



1. Introduction

- a. Table of Contents (November 2016)
- b. CLC Contact Information (November 2016)
- c. CLC Pro Bono FAQ

Caregiver Representation Pro Bono Attorney Training Manual Table of Contents

Introduction

- a. Manual Table of Contents
- b. CLC Mentors and Pro Bono Staff Contact Information
- c. CLC Pro Bono FAQ

1. Cultural Competency and Client Information

- a. Living in Poverty
 - i. The High Cost of Poverty: Why the Poor Pay More, (DeNeen Brown, Washington Post, May 18, 2009)
 - ii. After Welfare (Katherine Boo, The New Yorker, April 2001)
- b. Understanding DC's Children: Data on DC's kids
 - i. DC Kids by Ward (DC Kids Count, February 2014)
 - ii. Child Abuse and Neglect (DC Kids Count, August 2011)
 - iii. DC Achievement Gap (DC Kids Count, February 2012)
 - iv. Children's Mental Health in DC (DC Kids Count, May 2012)
 - v. DC Infants, Toddlers, and Families (Zero to Three, 2013)
 - vi. Stepping Up for Kids: What Government and Communities Should Do to Support Kinship Families (Kids Count, January 2012)
- c. Cross-Cultural Lawyering
 - i. Beyond Bias-Cultural Competence as a Lawyer Skill (Michigan Bar Journal, Nelson P. Miller, June 2008)
 - ii. Lawyers... want to know how well you communicate cross culturally? Take a look at your level of cultural competence (Jatrine Bentsi-Enchill, Women Lawyers Journal, Spring 2005, at 20)
 - iii. Five Habits of Cross-Cultural Lawyering (Sue Bryant and Jean Koh Peters, 8 Clinical L. Rev. 33, Fall 2001)
 - iv. Information on "Never Married Parent" Cases (Adapted from handout by Joan K. Raisner, Circuit Court of Cook County, Chicago, IL)

2. Beginning Steps and Overviews

- a. Abuse and Neglect Flowchart
- b. Permanency Standards and Burden of Proof Chart
- c. Permanency Hearing Order
- d. Basic Stages of an Adoption Case
- e. One Step vs. Two Step Adoption Process
- f. Custody Case Overview
- g. Researching Court Records
- h. Sample Praecept of Appearance (Custody Case)
- i. Sample Praecept of Appearance (Neglect Case)
- j. Sample Motion for Party Status (Neglect Case)
- k. 16-04 Children in Court Policy
- l. Resource (Kinship or Foster) Parent Fact Sheet

- 3. Another Planned Permanent Living Arrangement (“APPLA”)**
 - a. In the Matter of Melinda J., 2008 D.C. Super. LEXIS 1

- 4. Adoption Law and Practice**
 - a. Statute and Rule Citations: Adoption
 - b. Primer on Adoption Law and Practice
 - c. Tips on Adoption Discovery Rules
 - d. Practical Tips for Discovery
 - e. Counsel for Child Abuse and Neglect (CCAN) Adoption Case Summaries October 2013

- 5. Sample Adoption Petition and Forms**
 - a. Petition for Adoption
 - b. Vital Records Form
 - c. Adoption Information Sheet
 - d. Proposed Final Decree
 - e. Proposed Notice of Issuance of Final Decree

- 6. Model Adoption Judge’s Orders in Response to Adoption Petition**
 - a. Order of Reference, for Expedited Response, and for Consolidation
 - b. Order to Biological Mother to Complete Affidavit Concerning Paternity or to Appear in Court
 - c. Notice to Mother of Pending Adoption Proceeding and Order to Show Cause
 - d. Notice to Father of Pending Adoption Proceeding and Order to Show Cause

