

Parental Defense Alliance of Utah



Annual Report
July 2013-June 2014

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

The fiscal year 2014 was a busy one for the Parental Defense Alliance. We updated our website, provided a number of trainings in person which we subsequently made available online, held a successful annual conference and made some personnel changes.



Sharon S. Sipes, who had been with the PDA since its inception was appointed by Governor Gary Herbert and confirmed by the State Senate to be a juvenile court judge in the Second District. While we miss Sharon's expertise, keen insight and sense of humor we know she will make a distinguished jurist and provide excellent decisions for Utah's families.

David Boyer and Grant Dickinson stepped into Sharon's shoes in December 2013. They bring a wealth of experience from the private and public sector of parental defense practice.

Trainings, Seminars and Conferences

One of the main charges of the PDA of Utah is to provide training opportunities for continuing legal education credit to parental defense attorneys in the state of Utah. This past year we provided three different trainings and made efforts to make some of them available online.

October 11, 2013

Event: Half-day CLE with lunch
 Location: Utah Valley Convention Center, Provo, Utah
 Topic: *Structured Decision Making: Safety and Risk Assessments*
 Presenters: Linda Wininger, Kevin Jackson and Sarah Houser of DCFS
 Number of Attendees: 25 (40 registered)

The Department of Child and Family Services joined us in October for a training on their Structured Decision Making protocol that had been implemented in the months previous to the training. They specifically trained PDA members on the Safety and Risk Assessments that are made at the time of removal, as well as the Risk Reassessment. This was the same training received by all DCFS caseworkers.

The feedback we received was universally positive. One attendee let us know, "Having a good understanding of SDM is extremely helpful to determine whether DCFS used correct criteria to remove children from custody of parents and whether children can be safely returned or maintained at home with ongoing services." Another said, "This training offered information absolutely necessary to understand the decision making process behind DCFS decisions to get

involved in a family. If the decision is to get involved, how intrusive the involvement will be and what considerations to decide when to get out of the case."

In an effort to make this training more widely available, DCFS allowed us to film the training. This was the first time that we filmed a training for the purpose of making it available online. Following editing, we added some footage of a round table discussion on how parental defenders can use the Assessments in their practice, which we filmed in March 2014. The final video was made available in April 2014 for 3 hours of self-study CLE credit at \$35.00. On June 28 2014, we offered the broadcast for free. Since its launch, 13 people have signed up to watch it.

January 17 and 31, 2014

Event: Lunch CLE
 Location: Maddox Ranch House, Perry, Utah (January 17, 2014)
 La Fiesta Restaurant, Cedar City, Utah (January 31, 2014)
 Topic: *Helping Incarcerated Parents*
 Presenter: Grant Dickinson, PDA
 Number of Attendees: 9 and 6, respectively

In January, one of our new Directors Grant Dickinson presented a training on helping parents who are incarcerated to participate in a service plan and prevent termination of parental rights. He and David Boyer traveled to Perry, Utah on January 17, 2014 and to Cedar City on January 31, 2014. The small lunch events were well attended and provided an opportunity for our newest directors to network with some of the members to the north and south of the state.

Those who attended provided positive feedback on the presentation. One attendee told us, "It was in my local area and was well organized and interaction was allowed and encouraged." Another said, "On point, great insight and tactics." And still another let us know, "Extremely helpful resources & discussion tailored to our questions"

In March 2014, we filmed the presentation made in January at the offices of Moody Brown in Provo, Utah in order to have an online version. We requested and were granted permission to use a Sesame Street video as part of the presentation. The video is available online for one half hour of CLE credit and is offered for free. Since its launch 4 attorneys have signed up to watch the presentation.

April 10-11, 2014

Event: Annual Parental Defense Conference
 Location: Park City Marriott, Park City, Utah
 Number of Attendees: 180 (Of those Approximately 40 were GALs)

Presenters:

- Dr. Harold Blakelock of Behavior Change Clinic, [Uncovering Lies and Detecting Deception](#)
- John Pickup of Intermountain Polygraph, [Understanding Polygraphs](#)
- Anna-Lee Hernandez and Anna O'Hearon of Children Service Society, [The Importance of Kinship Placement](#)
- Jennifer Brown and Michael Karras of Tesch Law Offices, [How to Prepare a Trial to Run Smoothly](#)
- Brent Newton, Carol Mortenson and Senator Todd Weiler, [Panel on Open Adoption Contracts](#)
- Senator Todd Weiler, [Legislative Update](#)
- Utah County K-9 Officers and Utah County Sheriff's Department, [Street Drugs and K-9 Presentation](#)
- Grant Dickinson of PDA, [Juvenile Court Bootcamp](#)
- Drum Ceremony by the Piute Tribe narrated by Damon Polk
- Sheldon Spotted Elk of the Ute Tribe, [Why are Indian Children So Special: Federal Indian Law and ICWA](#)
- Lisa Lokken and Martha Pierce, [Using ICWA to Help Your Client](#)
- Neil Skousen, Angela Fannesbeck, Herbert Gillespie and Brent Hall, [Panel on the ABA Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases](#)
- Dr. Kristine Campbell, [Differential Diagnosis of Child Physical Abuse](#)
- Ron Wilkinson of Heritage Law Offices, [Professionalism and Civility](#)
- Danielle Allison of Expert Paralegal Services, [Case Law Update](#)

This year's annual conference was the largest to date, and was held in conjunction with the Office of Guardian Ad Litem. It was also the first time that we made all the conference materials available online. The only session we filmed was the Juvenile Court Bootcamp which will be available online sometime next year.

