or that the child be returned home? Whether conditions for deprivation still exists: The Juvenile Court Code defines a deprived child as a child who:
"Is without proper parental care or control, subsistence, education as required by law; or other care or control necessary for his physical, mental, or emotional health or morals;"
"Has been placed for care or adoption in violation of law;"
"Has been abandoned by his parents or other legal custodian;" or
"Is without a parent, guardian or custodian." O.C.G.A. Section 15-11-2(8).
If a child is found to be deprived, the court may, among other possibilities, place the child in the custody of the Department of Human Resources or enter a protective order, while leaving the child in the care of his parent or other custodian

- How do you determine how long this child will have to remain in limbo? [Has the parent complied with the case plan? Were the recommendations of the CCFA adhered to? Are the child's needs being met in foster care? What has been done to promote attachment? Has the diligent search identified any other caregivers?](#)
- What does the parent need show they are ready for reunification? [Comply with the steps and goals of the case plan and court order](#)
- What information is really relevant to this case? [Has DFCS met their goals in the case plan? Have they provided support to the parent in achieving goals and steps? How have they managed challenges to the case plan? What has the mother done to achieve goals and steps, what collateral information would help the court's decision making](#)
- What information would determine whether meaningful contacts were made to strengthen attachment? [Were there visits? How often and for how long? What was the outcome of those visits? Were cards and gifts sent? What was the evidence of attachment?](#)
- Is there some alternative out there that you should consider that will provide some safety for this child, both emotionally and physically? [Kinship care? Guardianship? Termination of Parental Rights? Institutional care for the sexual abuse?](#)
- Generate a list of questions you need to ask the parties before you give your findings.

JUDGES GROUP ACTIVITY SHEET

Role Description

You will have the opportunity to observe the scope of conflicting views presented and to make determinations on whether the burden of proof in a particular hearing was met. The judge group will be called upon to make quick decisions about whether to grant: the finding of deprivation, the extension of a court order or an order terminating parental rights, the approval of the case plan, the calling of the child as a witness, etc. You may make decisions outside the information provided, i.e. – at the end of each exercise, the judge group may order something not contemplated in the text of the training. Nonetheless, for purposes of this training, the groups will move to the next exercise.

The case manager and parent group, may produce documentary evidence. Any evidence submitted has to meet the legal standard for admission into evidence. For instance, you may use a copy of prior conviction of a party but it has to be a classroom prepared certified copy. In the questioning by the parties, the parent group may make reasonable assumptions from the facts expanding the fact scenario.

You need to determine how long will this child have to remain in limbo? How long would it take the parent to get her act together? What information is really relevant to this case? Were visits made that were meaningful to strengthening attachment? Is there some alternative out there that I can consider that will provide some safety for this child, both emotionally and physically?

TYPES OF EVIDENCE CHECKLIST

Types of evidence	Examples Presented	Relevant Y/N
Testimonial	Witnesses etc	
Demonstrative	Photographs etc	
Documentary	Written materials ex.	

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Activity: Judges Group Preparation for Termination Hearing

Trainer's Edition – Suggested responses

TIME: 30 Minutes

PURPOSE: To recognize the implications of each court hearing and examine the scope of existing views in the case being presented. The group will also establish guidelines to evaluate the evidence presented and develop questions based on available information to ask witnesses/counsel in order to promote decision making by the court.

INSTRUCTIONAL METHOD: Small- large Group Discussion and Observation

INSTRUCTIONS:

1. **Read and clarify** the judges' role description. Be sure to review the legal definitions in Legal Issues1 Handbook to be clear on terms and definitions. Carefully review the **Evidentiary Matters.** Review any other reference tools to re-enforce your understanding of the judge's position.
2. As a group **discuss** the following with a view to gathering facts that may become part of the court order:
 - What were the Findings of Extension of Custody Hearing? Custody was granted to DFCS; the case plan was ordered the goal and steps:
 - What three types of evidence giving examples of each would you expect to be presented at this hearing? Documentary; Testimonial; Demonstrative. **Make a checklist to be completed during the hearing**
 - List the areas to assess the truthfulness of witnesses at this hearing? Body language, eye movements; hand movements; stress-shaking of legs; Face turned away, no

eye contact. Also wiping hands on pants to get rid of sweat or fidgeting with hands; aggression - Clenched fists, squaring of shoulders, stiffening of posture, tensing of muscles; anxiety- Massaging temples, different than normal breathing rates, hunched shoulders, nervous head movements

- List the grounds that exist that compels the filing of a petition for the Termination of Parental Rights? Review the following grounds:
The judge must consider the *Standard of Evidence*. There must be clear and convincing evidence of parental misconduct or inability to care for the child; and *Best Interest of the Child*. If the standard of evidence can be satisfied, then you must determine that termination is in the best interest of the child. You must weigh the physical, mental, emotional and moral condition and needs of the child, including the need for a secure and stable home. You may terminate the parental rights of a parent with respect to the parent's child if one or more grounds are satisfied:

Parental Consent; Parental consent refers to the written consent of the parent acknowledged before the court

Parental Failure to Provide Support Parental failure to provide support requires that the parent must have been ordered to support the child;

Parental Abandonment; Parental abandonment requires an actual desertion of the child and the intent to disclaim all parental obligations and forego all parental duties indefinitely.

Parental Misconduct or Inability; (A).“Parental misconduct or inability” is the most frequently cited ground for termination action. The court determines parental misconduct or inability by finding that:

The child is a deprived child (as defined in Code Section 15-11-2).

The lack of proper parental care or control by the parent in question is the cause of the child's status as “deprived;”

Such cause of deprivation is likely to continue or will not

likely be remedied; and

The continued deprivation will cause or is likely to cause serious physical, mental, emotional or moral harm to the child.

(B). In determining whether the child is without proper parental care and control, the court shall consider, without being limited to, the following:

A medically verifiable deficiency of the parent's physical, mental or emotional health of such duration or nature as to render the parent unable to provide adequately for the physical, mental, emotional or moral condition and needs of the child;

Excessive use of or history of chronic, unrehabilitated abuse of intoxicating liquors or narcotic or dangerous drugs or controlled substances with the effect of rendering the parent incapable of providing adequately for the physical, mental, emotional and moral condition and needs of the child;

Conviction of the parent of a felony and imprisonment, which has a demonstrable negative effect on the quality of the parent-child relationship;

Egregious conduct or evidence of past egregious conduct of the parent toward the child or toward another child of a physically, emotionally or sexually cruel or abusive nature;

Physical, mental or emotional neglect of the child or evidence of past physical, mental or emotional neglect of the child or of another child by the parent; and

Injury or death of a sibling under circumstances which constitute substantial evidence that such injury or death resulted from parental neglect or abuse.