- 7. Adoption Subsidy & Other Post-Adoption Information**
 - a. Statute Citation: Adoption Subsidy
 - b. Sample Adoption Subsidy Agreement
 - c. District of Columbia Subsidy Profile from the North American Council on Adoptable Children’s website (last updated July 2015)
 - d. 2011 CFSA Adoption Subsidy Policy
 - e. 2011 Amended Adoption and Guardianship Subsidy Policy
 - f. Adoption and Guardianship Subsidy Temporary Amendment Act 2010
 - g. Negotiating Title IV-E Adoption Subsidy Agreements
 - h. Fair Hearings & Adoption Assistance Appeals
 - i. Statute Citation: Post Adoption Contact
 - j. CLC Post Adoption Contact Agreement Fact Sheet
 - k. Other Post-Adoption Information: Birth Certificates, Tax Benefits, Scholarship Information for DC Residents
 - l. DC Department of Health Guidelines for Obtaining a Birth Certificate
 - m. Post-adoption Social Security Information

- 8. Guardianship Law and Practice**
 - a. Statute Citation: Guardianship
 - b. Guardianship Primer
 - c. Guardianship Case Law Summaries

- d. Adoption and Guardianship Subsidy Temporary Amendment Act of 2010
- e. Guardianship Administrative Order

9. Sample Guardianship Motions

- a. Motion for Permanent Guardianship (two samples)
- b. Consent to Permanent Guardianship
- c. Summons and Notice of Motion for Guardianship

10. Guardianship Subsidy

- a. Statute and Regulations Citations: Guardianship Subsidy
- b. 2011 CFSA Guardianship Subsidy Policy
- c. 2011 Amended Adoption and Guardianship Subsidy Policy
- d. Sample Permanent Guardianship Subsidy Agreement

11. Custody Law and Practice and Introduction to Civil Protection Orders

- a. Statute and Rule Citations
- b. Custody Primer (November 2015)
- c. Flowchart – The Process of a Custody Case
- d. Practice Standards for Custody Guardians ad Litem (CGAL) in Custody and Related Consolidated Cases
- e. Custodial Power of Attorney Information and Forms
- f. Custody Case Law Updates (November 2016)
- g. Home Studies and Forensic Evaluations in Custody Cases
- h. Program for Agreement and Cooperation in Contested Custody Cases (PAC) – A Primer
- i. Program for Agreement and Cooperation in Contested Custody Cases (PAC) - Administrative Order
- j. Revised Domestic Relations Comprehensive Case Management and Scheduling Plan
- k. Custody and Accessing DC Public Benefits
- l. Same Day Express Dispute Resolution Information Sheet
- m. Multi Door Dispute Resolution Brochure
- n. Civil Protection Order (CPO) Cases in the District of Columbia – A Primer
- o. Service on parties in Custody Cases (November 2015)

12. Sample Third-Party Complaints for Custody & Sample Consent Answer and Waiver of Service

- a. Complaint for Custody (contested and uncontested)
- b. Consent Answer

13. Permanency Options Comparison Chart & 2015 Foster Care Rates

14. DC Superior Court Information

- a. DC Superior Court Organizational Chart
- b. DC Superior Court Contact Information
- c. DC Superior Court Tour Handout (September 2016)



Families First – Staff Contacts

Please feel free to contact us for pro bono case mentoring:

Rebecca Goldfrank, Esq.

Families First Director

202-467-4900, ext. 554

rgoldfrank@childrenslawcenter.org

Marissa Gunn, Esq.

Senior Supervising Attorney

202-467-4900, ext. 592

mgunn@childrenslawcenter.org

Diane Weinroth, Esq.

Special Counsel

202-467-4900, ext. 508

dweinroth@childrenslawcenter.org

If you would like to discuss pro bono opportunities or would like to take a pro bono case from Children's Law Center, please contact:

Molly Rothschild

Pro Bono and Intake Assistant

202-467-4900, ext. 586

mrothschild@childrenslawcenter.org



Frequently Asked Questions

Children's Law Center's pro bono attorneys serve more than 400 children and families every year. All our cases are designed to provide children in the District of Columbia with the solid foundation of family, health, and education we believe they need to succeed. See below for more information and answers to frequently asked questions regarding our pro bono program.