The majority of the feedback we received was positive. Some of attendees appreciated that the materials were available online. One said, "Very well done. So glad to be paperless." Another noted, "I loved having the materials online and my only feedback would be to encourage presenters to provide it in advance so that we weren't refreshing during the presentations to get it. But otherwise this was fantastic!"

New Website and Other Online Resources

This year, in anticipation of making some of our trainings available online, we updated our website. The redesign has made the site more user friendly and offers more flexibility to make changes in the future. We also launched a blog to accompany the new website. The blog will take the place of the newsletters which we have sent out during certain periods in the past. We have used the blog to update our membership regarding new case law, trends in child welfare

law, and resources available to parental defenders, in addition to updates from the PDA and member spotlights.

In addition to updating the website and launching the blog, we have also made adjustments to other online resources. We moved the management of our email and membership lists over to Wild Apricot. This service is a better management tool to keep track of information on our members and allows us to send out regular emails. It also allows members to update their own information. We also moved our event planning software over to RegOnline. This is a less expensive option that provides the same functionality as the platform used in the past. In addition we are able to more easily process credit cards. These streamlined processes will not only save the PDA money but will save the time of our Directors that can be spent on more valuable projects.

Outreach and Counseling

During the last fiscal year we have continued our efforts to reach out to the membership of the PDA. In the spring we sent a letter by traditional mail to the public defenders in the state introducing the newest directors of the PDA. The upgrade to our membership software has also allowed us to more consistently email members and those on our mailing list. We continue to observe court proceedings around the state and contact individual members.

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, including discovery, motions to establish paternity, the parental presumption, trial strategy, appeals and other matters of juvenile court practice. In some cases our responses to attorney questions were made available to all parental defenders via email and our blog.

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.

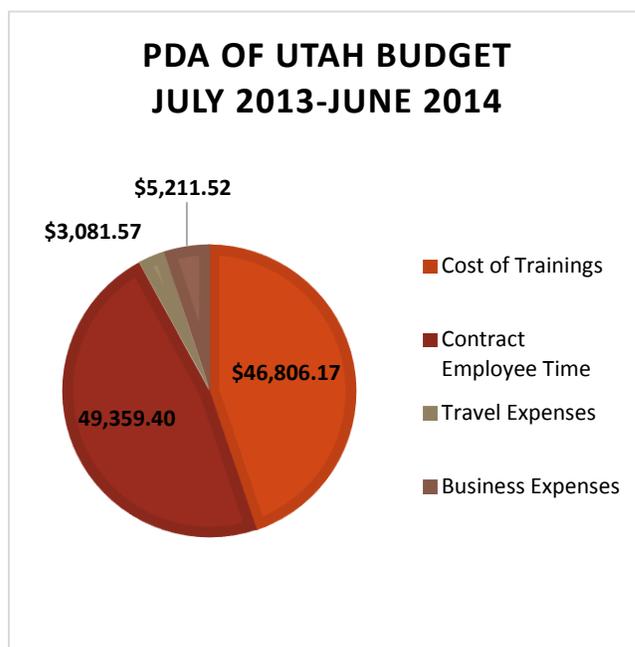
The total aggregate amount of grant reimbursements for services cannot exceed the amount available in the “Child Welfare Parental Defense Fund,” a restricted fund created by Utah Code

Section 63A-11-203. The balance of the restricted fund at the end of the fiscal year was \$78,672.79.

During the fiscal year, the PDA provided reimbursement of expenses for seven different appeals in the amount of \$15,016.14, a nearly 50% increase over last year.

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 \$12,000 this past year. Thus our total budget for 2013 was \$106,400.



During the fiscal year, the PDA of Utah expended \$104,608.74. The largest portion of that was used for the payment of time of contract employees (\$49,359.40). The amount spent this year was higher than last year for a number of reasons. The website upgrade, changes in online software and online trainings each required a significant amount of time. The second largest portion was the direct costs of putting on the training events (\$46,806.17). This amount somewhat less than last year because we were able to achieve savings by switching our event planning software to a lower cost

provider and we did not provide hard copies of conference materials. Further, there was some savings because we used per diem rates for the food at the annual conference and we did not have large speaker fees from out of state presenters. The smaller portions of the budget were used for travel related expenses (\$3,081.57) and business expenses (\$5,211.52).