

Parental Defense Alliance of Utah



Annual Report
July 2014-June 2015

Executive Summary

The Parental Defense Alliance of Utah is a non-profit organization created to provide training and assistance to attorneys who represent parents in Utah's child welfare proceedings. From removal to reunification, or even at termination of parental rights, parental defense attorneys are committed, dedicated advocates, well-versed in the laws and practice of child welfare law in the juvenile courts. We are proud to serve them.



Year in Review

During the fiscal year 2014-2015 the Parental Defense Alliance of Utah (PDA) continued fulfilling its mission to provide the best possible training and assistance to Utah's parental defense attorneys.

During the year we added a new board member; we provided a number of in-person trainings, including a successful annual conference and released several trainings online; we updated our website and used our blog and emails to provide relevant information related to child welfare to our members and

contacts. We also participated in several trainings

both inside and outside of the state, along with other statewide committees related to child welfare. And finally, we continued to reimburse funds to attorneys who represent indigent parents for the purposes of appeal and expert testimony.



Board Members

The PDA began the year with three board members. Kate Hansen served as the Executive Director, with Grant Dickinson and David Boyer as directors. In March 2015 we added Carol Mortensen as a third director to serve the northern Utah regions. Carol practices out of Weber County, is an experienced and enthusiastic parental defense attorney and an excellent addition to the PDA team.

Trainings, Seminars and Conferences

One of the main charges of the PDA is to provide training opportunities for continuing legal education credit (CLE) to parental defense attorneys in the state of Utah. This past year we provided four different in-person trainings, one of which we simultaneously webcast for those who were unable to attend in person. This was the first time we used technology to hold a webcast of a live training. Due to the fact that many of our attorneys live off the Wasatch Front we feel this is an excellent way to ensure training opportunities for all parental defense attorneys.

Another way to provide trainings to those unable to attend in person is through on-demand video versions of trainings. We released an on-demand version of one of this year's trainings along with an online version of the *Juvenile Court Boot Camp for Parental Defense Attorneys* which was filmed in April 2014 at the previous annual conference.

The following is a summary of each individual event:

September 19, 2014

Event: Lunch CLE
 Location: Sheraton Hotel, Salt Lake City, Utah with simultaneous webcast
 Topic: *Mistakes Attorneys Make in Juvenile Court*
 Panelists: Judge James R. Michie, Jr. of the Third Judicial District
 Judge Sharon S. Sipes of the Second Judicial District
 Retired Judge Kay Lindsay previously of the Fourth Judicial District
 Number of Registrations: 60

In September we held a lunch CLE in downtown Salt Lake City with a panel of three juvenile court judges—one retired and two sitting. The topic of discussion was mistakes attorneys make in juvenile court. We asked each of the judges to take a few minutes to share their thoughts on the subject and then we opened up the discussion with questions from the audience, including the web audience.

In addition to inviting the parental defense attorneys, we opened up registration to interested assistant attorneys general, guardians ad litem and CASA workers. We had 60 persons register and provided CLE credit to 32 attorneys (including the webcast viewers). The feedback was overwhelmingly positive. One attorney told us “Panel was refreshing . . . great choice of judges.” One of the CASA workers let us know “This was interesting and informative. Thank you so much for including the CASAs. It was well organized and well run. The judges’ advice was helpful for all of us. Thank you.”

In an effort to make this training more widely available, we broadcast it live over the web and were able to take questions via email from those in the web audience. We had 6 attorneys who viewed the webcast and received CLE credit. Following the webcast we made the video recording of the training available online for 1 hour of CLE. It was released in January 2015 and since that time 4 attorneys have registered to view the training.

February 6, 20 and 27, 2015

Event: Lunch CLE
 Location: Painted Pony in St. George, UT (February 6, 2015)
 Sagebrush Grill in Richfield, UT (February 17, 2015)
 Vernal Quarry in Vernal, UT (February 27, 2015)
 Topic: *Parent Time and Parent Time Timelines*
 Presenter: David Boyer, PDA
 Number of Registrations: 7, 4 and 4, respectively

In February, building on the success of the lunches from the previous year, we reached out to attorneys in outlying communities to discuss with them parent time and how an attorney might encourage the court to implement timelines to progress the parent time visits and improve the

quality of the time parents have with their children. Board Member, David Boyer, was the primary presenter and shared handouts and documents that had been used in other courts with the participants.