What types of cases does Children's Law Center offer for pro bono attorneys?

Custody Guardian ad litem (CGAL)

Pro bono attorneys represent the best interests of children involved in complex custody disputes between parents or other prospective caregivers. Judges refer these matters directly to Children's Law Center when they identify the need for a GAL to represent the child's best interests. CGAL cases are heard in the Domestic Relations branch of DC Superior Court.

Caregiver Representation

Pro bono attorneys represent caregivers seeking to provide children with loving homes through adoption, guardianship, or custody. These caregivers include foster parents, grandparents, and other relatives who want to provide stability for children who are in foster care or at risk of entering foster care. Caregiver representation cases are heard in the Neglect branch or the Domestic Relations branch of DC Superior Court.

Special Education

Pro bono attorneys represent parents of children with special education needs that are not being adequately addressed in the child's current educational environment. These cases may involve obtaining evaluations, advocating for special education services or challenging the denial of services at due process hearings held at the Student Hearing Office of the Office of the State Superintendent of Education (OSSE).

Housing Conditions

Pro Bono attorneys represent parents of children whose health is at risk due to the presence of environmental health hazards in the home. These housing conditions cases may involve negotiating with the family's landlord and/or filing a civil case to force the landlord to address housing code violations and substandard housing.

How does Children's Law Center identify pro bono cases?

Cases are referred to Children's Law Center from a variety of sources, including the DC Superior Court, Guardians *ad litem* for children in the abuse and neglect system, attorneys practicing in DC Superior Court, social workers, and other legal services organizations. Prospective clients may also call into our Helpline, which is staffed full-time by experienced

Updated January 2016

intake attorneys. Children's Law Center conducts extensive screening before we refer cases to pro bono attorneys.

How can I find out what cases are currently available?

CLC emails a list of available cases approximately twice per month. Cases are placed with qualified pro bono attorneys on a first-come, first-served basis. Please contact CLC's Pro Bono Director, Nancy Drane, or CLC's Pro Bono and Intake Assistant, Gillian Schaps, if you would like to receive information about available cases.

I have no experience in family law – is that OK? Are there cases that can be matched to my skill set? Will I go to trial?

No background in family law is necessary to be a pro bono attorney with Children's Law Center. We have worked successfully with many attorneys with no prior family law experience and/or limited litigation experience. Our trainings, online resources, and mentors are available to ensure all our pro bono attorneys are well equipped for their cases.

All our cases involve oral and written advocacy as well as strong client skills. Some cases are more likely to go to trial or an evidentiary hearing, while others are less likely. Many cases place a premium on negotiation skills, legal advocacy, and other pre-trial skills, while some are more likely to proceed to litigation.

We are happy to talk with you about which cases are most likely to match your skills and interests.

What trainings and resources does Children's Law Center offer for pro bono attorneys?

Children's Law Center regularly conducts training in all four areas of pro bono representation, custody guardian ad litem, caregiver, housing conditions, and special education. These trainings are either full or half days and are conducted at locations around the District. In addition to the live training, all attendees receive an extensive reference manual covering the particular area of representation.

CLC also offers on-line versions of our trainings on the pro bono page of our website. Our website also contains a plethora of additional resources for pro bono attorneys, including power point presentations, model pleadings, the videos mentioned above, and recent training manuals in each area of pro bono representation. Please contact Nancy Drane or Gillian Schaps for access to these online materials.

Attorneys should attend a relevant training before taking a pro bono case. A list of upcoming trainings can be found in the pro bono section of our website.

Are CLC staff available to support pro bono attorneys throughout the case?

Updated January 2016

Experienced attorneys from CLC serve as mentors for our pro bono attorneys. A list of mentors is available on the pro bono section of our website. Together, these lawyers bring decades of experience in family and special education law. **We do not “co-counsel” or “supervise” pro bono attorneys**, but we are available to discuss strategy, legal issues, and local family court practice. We can also help you identify model pleadings, which you will also find on our website, and plan for trial or evidentiary hearings.