Additionally you must consider, without being limited to, whether the parent without justifiable cause has failed significantly for a period of one year or longer prior to filing the petition for termination of parental rights:

To develop and maintain a parental bond with the child in a meaningful, supportive manner;

To provide for the care and support of the child as required by law or judicial decree; and

To comply with a court-ordered plan designed to reunite the child with the parent(s).

- What information would determine whether there still remains meaningful attachment between parent and child? Were there visits? How often and for how long? What was the outcome of those visits? Were cards and gifts sent? What was the evidence of attachment?
- Is there some alternative out there that you should consider that will provide some safety for this child, both emotionally and physically?
- Generate a list of questions for the parties to ask before you give your findings.
- What does the parent need show they are ready for reunification? Comply with the steps and goals of the case plan and court order
- What information is really relevant to this case? Has DFCS met their goals in the case plan? Have they provided support to the parent in achieving goals and steps? How have they managed challenges to the case plan? What has the mother done to achieve goals and steps, what collateral information would help the court's decision making
- What information would determine whether meaningful contacts were made to strengthen attachment? Kinship care? Guardianship? Termination of Parental Rights? Institutional care for the sexual abuse?
- Generate a list of questions you need to ask the parties before you give your findings.

JUDGES GROUP ACTIVITY SHEET

Role Description

You will have the opportunity to observe the scope of conflicting views presented and to make determinations on whether the burden of proof in a particular hearing was met. The judge group will be called upon to make quick decisions about whether to grant: the finding of deprivation, the extension of a court order or an order terminating parental rights, the approval of the case plan, the calling of the child as a witness, etc. You may make decisions outside the information provided, i.e. – at the end of each exercise, the judge group may order something not contemplated in the text of the training. Nonetheless, for purposes of this training, the groups will move to the next exercise.

The case manager and parent group, may produce documentary evidence. Any evidence submitted has to meet the legal standard for admission into evidence. For instance, you may use a copy of prior conviction of a party but it has to be a classroom prepared certified copy. In the questioning by the parties, the parent group may make reasonable assumptions from the facts expanding the fact scenario.

You should make sure that each and every element of the termination of parental rights statute is met and check it off as the evidence is being given. Determine whether the evidence this time is clear and convincing? And what if a relative shows up at the last minute? Someone we didn't know about, nobody knew about? That will make the decision harder. Shouldn't we see if the relative can take the mother in? Is Mr. Seinfeld going to finally rise to the occasion and ask some probing questions?

TYPES OF EVIDENCE CHECKLIST

Types of evidence	Examples Presented	Relevant Y/N
Testimonial	Witnesses etc	
Demonstrative	Photographs etc	
Documentary	Written materials ex.	

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APPENDIX B



ALLOFF CASE INFORMATION



FATIMA



MICKEY

Extension Motion and Permanency Hearing Court Report

Children:

Fatima Alloff

Mickey Alloff

Mother:

Cinnamon Alloff

Father of Fatima Alloff:

U. N. Known

Father of Mickey Alloff

Dru G. User

Social History: Fatima and Mickey Alloff came into care after they were left alone in a room at the No-Tell Motel on Slappy Road in Albany on the night of August 20-21, 2006. Their mother, who was an exotic dancer, was at work at least part of the time they were left alone. The children were adjudicated deprived on September 21, 2006 and the court adopted a reunification case plan. A concurrent case plan calling for reunification and termination and adoption as an alternate goal was adopted by the court on January 21, 2007 and July 12, 2007.

The initial findings of fact by the court in support of the deprivation determination included: that Ms. Alloff left the children alone all night long on at least three occasions; that Ms. Alloff's home was unsanitary and unsafe for the children; that Mickey was diagnosed with failure to thrive when he came into care because of the neglect of his mother; that Ms. Alloff uses and abuses cocaine and has done so for at least a year; that Mr. Uzer uses and abuses cocaine and methamphetamines regularly; that Ms. Alloff was admitted to a residential drug treatment program and left after approximately a week without completing treatment; that the whereabouts of Mr. Uzer and Mr. U. N. Known were unknown and that they have failed to provide their children with a proper home, care, support, supervision and protection.

Mickey was diagnosed as failure to thrive shortly after coming into care. However, he began gaining weight immediately upon being placed in agency custody and this problem quickly resolved itself.

Both children are doing well in foster care and have bonded to their foster parents, who want to adopt them.

The only possible relative identified with whom the children might be placed is a maternal aunt, Joy Happy. She was contacted as recently as July, 2007 and has indicated she will not be able to provide a home for the children for the foreseeable future as a result of her poor health.

Case Progress: Ms. Alloff had a drug use evaluation and was admitted to inpatient drug treatment on September 11, 2006. She left on September 18, 2006. She attended the adjudicatory hearing on September 21, 2006. Thereafter she has had only brief and sporadic contacts with the agency. On Christmas Eve, 2006 Ms. Alloff left a message wishing the children a Merry Christmas on CPS CM Eager Beaver 's voice mail. In March, 2007 she called and asked Sarah Homefinder's help to get back to Georgia. In a voice mail left on Ms. Homefinder's line, she stated on April 21, 2007 that she had arrived back in Albany near the beginning of April and wanted to have a visit with the children. Ms. Homefinder was unable to locate her using the number left in the message, but did speak to Mr. Uzer when he answered the return call. Ms. Homefinder located Ms. Alloff at the Silver Spade on April 21 and arranged a visit on April 24, 2007. Ms. Alloff called to say she had overslept and missed the visit. A second visit was arranged the following Tuesday, but Ms. Alloff did not attend. Ms. Alloff gave her address as Apartment B-2 at the Skylark Apartments on Beauford Highway. During the month of May, 2007 Ms. Homefinder went to the address to contact Ms. Alloff and found that she was no longer living in the apartment. She left no forwarding address. The court has reported to the agency that Ms. Alloff called in late July, 2007 to find out if an extension hearing had been scheduled. She indicated that she would be

at the hearing. The agency has not heard from Ms. Alloff at this time.

Mr. Uzer, Mickey's father answered the telephone when Ms. Homefinder was returning Ms. Alloff's call of April 21, on April 23, 2007. He admitted Ms. Alloff had told him in October, 2006 that Mickey had been placed in the custody of Dougherty DFCS. He arranged a visit for April 24, 2007 and visited only a short time because he appeared to be under the influence of drugs. Ms. Homefinder referred him for a drug evaluation at that time, but he left before the provider's transportation van arrived. Another visitation was scheduled the following Tuesday, but he did not attend. This is the last contact with Mr. Uzer. He refused to provide his address and his whereabouts are unknown.

None of the parents has met a case plan step or goal.

Recommendation: The agency recommends that Fatima and Mickey Alloff remain in the custody of DHR/Dougherty DFCS and that the motion to extend be granted. The agency is now working a concurrent case plan.