The PDA feels the smaller lunches that are held in communities off the Wasatch front are a great way to meet and interact with the parental defense attorneys around the state. We plan on continuing the lunch CLEs in the coming years.

April 23-24, 2015

Event: Annual Parental Defense Conference

Location: Zermatt Resort, Midway, Utah

Number of Registrations: 152

Presenters:

- KEYNOTE: *Reasonable efforts: A Judicial Perspective* by Ret. Judge Leonard Edwards
- *Ethics for Parental Defenders* by Adam C. Bevis of the Utah State Bar
- *Common Mistakes in Interviewing Children* by Sergeant Travis Peterson
- *What's New with Homeworks?* By Kyla Openshaw of DCFS
- *Legislative Update* by Senator Wayne Harper
- *Litigating Complex Medical Child Abuse Cases* by Grant Dickinson and Ryan Peterson
- *Mental Health Diagnosis and Parental Defense* by Stan and Susan McCracken
- *The Adverse Childhood Events Study (ACEs): Implications of Long-Term Effects* by Dr. Randell Alexander
- *Professionalism and Civility Challenge* by Grant Dickinson
- *Understanding Parent Rights under the ADA and IDEA* by LauraLee Gillespie of the Disability Law Center
- *Case Law Update* by Danielle Allison of Expert Paralegal Services

This year's annual conference was again the largest we have held, without the addition of the Guardians ad Litem (GALs).¹ We had 152 persons register, which is approximately 10 more parental defense attorneys than last year. Of those surveyed, 16.7% reported that this was the first year they had attended the conference.

In addition to the presentations we also had an E-Filing Booth sponsored by the Juvenile Courts to help prepare the parental defense attorneys for the mandatory E-filing that will be taking place later in the year.

¹ Last year we had more attorneys total because approximately 40 GALs attended our annual conference with us. They did not attend this year.

The majority of the feedback we received about the conference was positive. We had nearly 97% of those surveyed rate the conference as either “Excellent” or “Good” with over half of the survey responders saying that it was “Excellent”. One of the participants told us “Perhaps it’s because of the early stage of where I’m at in my parental defense practice and the specialized nature of this practice, but this was among the top five CLEs I’ve ever attended in terms of acquiring useful information that I can apply to and improve my existing practice, and I’ve attended a few hundred CLEs over the 20 years I’ve been practicing law. Thank you for organizing it!” Another let us know “Overall the conference was informative and helpful.”

June 5, 2015

Event: Screening of Documentary Film *Tough Love* with Q&A to Follow
 Location: The Gateway Megaplex Theaters, Salt Lake City, Utah
 Panelists: Filmmaker Stephanie Wang-Breal and Ret. Judge Patricia Clark from the film
 Number of Registrations: 137

Our June event was unique in that we were able to host a screening of the documentary film *Tough Love* (www.toughlovedfilm.com) about two parents—one in Seattle and one in New York City—attempting to navigate the child welfare proceedings and reunite with their children. We hosted the screening at a movie theater for the best viewing available and following the screening were able to hear from the filmmaker and one of the judges in the film. We opened up this event to anyone interested in attending, including judges, attorneys, CASA workers and court staff.

One parental defense attorney shared with me afterwards “Very impressed that the judge and filmmaker were here in SLC for the event. Both very impressive. I was able to talk with them right after the Q&A. An honor. Every juvenile court judge, AG, and GAL needs to watch this film!”

As part of the package purchased, we acquired a DVD copy of the film and will be able to share it with other agencies, groups and persons in the child welfare field. It is an excellent film that offers a unique up close perspective on what parents go through to reunite with their children.

Videos

In April 2014 we held a session at our annual conference wherein Grant Dickinson covered an entire juvenile court child welfare case in one hour. We filmed the training and we able to make the video available for CLE credit online in November 2015. Since that time 6 attorneys have registered to view it.

As of the end of the fiscal year 2014-2015 we had a library 4 videos available for CLE credit:

- Structured Decision Making: Safety and Risk Assessments (3 hours)
- Children of Incarcerated Parents (.5 hours)
- Juvenile Court Boot Camp for Parental Defenders (1 hour)
- Judges Panel: Mistakes Attorneys Make in Juvenile Court (1 hour)

During the year we had approximately 40 registrations for all of the videos and broadcasts together. The PDA will continue to make trainings available online where appropriate. Not only will this help attorneys who are currently practicing child welfare law, but as new attorneys join the practice, these videos will be available to provide training and supplement the live in person events that we will continue to put on.