In a limited number of cases, Children’s Law Center will have a conflict and will not be able to provide mentoring. Whenever possible, we let pro bono attorneys know in advance when a conflict exists and try to identify a third-party mentor to provide the pro bono attorney with support.

What is the typical time commitment for a pro bono case?

Every case and area of pro bono representation is unique. While case circumstances may change over time, we do our best to evaluate the complexity of a case during the screening process, make every effort to let pro bono attorneys know of circumstances that may make a case particularly complex, and rate cases as beginner, high beginner, intermediate, or advanced. Pro bono attorneys are encouraged to talk to Nancy Drane, CLC’s Pro Bono Director, when evaluating a particular case to discuss the potential complexity and/or anticipated time commitment.

Am I responsible for costs and fees?

Yes, pro bono attorneys are responsible for any litigation costs and other fees incurred during the handling of your case. Filing and eFiling fees are waived for Guardians ad Litem and those parties with in forma pauperis (IFP) status.

Do I have to be licensed to practice law in DC?

Pro bono attorneys must be admitted to practice in the District of Columbia or be eligible to practice under District of Columbia Court of Appeals Rule 49(c):

- Attorneys who regularly practice in another jurisdiction (outside of DC) may qualify for admission *pro hac vice*;
- Federal government employees may be eligible to provide pro bono legal services under the supervision of an active member of the DC Bar;
- Attorneys who are eligible to practice in DC under the supervision of a DC Bar member while an application for admission to the DC Bar is pending may be eligible to practice for a limited duration; and
- Inactive DC Bar members may be eligible to accept referrals for pro bono cases.

Do I have to be affiliated with a law firm, government, or corporate law department?

While most of our pro bono attorneys are affiliated with a law firm, the Federal government, or a corporate law department, we do refer cases to solo practitioners who have the requisite experience and resources to handle a pro bono case without institutional support. If you are a solo practitioner who is interested in taking a pro bono case, please contact CLC's Pro Bono Director, Nancy Drane, to discuss your particular circumstances.

Do I have to carry my own malpractice insurance?

No, Children's Law Center does not require pro bono attorneys to carry malpractice insurance. Our policy covers pro bono attorneys who are not otherwise covered up to \$2 million.

Can I pair up with another pro bono attorney to handle a case?

We encourage pro bono attorneys to pair up with another attorney in their office. For example, an experienced pro bono attorney might pair up with an attorney taking their first case, or a litigator might pair up with a transactional attorney. Additionally, some law firms have partnerships with in-house corporate legal departments.

I'm not a lawyer—can I still get involved?

Absolutely! Legal assistants or other staff can serve a critical role as an investigator or translator on a pro bono matter being handled by an attorney in your office. This may involve attending meetings, locating witnesses, and obtaining documents. It is a great opportunity to get out into the community and you may even have the chance to serve as a witness in a trial or hearing. Children's Law Center also offers other volunteer opportunities outside handling a pro bono case, such as volunteering to participate in our annual Holiday Hope Drive.

I'm a current law student—how can I get involved? Do you have interns or law clerks?

Law students in the DC area may work with Children's Law Center via clinical programs at their law school. Please contact your school for more information. Law students may also apply to serve as a law clerk at Children's Law Center. Information on our law clerk program is on our website.

I'm interested in doing pro bono work with Children's Law Center. What are the next steps?

The best way to get involved is to attend one of our trainings. Check our pro bono homepage for upcoming training information. You may also contact Nancy Drane, CLC's Pro Bono Director, or Molly Rothschild, CLC's Pro Bono and Intake Assistant, to discuss getting involved.

I have more questions. Who should I contact?

Contact our Pro Bono Director, Nancy Drane at (202) 467-4900 ext. 502 or ndrane@childrenslawcenter.org or Pro Bono and Intake Assistant Molly Rothschild at (202) 467-4900 ext. 586 or mrothschild@childrenslawcenter.org.

Updated January 2016