Respectfully submitted,
This 2nd day of August, 2007

Sarah Homefinder,
Case Manager

Best Ofall
Supervisor

Termination Hearing Court Report Update

Children:

Fatima Alloff

Mickey Alloff

Mother:

Cinnamon Alloff

Father of Fatima Alloff:

U. N. Known

Father of Mickey Alloff

Dru G. User

Social History: Fatima and Mickey Alloff came into care after they were left alone in a room at the No-Tell Motel on Slappy Road in Albany on the night of August 20-21, 2006. Their mother, who was an exotic dancer, was at work at least part of the time they were left alone. History indicates that they were left alone on a number of occasions. The children were adjudicated deprived on September 21, 2006 and the court adopted a reunification case plan. A concurrent case plan calling for reunification and termination and adoption as an alternate goal was adopted by the court on January 21, 2007 and July 12, 2007.

The initial findings of fact by the court in support of the deprivation determination included: that Ms. Alloff left the children alone all night long on at least three occasions; that Ms. Alloff's home was unsanitary and unsafe for the children; that Mickey was diagnosed with failure to thrive when he came into care because of the neglect of his mother; that Ms. Alloff uses and abuses cocaine and has done so for at least a year; that Mr. User uses and abuses cocaine and methamphetamines regularly; that Ms. Alloff was admitted to a residential drug treatment program and left after approximately a week without completing treatment; that the whereabouts of Mr. User and Mr. U. N. Known were unknown and that they

have failed to provide their children with a proper home, care, support, supervision and protection.

At the extension hearing held on August 2, 2007, the Court found that the parents had not worked on or met any step or goal on the case plan; that there was no evidence that their significant drug use had been ameliorated; that the conditions that cause them to come into care had not been improved; and that an extension of custody was necessary to meet the goals of the original custody order. Custody of the children was extended until August 20, 2008. The court adopted the case plan of July 11, 2007, which called for concurrent case plans, as the permanency plan for the children. The court found that reasonable efforts had been made to finalize the permanency plan.

Both children are doing well in foster care and have bonded to their foster parents, who want to adopt them.

The only possible relative identified with whom the children might be placed is a maternal aunt, Joy Happy. She was contacted as recently as November 30, 2007 and has indicated she will not be able to provide a home for the children for the foreseeable future as a result of her poor health.

Case Progress: The case was referred to the SAAG, Ms. Handle, for preparation of a petition to terminate parental rights on October 2, 2007 and the petition was filed on November 1, 2007. Ms. Alloff was served personally and Mr. Uzer was served by publication. Accordingly, the hearing was scheduled for January 15, 2008. Ms. Alloff contacted the court just before the hearing on the motion to extend custody. She attended the hearing, but did not ask that custody of the children be returned to her. Ms. Alloff told Ms. Homefinder that she “was trying to turn her life around,” but refused to give Ms. Homefinder an address or telephone number. She was not heard from again until October 11, 2007, when she called Sarah Homefinder. Ms. Homefinder met with her the following day and introduced her to the new case manager who had been assigned to her

case Ima Placement. Ms. Placement went over the case plan with Ms. Alloff. Ms. Alloff said that she had met and married a new man who had given her faith in herself. They had joined a church together and she had gotten off drugs and was now ready to care for her children. She admitted that she has used cocaine regularly from before the children came into care until August, 2007. Ms. Alloff asked for referrals for each of the case steps and those were provided. CM Placement made the following referrals on October 12, 2007:

Parenting Classes for children birth through 6: Best Parenting Services Psychological Evaluation and Counseling (if recommended): Best Psychological Associates
Drug Evaluation, Drug Tests, and Treatment (if recommended): Best Drug Treatment Center
Housing: Dougherty County Housing Authority
Job Placement: Best Cooperating Job Placement Associates

CM Placement also informed Ms. Alloff that the children had been referred to Ms. Handle, SAAG for preparation of a petition to terminate parental rights. Ms. Alloff was also given a visitation schedule which called for her to visit the children at 3 PM on the first and third Mondays each month.

Since she returned to Albany, Ms. Alloff has not been able to obtain regular employment, though she was employed for three weeks with one employer (Dougherty Seed and Feed). She has been attending employment classes once a week since mid-November. The employment counselor stated that she was qualified for entry level employment when he first evaluated her and does not know why she is not employed. She and her new husband have been living in a motel room by the month. There is not ample space or ample beds for the children. Ms. Alloff has completed a drug evaluation. The evaluator recommended drug treatment as a result of Ms. Alloff's prolonged drug use.

Ms. Alloff has not attended treatment, saying that she does not feel she needs drug treatment. She has had negative drug screens in on October 15, 2007, November 2, 2007; November

15, 2007; November 30, 2007; December 15, 2007; and December 31, 2007. Ms. Alloff signed up for parenting classes in November. She was required to start classes again in November because she missed two of the first four classes. She began parenting classes again in December and should complete them in late January or early February, if she continues to attend regularly.

Ms. Alloff had a psychological evaluation on November 14, 2007 and the psychologist recommended twice monthly therapy sessions to assist her with past issues and with reunification with the children. Ms. Alloff has regularly attended these sessions. Given her history, however, the therapist, Mr. Freud Follower has not recommended that the children be returned to her. His concern is that she is immature and has an idealistic and unrealistic view of child rearing and of life and its challenges. She has also refused drug treatment and is economically, socially and emotionally dependent on her husband. His concern is that she will be unable to function without her husband and the relationship is a new one. Her therapist believes that she needs to complete drug treatment, parenting classes and needs additional therapy before she can be trusted with the responsibility of caring for her children. This will also give time to prove the stability of her current relationship with her husband and her new life style. He does however believe that with some additional therapy, she may be able to parent her children in the future. He has not been able to give a time table for return of the children.

Ms. Alloff has attended four of the five visits scheduled since her return to Dougherty County. She did not call to cancel the visit she missed, but said she forgot about it. She has not provided any support for the children, but did provide a doll for Fatima and a truck for Mickey as Christmas presents.

Mr. Dru G. Uzer has not had any contact with the children or the agency since that reported at the extension hearing in April, 2007. Ms. Alloff does not know his whereabouts. She last saw him in June, 2007 and reports that he was high on methamphetamines when she saw him.

Respectfully Submitted
January 15, 2008:

Ima Casemanager
Case Manager

Best Ofall
Supervisor

Parent Group Pre Detention Cinnamon Alloff's Story:

Ms. Alloff went to work on 8/20/06 at the Silver Spade. Her friend Ms. Exotic Dancer watches the children when she goes to work at night.

Ms. Exotic Dancer was supposed to find someone to watch the children while Ms. Alloff was at work.

Ms. Alloff's boyfriend, Mr. Dru G. Uzer left her two weeks ago. He does not help with child support, so Ms. Alloff is working to make sure her children have a home. Fatima's father is U.N. Known, but Ms. Alloff only knows that he lives in Texas.

Ms. Alloff does not associate with her family because they are sorry. She does have a sister, Ms. Joy Happy who she does not associate with because they do not get along. However, she does have friends that she works with that help watch her children.