Website, Outreach and Counseling

Website—www.parentaldefense.org

The PDA continues to look for ways to improve the website so that it is an excellent resource to parental defense attorneys around Utah. In the past year we were able to add webpages for use during the annual conference, which allows us to distribute materials digitally and save printing costs.

One of the improvement projects that we have currently been working on is a case law data base of child welfare cases in Utah. Currently there is no database available to attorneys that focuses specifically on child welfare cases. Once complete, this collection of cases will be searchable by topics—such as “removal”, “termination” or “abandonment”. The project is a large one because it comes in two parts. First all the cases in Utah must be catalogued and tagged by topic and second we must not only create the website interface, but would like it to be flexible enough to add cases to it in the future.

During the 2014-2015 year we were able to complete the first part and begin the second part. All the child welfare cases have be compiled and tagged for topics. The database in currently underway with our web developers. We are hopeful that it will be complete during the following fiscal year.

Blog—www.parentaldefense.blogspot.com

In addition to the website, our Blog has become an integral part in sharing relevant information with attorneys. The Blog is an easy way to post on a variety of topics. During the fiscal year we posted to our blog 68 times, which averages more than 5 and ½ times a month. We use the blog to post about happenings within the PDA, including in-person and online trainings, local and national news items related to child welfare, case law of import from other states, law review articles, and other resources.

Those interested can subscribe to the Blog to get updates. The Blog is also searchable and posts are tagged by topic, so it can be used as a resource for attorneys looking for information on a specific topic.

Parental Defense Database and Emails

The PDA's contract requires it to maintain a database of parental defense attorneys and to use emails to provide updates. Last year we implemented the use of a member management software called WildApricot. This has been an excellent program because it allows us to not only keep track of members but to email them all at once. We can also provide these emails to contacts who do not seek to be members.

At the end of the fiscal year we had 297 contacts in the database and 260 of those were considered members. The members have their information displayed on our website as part of the directory, while the contacts do not. Members can manage any changes to their personal information by logging into the database which is linked to the website.

During the fiscal year the PDA sent 27 emails out to all the contacts, which averages to just over 2 a month. Most of the emails have been related to PDA events and training, but we have also included references back to blog posts for those who do not read the Blog regularly. This has resulted in an increase of traffic to the Blog.

Counseling

The PDA continues to act as a resource to parental defense attorneys who may need direction or insight regarding a particular case. This past year we consulted with a number of attorneys regarding various issues relevant to child welfare and juvenile court practice. In some cases our responses to attorney questions were made available to all parental defenders via email and our Blog.

Other Activities

In addition to the activities that are covered by our contract with the State of Utah, the PDA participated in other activities that enhanced our mission to assist the parental defense attorneys. The PDA attended the meetings of the Child Welfare Legislative Oversight Panel, participated in various committees of Utah's Court Improvement Program and worked with agencies and legislators on relevant legislation. The PDA also worked with the Juvenile Court to provide notice and information to the parental defense attorneys regarding the forthcoming E-Filing program.

Other Conferences and Trainings

There are numerous local and national conferences and trainings on subjects relevant to child welfare. The PDA board wanted to expose themselves, as well as other parental defenders, to what other state and local agencies are doing and to national trends and ideas. Therefore, the PDA sent three members to one out-of-state conference and had board members attend several others.

- July 14-16, 2014: Annual Conference of the National Council of Juvenile and Family Court Judges, Chicago, IL; attended by PDA Executive Director, Kate Hansen
- August 14-15, 2014: 2014 Utah Court Improvement Program Summit, The Fabric of Family: Reexamining the Role of Family Connections in Child Welfare; Salt Lake City, UT; attended by PDA board and other PDA members
- August 18-20, 2014: NACC 37th National Child Welfare, Juvenile, and Family Law Conference; Denver, CO; attended by board member David Boyer
- September 10-12, 2014: Utah Association for Domestic Violence Treatment Conference; Provo, UT; attended by PDA board member David Boyer
- October 15, 2014: Health and Resilience Symposium: Growing a Trauma Informed Community; Salt Lake City, UT; attended by board member David Boyer
- October 16-18, 2014: National Child Abuse Defense and Resource Center; Child Abuse Allegations: The Law, The Science, The Myths, The Reality; Las Vegas, NV attended by PDA members Rob Latham, Carol Mortensen, Angela Fannesbeck
- June 8-10, 2015: 2015 Children's Justice Symposium/UPC Domestic Violence Conference; Midway, UT; attended by several PDA members

