

Parental Defense Alliance of Utah



Annual Report
July 2012-June 2013

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 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

In April 2013, the PDA of Utah added a new executive director, Katherine Hansen. Ms. Hansen is a 2002 graduate of the J. Reuben Clark Law School at Brigham Young University. She clerked for Judge J. Thomas Greene of the Federal District Court bench and practiced with Holland & Hart from 2005 until 2009.

In order to meet the needs of the Parental Defense attorneys around the state of Utah, the PDA provides reimbursement for certain court related expenses, observers the court room proceedings in juvenile court, and provides resources and counseling to individual attorneys. We also seek to provide training and networking opportunities that include continuing legal education credits.

Reimbursement of Expenses

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 \$92,384.

During the fiscal year, the PDA provided reimbursement of expenses for seven different appeals in the amount of \$10,763.27.

Court Room Observation

The PDA continues to observe the child welfare proceedings in juvenile court in order to improve the practice of parental defenders. During the fiscal year, we observed court proceedings in American Fork, Vernal, Orem, Brigham City, as well as those in Salt Lake County.

Counseling

The PDA continues to act as a resource to parental defense attorneys who may need direction or insight regarding a particular case. We consulted with a number of attorneys regarding various issues, including discovery, waiver of fees for indigent parents, trial strategy, appeals and other matters of juvenile court practice. In addition, we have provided pertinent cases and information to parental defenders via email and our website.



Events

The PDA of Utah continues to provide training opportunities for continuing legal education credit to parental defense attorneys in the state of Utah. In 2012, we held three different trainings.

September 28, 2012

Event: Lunch CLE
 Topic: Raising a Due Process Challenge to the Juvenile Appellate Process
 Location: Brick Oven, Provo, Utah
 Number of Attendees: 11
 Presenter: Sharon Sipes, PDA of Utah

October 26, 2012

Event: Lunch CLE
 Topic: Understanding Drug Tests
 Location: Courtyard Marriott, Sandy, Utah
 Number of Attendees: 46
 Presenter: Diana Rugh Johnson, CWLS from North Carolina
 Response: 64% of attendees found the information extremely useful, and 27% found it very useful. Nearly 73% of attendees considered their skills to have improved because of the training either “a lot” or “a great deal.”

April 17-18, 2013

Event: Annual Parental Defense Conference
 Location: Zermatt Resort Midway, Utah
 Number of Attendees: 129
 Presenters:

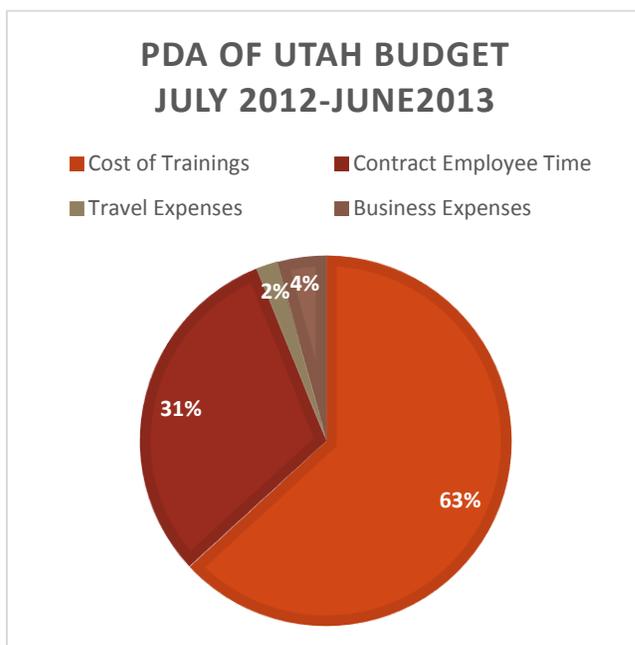
- Martin Guggenheim, NYU Law School –*Why We Should Be Proud to Represent Parents in Child Welfare Proceedings*
- Lisa Lokken, Lokken & Associates—*Professionalism and Civility*
- Lincoln Mead, Utah Bar—*Paperless Office and Tablet Computing*
- Nicole Black, MyCase.com—*Safety & Security in a Digital World*

- Michael Rawson, Coleen Coeberg, Neil Skousen, Carol Mortensen—*Tips & Trick Panel*
- Douglas F. Goldsmith, Ph.D., The Children’s Center—*The Characteristics of a “Good Enough” Parent*
- Jeff Harrop, DCFS—*DCFS Program & Practice Improvements*
- Kevin Jackson, DCFS—*DCFS Program for In-Home Services*
- Brent Salazar-Hall, Lokken & Associates—*Using the Practice Guidelines in Parental Defense*
- Troy Booher, Zimmerman, Jones & Booher, LLC—*Appellate Advocacy for Non-Appellate Attorneys*
- Danielle Allison, Expert Paralegal Services—*Case Law Update*

Response: 63% of the attorneys who attended reported that the conference was excellent and another 36% reported that it was good. We received positive feedback on nearly all of the presentations. Mr. Guggenheim and Dr. Goldsmith were particularly well received. One attendee reported, “I have come for the past 3 years. Content was the best yet.” Another stated, “I learned things that I can apply to my practice on Monday.”

Budget

The PDA of Utah has an annual budget of \$85,400. In addition to those funds appropriated by the legislature, we received \$9,000 towards the cost of our annual conference from the Court Improvement Program. We also charged our members \$100 each to attend the annual conference which resulted in revenues of approximately \$11,000 this past year.



During the fiscal year, the PDA of Utah expended \$97,036.14. The largest portion of that was used for the direct costs of putting on the training events (\$61,259.04). The next largest portion was the payment of time to the contracted employees of the PDA (\$29,861.34). It may be noted that more than one third of the time that was reimbursed was directly related to the annual conference alone. More than 80% of the time spent by contracted employees was related to organizing trainings, observing in court and consulting with attorneys. The balance of time was administrative work

for the non-profit corporation. The smaller portions of the budget were used for travel related expenses (\$1,826.70) and business expenses (\$4,089.06).