Ms. Alloff feels she is responsible because she has steady employment and has a place for her and her children to stay.

She loves her children and makes sure they are safe. She always locks the door so that no one can get the children. She believes her children are healthy and happy. Mickey the baby is thin because that's the way all the family is, very lean.

She can prove that she feeds and takes care of the children because there are dirty bottles and food bowls to show it. She also provides for her children because there are diapers in the room and clothes.

Her room is a little messy because living in a hotel with two small children, it is hard to keep the room clean all the time. She works at night and is tired during the day, so it is hard to find time to clean.

Ms. Alloff does not use drugs. The syringe found in her hotel room belongs to a friend of hers that visits her sometimes.

ALLOFF CASE JUDGES ACTIVITIES



Activity: Judges Group Preparation for Alloff Detention Hearing

Trainer's Edition – Suggested responses

TIME: 30 Minutes

PURPOSE: To recognize the implications of each court hearing and examine the scope of existing views in the case being presented. The group will also establish guidelines to evaluate the evidence presented and develop questions based on available information to ask witnesses/counsel in order to promote decision making by the court.

INSTRUCTIONAL METHOD: Small- large Group Discussion and Observation

INSTRUCTIONS:

1. **Read and clarify** the judges' role description. Be sure to review the legal definitions in Legal Issues1 Handbook to be clear on terms and definitions. Carefully review the **Evidentiary Matters.** Review any other reference tools to re-enforce your understanding of the judge's position.
2. As a group discuss the following with a view to gathering facts that may become part of the court order:
 - Who bears the burden of proof at this hearing? The Department
 - What three types of evidence giving examples of each would you expect to be presented at this hearing? Documentary; Testimonial; Demonstrative. **Make and complete a checklist for this hearing.**
 - What evidence would be considered hearsay? Hearsay is a statement made out of court that is being offered to prove a fact asserted at trial. One of the reasons hearsay is not admissible is that it does not allow the person for

who the evidence is being offered against the right to confront his or her accuser. Is hearsay admissible at the detention hearing? **Yes.** Please remember that if the Court allows hearsay evidence to be used at the detention hearing, this does not mean that hearsay will be allowed at the adjudicatory hearing.

- Who is allowed to be present in the court room?
The Judge ;Court officials (clerk, court reporter, bailiff)
Attorneys for the parties (SAAG, Guardian Ad Litem, Attorneys for the parents);CASA representative;Parties to the action (DFCS representative, the child(ren), mother, biological father, legal father, putative father, guardian etc.) Witnesses
- How would you determine whether “reasonable efforts” were made by the Department to prevent removal?
The order issued as a result of the 72-hour hearing must contain the “contrary to the welfare of the child” * or “placement is in the best interest of the child” language.
Ask: 1) Has there been an ongoing Child Protective Services case with the family with services provided to try to keep the family together? 2) Did the parent accept the offered services? and 3) Has the Case Manager/Department explored the possibility of other family members who could be a placement resource to the child to avoid the child being in the temporary custody of the Department? In short, has the Case Manager considered every reasonable and safe alternative to prevent removal of a child from the home, making temporary custody of the child in the Department the last resort.
- Based on the complaint, what findings would determine whether custody remain with the department or that the children be returned home? Whether conditions for deprivation exists: The Juvenile Court Code defines a deprived child as a child who:
“Is without proper parental care or control, subsistence, education as required by law; or other care or control

necessary for his physical, mental, or emotional health or morals;”

“Has been placed for care or adoption in violation of law;”

“Has been abandoned by his parents or other legal custodian;” or

“Is without a parent, guardian or custodian.” O.C.G.A. Section 15-11-2(8).

If a child is found to be deprived, the court may, among other possibilities, place the child in the custody of the Department of Human Resources or enter a protective order, while leaving the child in the care of his parent or other custodian

- How would you determine whether service among the parties occurred? *The law requires that the Court inform the parties (any parent and the Petitioner) of their right to counsel (including the right to appointed counsel if they are indigent), before the hearing begins.*
- Generate a list of questions you need to ask the parties before you give your findings.

JUDGES GROUP ACTIVITY SHEET

Role Description

You will have the opportunity to observe the scope of conflicting views presented and to make determinations on whether the burden of proof in a particular hearing was met. The judge group will be called upon to make quick decisions about whether to grant: the finding of deprivation, the extension of a court order or an order terminating parental rights, the approval of the case plan, the calling of the older child as a witness, etc. You may make decisions outside the information provided, i.e. – at the end of each exercise, the judge group may order something not contemplated in the text of the training. Nonetheless, for purposes of this training, the groups will move to the next exercise.

The case manager and parent group, may produce documentary evidence. Any evidence submitted has to meet the legal standard for admission into evidence. For instance, you may use a copy of prior conviction of a party but it has to be a certified copy. You will not be able to obtain an actual certified copy of a document for the training but you must place a fake certification on the document and note in testimony that it is certified before presentation to the court for admission into evidence.

In the questioning by the parties, the parent group may make reasonable assumptions from the facts expanding the fact scenario.

Be creative. Keep the other parties on their toes. Make them anticipate surprises. Watch them squirm or watch them calmly and professionally respond to any question that is thrown at them.

TYPES OF EVIDENCE CHECKLIST

Types of evidence	Examples Presented	Relevant Y/N
Testimonial	Witnesses etc	

Demonstrative	Photographs etc	
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Documentary	Written materials ex.	
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**Activity: Judges Group Preparation for Alloff
Adjudicatory Hearing**

Trainer's Edition – Suggested responses

TIME: 30 Minutes

PURPOSE: To recognize the implications of each court hearing and examine the scope of existing views in the case being presented. The group will also establish guidelines to evaluate the evidence presented and develop questions based on available information to ask witnesses/counsel in order to promote decision making by the court.

INSTRUCTIONAL METHOD: Small- large Group Discussion and Observation

INSTRUCTIONS:

1. **Read and clarify** the judges' role description. Be sure to review the legal definitions in Legal Issues1 Handbook to be clear on terms and definitions. Carefully review the **Evidentiary Matters.** Review any other reference tools to re-enforce your understanding of the judge's position.
2. **As a group discuss the following with a view to gathering facts that may become part of the court order:**
 - Based on the Deprivation petition what justifies the removal of this child? **No relatives available; Unknown Father for Fatima; unhygienic conditions in the home; children hungry and under fed; Mickey needing hospitalization; Mother unavailable when children were removed; child vulnerability; absence of adult supervision.**
 - What three types of evidence giving examples of each would you expect to be presented at this hearing? **Documentary; Testimonial; Demonstrative.** **Make a checklist to be completed during the hearing**
 - What evidence would be considered hearsay? **Hearsay is a statement made out of court that is being offered to**

prove a fact asserted at trial. One of the reasons hearsay is not admissible is that it does not allow the person for who the evidence is being offered against the right to confront his or her accuser. Is hearsay admissible at the Adjudicatory hearing? **NO.** Is hearsay admissible at the adjudicatory hearing? Please remember that if the Court allows hearsay evidence to be used at the detention hearing, this does not mean that hearsay will be allowed at the adjudicatory hearing.