Assistance on Appeal

A parental defense attorney representing a parent or parents that are the subject of a petition alleging abuse, neglect, or dependency under the provisions of Title 78 Chapter 3a, Juvenile Courts, Part 3 or 4 and who have been determined by the court to be indigent pursuant to the provisions of Utah Code Section 77-32-202, may apply to the Parental Defense Alliance for reimbursement of certain services or costs. A parental defense attorney whose clients meet the requirements may be reimbursed for the costs of procuring expert witness services, paralegal services on appeal, and court transcripts for appeals, in order to assist in providing an effective defense.

As of August 1, 2012, the PDA instituted a new policy requiring a qualitative review of the issues in the case prior to reimbursement approval in order to ensure that the funds be used to assist in meaningful changes in the law.

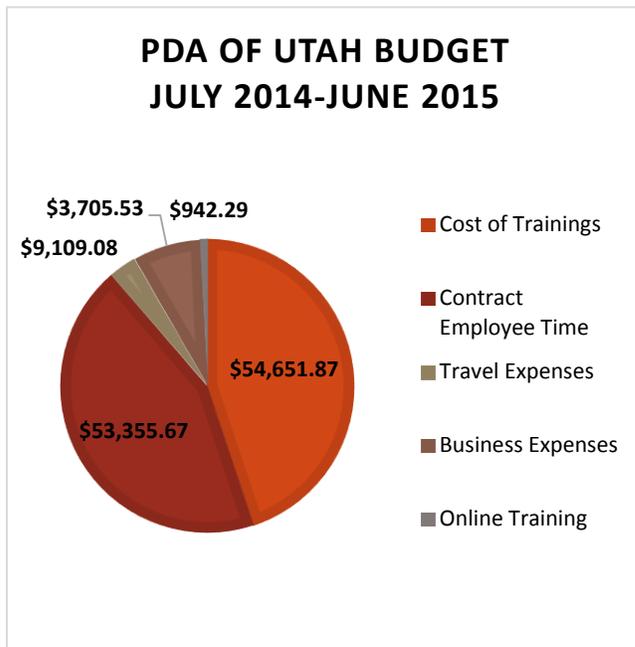
The total aggregate amount of grant reimbursements for services cannot exceed the amount available in the "Child Welfare Parental Defense Fund," a restricted fund created by Utah Code Section 63A-11-203. The balance of the restricted fund at the end of the fiscal year was \$63,361.26.

During the fiscal year, the PDA provided reimbursement of expenses for eight different appeals in the amount of \$15,143.74, which amount is approximately the same as last year. One of the things we also began to track is the amount spent on each appeal. Our policies call for only \$4,500 for experts, \$2,500 for appeal transcripts and \$2,500 for paralegal help on appeal. We

have not always maintained expenditures within those restrictions, but as the fund continues to wane, we will try to stay closer to the policy numbers.

Budget

The PDA of Utah has an annual budget of \$85,400 appropriated from the Utah legislature. In addition to those funds, the PDA received \$9,000 towards the cost of our annual conference and \$2,500 towards the *Tough Love* film event from the Court Improvement Program. We received \$14,088 in revenue from the Annual Conference due to the \$100 attendance fee and the cost of meals for guests. We also received a nominal amount of \$45.80 in online training income. Thus our total budget for the year 2014-2015 was \$111,033.80.



During the fiscal year, the PDA of Utah expended \$121,747.10. This means that we spent \$10,713.34 over budget, which money was from a surplus from previous years.

The largest increase in spending over last year was in trainings. We spent approximately \$8,000 more than in 2013-2014. This is largely due to sending some of our members to the training in Las Vegas as noted above and to the fact that we did more events than last year. We also had an increase of approximately \$4,000 in employee time which can be attributed to the

conferences attended by the board. There was also an increase of approximately \$4,000 in business expenses. This increase is due to the spending on the project to create a case law database of child welfare law. We also began tracking our spending on online training separately, which resulted in nearly \$1,000 in spending.