- List the areas to determine the truthfulness of witnesses? Body language, eye movements; hand movements; stress-shaking of legs; Face turned away, no eye contact. Also wiping hands on pants to get rid of sweat or fidgeting with hands; aggression - Clenched fists, squaring of shoulders, stiffening of posture, tensing of muscles- anxiety- Massaging temples, different than normal breathing rates, hunched shoulders, nervous head movements
- What aspect of the reasonable efforts guidelines should be considered at this hearing? Ask: 1) Has there been an ongoing Child Protective Services case with the family with services provided to try to keep the family together? 2) Did the parent accept the offered services? and 3) Has the Case Manager/Department explored the possibility of other family members who could be a placement resource to the child to avoid the child being in the temporary custody of the Department? In short, has the Case Manager considered every reasonable and safe alternative to prevent removal of a child from the home, making temporary custody of the child in the Department the last resort. Both Georgia law and federal law require that DHR make reasonable efforts, prior to a child's placement in foster care, to prevent the removal of the child from the home or to reunify the family. In order to obtain Title IV-E funding for a child, a judicial determination that (1) reasonable efforts were made, prior to the child's placement in foster care, to prevent or eliminate the need to remove the child from the home and to permit the child to return safely to the home or (2) that

such efforts were not required, must be made within sixty days from the day the child is removed from the home.

- What findings would determine whether custody should remain with the department or that the child be returned home? Whether conditions for deprivation exists: The Juvenile Court Code defines a deprived child as a child who:
“Is without proper parental care or control, subsistence, education as required by law; or other care or control necessary for his physical, mental, or emotional health or morals;”
“Has been placed for care or adoption in violation of law;”
“Has been abandoned by his parents or other legal custodian;” or
“Is without a parent, guardian or custodian.” O.C.G.A. Section 15-11-2(8).
If a child is found to be deprived, the court may, among other possibilities, place the child in the custody of the Department of Human Resources or enter a protective order, while leaving the child in the care of his parent or other custodian
- How would you determine whether service among the parties occurred? The law requires that the Court inform the parties (any parent and the Petitioner) of their right to counsel (including the right to appointed counsel if they are indigent), before the hearing begins.
- Generate a list of questions you need to ask the parties before you give your findings.

JUDGES GROUP ACTIVITY SHEET

Role Description

You will have the opportunity to observe the scope of conflicting views presented and to make determinations on whether the burden of proof in a particular hearing was met. The judge group will be called upon to make quick decisions about whether to grant: the finding of deprivation, the extension of a court order or an order terminating parental rights, the approval of the case plan, the calling of the child as a witness, etc. You may make decisions outside the information provided, i.e. – at the end of each exercise, the judge group may order something not contemplated in the text of the training. Nonetheless, for purposes of this training, the groups will move to the next exercise. The case manager and parent group, may produce documentary evidence. Any evidence submitted has to meet the legal standard for admission into evidence. For instance, you may use a copy of prior conviction of a party but it has to be a classroom prepared certified copy. In the questioning by the parties, the parent group may make reasonable assumptions from the facts expanding the fact scenario.

Examine the petition and start making a mental list of what elements have to be demonstrated by clear and convincing evidence to justify removal of the children from the home. Decide whether you will simply listen to the evidence provided, not matter how poorly or well it is presented, or whether you would need to ask some questions on your own. Decide how you will determine the truthfulness of the parties. You may note their expressions, body language and attitude in making those decisions. But you have to decide what the appropriate attitude of a mother should be if her child has been removed. Is her age a factor in her emotional maturity? Is her emotional maturity a deprivation issue? How do you note someone's attitude for the court record when the only official record of the hearing is a tape record or CD recording? What finding of facts will you make after hearing all of the evidence? You will need to state those findings for inclusion in an order and for development of a case plan if you order one. At the close of

the evidence the judge group should be prepared to state findings of fact and conclusions of law to support its finding and to announce a temporary disposition.

TYPES OF EVIDENCE CHECKLIST

Types of evidence	Examples Presented	Relevant Y/N
Testimonial	Witnesses etc	

Demonstrative	Photographs etc	
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Documentary	Written materials ex.	
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Activity: *Judges Group Preparation for Alloff Motion Hearing*

Trainer's Edition – Suggested responses

TIME: 30 Minutes

PURPOSE: To recognize the implications of each court hearing and examine the scope of existing views in the case being presented. The group will also establish guidelines to evaluate the evidence presented and develop questions based on available information to ask witnesses/counsel in order to promote decision making by the court.

INSTRUCTIONAL METHOD: Small- large Group Discussion and Observation

INSTRUCTIONS:

1. **Read and clarify** the judges' role description. Be sure to review the legal definitions in Legal Issues1 Handbook to be clear on terms and definitions. Carefully review the **Evidentiary Matters.** Review any other reference tools to re-enforce your understanding of the judge's position.

2. As a group **discuss** the following with a view to gathering facts that may become part of the court order:

What were the Findings of Fact at Adjudication and Disposition? MS. Alloff was unavailable at the time of removal to prevent removal. The children had no adult supervision and based on their ages were unable to protect themselves and were vulnerable. They were unfed and Mickey was showed signs of failure to thrive confirmed by the attending physician. Both mother and the father of Mickey Mr. Uzer were abused substances confirmed by admission or drug screening. The children did not have safe stable environment and their needs for clothing, and food

were unmet. Custody was extended to the department of family and children services.

What three types of evidence giving examples of each would you expect to be presented at this hearing? Documentary; Testimonial; Demonstrative. **Make a checklist to be completed during the hearing**

- List the areas to assess the truthfulness of witnesses at this hearing? Body language, eye movements; hand movements; stress-shaking of legs; Face turned away, no eye contact. Also wiping hands on pants to get rid of sweat or fidgeting with hands; aggression - Clenched fists, squaring of shoulders, stiffening of posture, tensing of muscles- anxiety- Massaging temples, different than normal breathing rates, hunched shoulders, nervous head movements
- What findings would determine whether custody should remain with the department or that the child be returned home? Whether conditions for deprivation still exists: The Juvenile Court Code defines a deprived child as a child who:
"Is without proper parental care or control, subsistence, education as required by law; or other care or control necessary for his physical, mental, or emotional health or morals;"
"Has been placed for care or adoption in violation of law;"
"Has been abandoned by his parents or other legal custodian;" or
"Is without a parent, guardian or custodian." O.C.G.A. Section 15-11-2(8).
If a child is found to be deprived, the court may, among other possibilities, place the child in the custody of the Department of Human Resources or enter a protective order, while leaving the child in the care of his parent or other custodian
- How do you determine how long this child will have to remain in limbo? Has the parent(s) complied with the case plan? Were the recommendations of the CCFA adhered to? Are the children's needs being met in foster

care? What has been done to promote attachment? Has the diligent search identified any other caregivers?

- What does the parent need show they are ready for reunification? Comply with the steps and goals of the case plan and court order
- What information is really relevant to this case? Has DFCS met their goals in the case plan? Have they provided support to the parent in achieving goals and steps? How have they managed challenges to the case plan? What has the mother done to achieve goals and steps, what collateral information would help the court's decision making
- What information would determine whether meaningful contacts were made to strengthen attachment? Were there visits? How often and for how long? What was the outcome of those visits? Were cards and gifts sent? What was the evidence of attachment?
- Is there some alternative out there that you should consider that will provide some safety for this child, both emotionally and physically? Kinship care? Guardianship? Termination of Parental Rights? Specialized foster care for the FTT?
- Generate a list of questions you need to ask the parties before you give your findings.

JUDGES GROUP ACTIVITY SHEET

Role Description

You will have the opportunity to observe the scope of conflicting views presented and to make determinations on whether the burden of proof in a particular hearing was met. The judge group will be called upon to make quick decisions about whether to grant: the finding of deprivation, the extension of a court order or an order terminating parental rights, the approval of the case plan, the calling of the older child as a witness, etc. You may make decisions outside the information provided, i.e. – at the end of each exercise, the judge group may order something not contemplated in the text of the training. Nonetheless, for purposes of this training, the groups will move to the next exercise.

The case manager and parent group, may produce documentary evidence. Any evidence submitted has to meet the legal standard for admission into evidence. For instance, you may use a copy of prior conviction of a party but it has to be a classroom prepared certified copy. In the questioning by the parties, the parent group may make reasonable assumptions from the facts expanding the fact scenario.

You need to determine how long will the children have to remain in limbo? How long would it take the parent to get her act together? What information is really relevant to this case? Were visits made that were meaningful to strengthening attachment? Is there some alternative out there that I can consider that will provide some safety for these children, both emotionally and physically?

TYPES OF EVIDENCE CHECKLIST

Types of evidence	Examples Presented	Relevant Y/N
Testimonial	Witnesses etc	

Demonstrative	Photographs etc	
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Documentary	Written materials ex.	
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Activity: Judges Group Preparation for Alloff Termination Hearing

Trainer's Edition – Suggested responses

TIME: 30 Minutes

PURPOSE: To recognize the implications of each court hearing and examine the scope of existing views in the case being presented. The group will also establish guidelines to evaluate the evidence presented and develop questions based on available information to ask witnesses/counsel in order to promote decision making by the court.

INSTRUCTIONAL METHOD: Small- large Group Discussion and Observation

INSTRUCTIONS:

1. **Read and clarify** the judges' role description. Be sure to review the legal definitions in Legal Issues1 Handbook to be clear on terms and definitions. Carefully review the **Evidentiary Matters.** Review any other reference tools to re-enforce your understanding of the judge's position.
2. As a group **discuss** the following with a view to gathering facts that may become part of the court order:
What were the Findings of Extension of Custody Hearing?
[Custody was granted to DFCS; the case plan was ordered the goal and steps:](#)
 - What three types of evidence giving examples of each would you expect to be presented at this hearing?
[Documentary; Testimonial; Demonstrative.](#) **Make a checklist to be completed during the hearing**
 - List the areas to assess the truthfulness of witnesses at this hearing? [Body language, eye movements; hand movements; stress-shaking of legs; Face turned away, no eye contact. Also wiping hands on pants to get rid of sweat or fidgeting with hands; aggression - Clenched](#)

fists, squaring of shoulders, stiffening of posture, tensing of muscles; anxiety- Massaging temples, different than normal breathing rates, hunched shoulders, nervous head movements

- List the grounds that exist that compel the filing of a petition for the Termination of Parental Rights? Review the following grounds:
The judge must consider the *Standard of Evidence*. There must be clear and convincing evidence of parental misconduct or inability to care for the child; and *Best Interest of the Child*. If the standard of evidence can be satisfied, then you must determine that termination is in the best interest of the child. You must weigh the physical, mental, emotional and moral condition and needs of the child, including the need for a secure and stable home. You may terminate the parental rights of a parent with respect to the parent's child if one or more grounds are satisfied:

Parental Consent; Parental consent refers to the written consent of the parent acknowledged before the court

Parental Failure to Provide Support Parental failure to provide support requires that the parent must have been ordered to support the child;

Parental Abandonment; Parental abandonment requires an actual desertion of the child and the intent to disclaim all parental obligations and forego all parental duties indefinitely.

Parental Misconduct or Inability; (A).“Parental misconduct or inability” is the most frequently cited ground for termination action. The court determines parental misconduct or inability by finding that:

The child is a deprived child (as defined in Code Section 15-11-2).

The lack of proper parental care or control by the parent in question is the cause of the child's status as “deprived;”

Such cause of deprivation is likely to continue or will not likely be remedied; and

The continued deprivation will cause or is likely to cause serious physical, mental, emotional or moral harm to the child.

(B). In determining whether the child is without proper parental care and control, the court shall consider, without being limited to, the following:

A medically verifiable deficiency of the parent's physical, mental or emotional health of such duration or nature as to render the parent unable to provide adequately for the physical, mental, emotional or moral condition and needs of the child;

Excessive use of or history of chronic, un-rehabilitated abuse of intoxicating liquors or narcotic or dangerous drugs or controlled substances with the effect of rendering the parent incapable of providing adequately for the physical, mental, emotional and moral condition and needs of the child;

Conviction of the parent of a felony and imprisonment, which has a demonstrable negative effect on the quality of the parent-child relationship;

Egregious conduct or evidence of past egregious conduct of the parent toward the child or toward another child of a physically, emotionally or sexually cruel or abusive nature;

Physical, mental or emotional neglect of the child or evidence of past physical, mental or emotional neglect of the child or of another child by the parent; and

Injury or death of a sibling under circumstances which constitute substantial evidence that such injury or death resulted from parental neglect or abuse.

Additionally you must consider, without being limited to, whether the parent without justifiable cause has failed

significantly for a period of one year or longer prior to filing the petition for termination of parental rights:

To develop and maintain a parental bond with the child in a meaningful, supportive manner;

To provide for the care and support of the child as required by law or judicial decree; and

To comply with a court-ordered plan designed to reunite the child with the parent(s).

- What information would determine whether there still remains meaningful attachment between parent and child? Were there visits? How often and for how long? What was the outcome of those visits? Were cards and gifts sent? What was the evidence of attachment?
- Is there some alternative out there that you should consider that will provide some safety for these children, both emotionally and physically?
- Generate a list of questions for the parties to ask before you give your findings.
- What does the parent(s) need show they are ready for reunification? Comply with the steps and goals of the case plan and court order
- What information is really relevant to this case? Has DFCS met their goals in the case plan? Have they provided support to the parent in achieving goals and steps? How have they managed challenges to the case plan? What has the mother done to achieve goals and steps, what collateral information would help the court's decision making
- What information would determine whether meaningful contacts were made to strengthen attachment? Kinship care? Guardianship? Termination of Parental Rights? Specialized Foster care for Mickey's FTT?
- Generate a list of questions you need to ask the parties before you give your findings.

JUDGES GROUP ACTIVITY SHEET

Role Description

You will have the opportunity to observe the scope of conflicting views presented and to make determinations on whether the burden of proof in a particular hearing was met. The judge group will be called upon to make quick decisions about whether to grant: the finding of deprivation, the extension of a court order or an order terminating parental rights, the approval of the case plan, the calling of the child as a witness, etc. You may make decisions outside the information provided, i.e. – at the end of each exercise, the judge group may order something not contemplated in the text of the training. Nonetheless, for purposes of this training, the groups will move to the next exercise.

The case manager and parent group, may produce documentary evidence. Any evidence submitted has to meet the legal standard for admission into evidence. For instance, you may use a copy of prior conviction of a party but it has to be a classroom prepared certified copy. In the questioning by the parties, the parent group may make reasonable assumptions from the facts expanding the fact scenario.

You should make sure that each and every element of the termination of parental rights statute is met and check it off as the evidence is being given. Determine whether the evidence this time is clear and convincing? And what if a relative shows up at the last minute? Someone we didn't know about, nobody knew about? That will make the decision harder. Shouldn't we see if the relative can take the mother in? Is the defense going to finally rise to the occasion and ask some probing questions or produce surprise witnesses?

TYPES OF EVIDENCE CHECKLIST

**Types of
evidence
Testimonial**

**Examples Presented
Witnesses etc**

**Relevant
Y/N**

Demonstrative

Photographs etc

Documentary

Written materials ex.

[illegible]

[illegible]

[illegible]

CHILD ADVOCATE ACTIVITES

Child Advocate Group Detention Activity Sheet

Role Description

The child advocate group will be responsible for determining how to represent the best interests of their client. You will examine the facts, listen to the evidence that is presented by the Department, and develop a position at the end of each hearing. In normal juvenile court proceedings, the child advocate can introduce documentary, testimonial, and demonstrative evidence. During this training you will examine the facts that have been presented, come up with cross-examination questions for the Department's witnesses, and make recommendations regarding the interests of your client.

Detention Hearing Activity

TIME: 30 Minutes

INSTRUCTIONAL METHOD: Small group discussion and observation

DETENTION HEARING: The detention hearing is the first formal proceeding in a deprivation action. The hearing is normally held within 72 hours of the date the child enters foster care. The purpose of the hearing is to determine if there is probable (reasonable) cause to believe that abuse or neglect has occurred. As you learned in legal I training, hearsay evidence is admissible at the hearing. This means that witnesses may be permitted to testify to what someone else has said. As the Child Advocate, your job during the hearing is to protect the interests of the child. You should look at the detention hearing as a vehicle to gather necessary information from the Department and the parents. Your ultimate responsibility is to assist the court in determining whether abuse or neglect has occurred, and where the child should be placed during the pendency of the proceedings.

INSTRUCTIONS:

1. Read the fact scenario, and the Child Advocate's role description. Select a person to serve as the group's representative. This person will be responsible for cross-examining the Department's witnesses, and presenting the group's recommendation(s) to the court.
2. As the group formulates a recommendation, and develops cross examination questions, the following issues should be discussed:
 - a. Representing a child
 - How do you represent a child? What issues must be taken into consideration in representing the interests of your client?

- What potential harm, if any, is there to the child if he/she is returned to his/her parent(s)?

b. The Department's investigation

- Was the case manager's investigation consistent with DFCS policy?
- Were the case manager's actions reasonable under the circumstances? Why, or why not? How was your client affected by the case managers' actions?
- Do the parents pose a risk to the child? If yes, how?
- What additional information should be gathered about the family if the case proceeds to the adjudicatory hearing? How would you go about gathering that information, and what would you do if the Department or the family failed to cooperate with you?
- Were there services that could have been provided to the family to prevent the child's removal from the home?
- If you had limited information about the case, what would you do to prepare for the hearing?

c. Recommendation

- Based on the facts, and the evidence, is there probable cause to believe that the child has been abused or neglected? Why, or why not.
- What is your recommendation going to be regarding the child?

d. Observation

- During the testimony phase of the training, pay close attention to the witness' demeanor on the stand. Note, how the witness responds to questions, interacts with the attorneys, and the judge, and how well he or she recalls the facts of the case. Write down your observations, and be prepared to share them at the end of the exercise.

[illegible]

Child Advocate Group Adjudication Activity Sheet

Role Description

The child advocate group will be responsible for determining how to represent the best interests of their client. You will examine the facts, listen to the evidence that is presented by the Department, and develop a position at the end of each hearing. In normal juvenile court proceedings, the child advocate can introduce documentary, testimonial, and demonstrative evidence. During this training you will examine the facts that have been presented, come up with cross-examination questions for the Department's witnesses, and make recommendations regarding the interests of your client.

Adjudicatory Hearing Activity

TIME: 30 Minutes

INSTRUCTIONAL METHOD: Small group discussion and observation

ADJUDICATORY HEARING: The purpose of the adjudicatory hearing is for the court to determine if the child is deprived, as defined by Georgia Law. If the child is in the Department's custody, the hearing must be scheduled within 10 days of the date that the petition is filed. For children that are not in the Department's custody, the hearing must be scheduled no later than 60 days after the petition is filed. During the hearing, the parent(s)' attorney, the SAAG, and the child advocate may present testimonial, documentary, and demonstrative evidence. Unlike the detention hearing, hearsay evidence is not admissible. At the conclusion of the hearing, the court must decide if the evidence supports a finding that the child is "without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health or morals.

In a real deprivation action, the Child Advocate would be responsible for speaking with witnesses, including the child; and gathering all necessary information to enable him/her to make recommendations to the court regarding deprivation, and placement.

INSTRUCTIONS:

1. Read the fact scenario, and the Child Advocate's role description. Select a person to serve as the group's representative. This person will be responsible for cross-

examining the Department's witnesses, and presenting the group's recommendation(s) to the court.

2. As the group formulates a recommendation, and develops cross-examination questions, the following issues should be discussed:

a. Representing a child

- How do you represent a child? What issues must be taken into consideration in representing the interests of your client?
- What potential harm, if any, is there to the child if he/she is returned to his/her parent(s)?

b. The Department's investigation

- Was the case manager's investigation consistent with DFCS policy?
- Were the case manager's actions reasonable under the circumstances? Why, or why not? How was your client affected by the case manager's actions?
- Do the parents pose a risk to the child? If so, how?
- What additional information do you need to know about the child and his/her parents to enable you to make a recommendation in this case?
- Are there services that can be provided to the child to allow her to be returned to her parent's care?

c. Hearing

- Would you call the child as a witness? Why, or why not?
- What witnesses would you call, and what evidence would you present at the hearing? Why?

d. Recommendation

- Based on the facts, and the evidence, should the child be found deprived? Why or why not?
- If the child is found to be deprived, what would be your recommendation regarding legal custody (i.e.

custody with the parent, the Department or some other person?)

- What would your recommendation be if the child wanted to be returned to her parents, but that was not in her best interest?
- What services, if any, should be provided to the family?

e. Observation

- During the testimony phase of the training, pay close attention to the witness' demeanor on the stand. Note, how the witness responds to questions, interacts with the attorneys, and the judge, and how well he or she recalls the facts of the case. Write down your observations, and be prepared to share them at the end of the exercise.

[illegible]

Child Advocate Group Extension/Permanency Activity Sheet

Role Description

The child advocate group will be responsible for determining how to represent the best interests of their client. You will examine the facts, listen to the evidence that is presented by the Department, and develop a position at the end of each hearing. In normal juvenile court proceedings, the child advocate can introduce documentary, testimonial, and demonstrative evidence. During this training you will examine the facts that have been presented, come up with cross-examination questions for the Department's witnesses, and make recommendations regarding the interests of your client.

Extension/Permanency Hearing Activity

TIME: 30 Minutes

INSTRUCTIONAL METHOD: Small group discussion and observation

EXTENSION/PERMANENCY HEARING: A court order placing a child in the custody of the Department continues in effect for a period of twelve (12) months from the date the child is considered to have entered foster care, unless it is terminated earlier by the court. At the extension hearing, the court must determine if the child continues to be deprived. At that hearing the court may also determine the permanency plan for the child. The parent's attorney, the SAAG and the child advocate will be given an opportunity to present evidence, and make recommendations to the court regarding extension of custody, and adoption of the permanency plan.

In preparation for the Extension/Permanency hearing the Child advocate must review the parent's compliance with the case plan goals, and look at the effectiveness of the reunification services that were provided to the family. The child advocate should speak with his or her client, and advocate a position that is in the child's best interest.

INSTRUCTIONS:

1. Read the fact scenario, and the Child Advocate's role description. Select a person to serve as the group's representative. This person will be responsible for cross-

examining the Department's witnesses, and presenting the group's recommendation(s) to the court.

2. As the group formulates a recommendation, and develops cross examination questions, the following issues should be discussed:

a. Representing a child

- How do you represent a child? What issues must be taken into consideration in representing the child's interests?
- What potential harm, if any, is there to the child if she is returned to her parent(s)?

b. The case

- Based on the facts in this case, is the Department making reasonable efforts to reunify the family? Why, or why not?
- Are the parents complying with the terms of the case plan? If not, are there additional services that need to be provided to the family?
- What additional information do you need to know about the child and her parents to enable you to make a recommendation in this case?
- Are there services that can be provided to the child to allow her to be returned to her parent's care?

c. Hearing

- Would you call the child as a witness? Why, or why not?
- What witnesses would you call, and what evidence would you present at the hearing?

d. Recommendation

- Based on the facts, and the evidence, should the Department's custody be extended? Why or why not?

- Should the permanency plan be adopted? Why or why not?
- If the court determines that the child continues to be deprived, what would be your recommendation regarding legal custody (i.e. custody with the parent, the Department or some other person?)
- What would your recommendation be if the child wanted to be returned to her parents, but that was not in her best interest?
- What services, if any, should be provided to the family?

e. Observation

- During the testimony phase of the training, pay close attention to the witness' demeanor on the stand. Note, how the witness responds to questions, interacts with the attorneys, and the judge, and how well he or she recalls the facts of the case. Write down your observations, and be prepared to share them at the end of the exercise.

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Child Advocate Group Termination Activity Sheet

Role Description

The child advocate group will be responsible for determining how to represent the best interests of their client. You will examine the facts, listen to the evidence that is presented by the Department, and develop a position at the end of each hearing. In normal juvenile court proceedings, the child advocate can introduce documentary, testimonial, and demonstrative evidence. During this training you will examine the facts that have been presented, come up with cross-examination questions for the Department's witnesses, and make recommendations regarding the interests of your client.

Termination Hearing Activity

TIME: 45 Minutes

INSTRUCTIONAL METHOD: Small group discussion and observation

TERMINATION HEARING: There are numerous grounds for terminating parental rights under Georgia Law. They include, but are not limited to:

- The parent's willful and wanton failure to provide financial support to the child;
- Child abandonment;
- Parental misconduct or inability which results in deprivation, which is likely to continue and will be harmful to the child if parental rights are not terminated, etc.

The termination hearing is a full evidentiary hearing, at which the court must decide if the evidence supports a finding that termination of parental rights is in the best interest of the child. As in other hearings, the Child Advocate can present evidence, and make recommendations to the court. Upon terminating the parents' parental rights, the court must then decide who shall have permanent custody of the child. In preparation for the hearing the Child Advocate should review all relevant court documents, and services that were provided to the child and the family. The advocate should also speak with the child to determine the child's wishes regarding placement.

INSTRUCTIONS:

1. Read the fact scenario, and the Child Advocate's role description. Select a person to serve as the group's representative. This person will be responsible for cross-examining the Department's witnesses, and presenting the group's recommendation(s) to the court.
2. As the group formulates a recommendation, and develops cross-examination questions, the following issues should be discussed:

a. Representing a child

- How do you represent a child? What issues must be taken into consideration in representing the child's interests?
- What potential harm, if any, is there to the child if she is returned to her parent(s)?
- What potential harm, if any, is there to the child if parental rights are terminated?

b. The case

- Based on the facts, should parental rights be terminated? Why or why not? Consider the services, or lack thereof, that the Department provided to the family, and the parents' compliance with the terms of the case plan.
- What additional information do you need to know about the child and her parents to enable you to make a recommendation in this case?

c. Hearing

- Would you call the child as a witness? Why, or why not?
- What witnesses would you call, and what evidence would you present at the hearing?

d. Recommendation

- Should parental rights be terminated? Why, or why not?
- If the court determines that parental rights should be terminated, what would be your recommendation regarding legal custody (i.e. custody with the parent, the Department or some other person?)
- What would your recommendation be if the child wanted to be returned to her parents, but that was not in her best interest?

e. Observation

- During the testimony phase of the training, pay close attention to the witness' demeanor on the stand. Note, how the witness responds to questions, interacts with the attorneys, and the judge, and how well he or she recalls the facts of the case. Write down your observations, and be prepared to share them at the end of the exercise.

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