

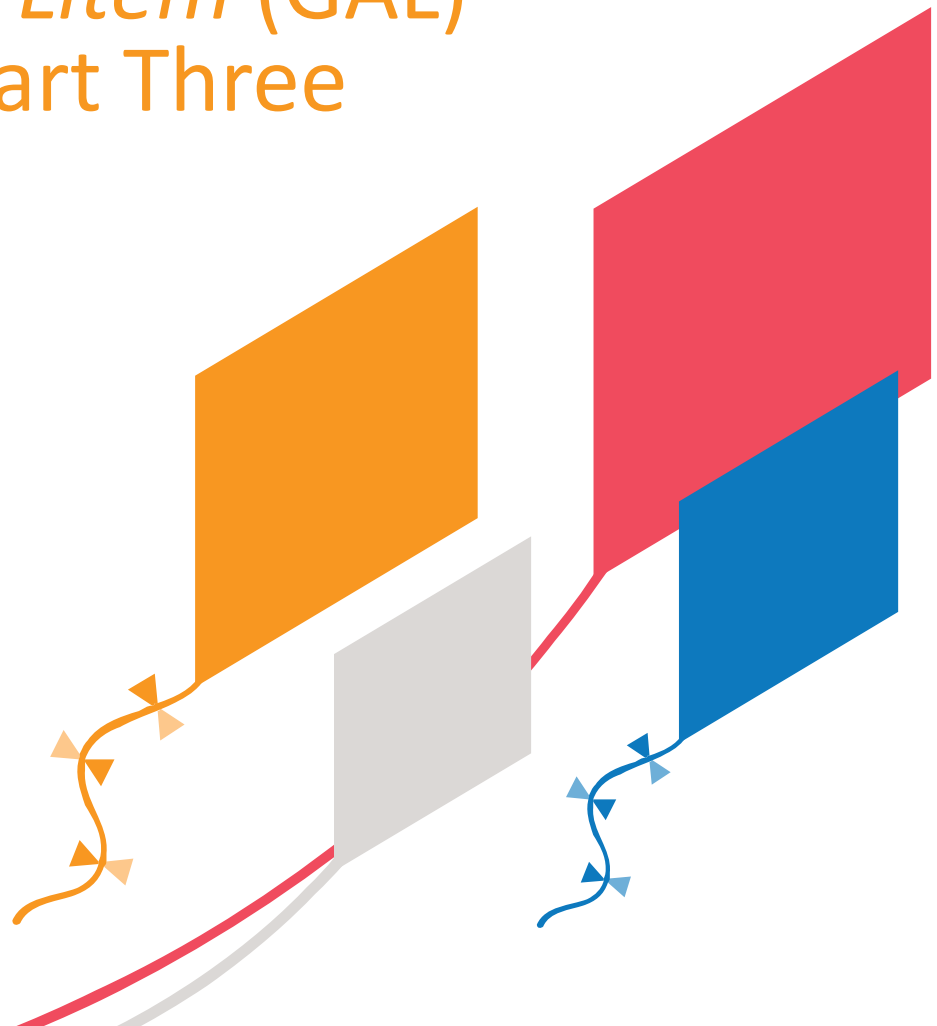
Children's Law Center

Custody Guardian *ad Litem* (GAL) Pro Bono Training - Part Three

Jen Masi, Pro Bono Director



July 17, 2020



Quick Roadmap



CLC Pro Bono Program



Virtual Training Series



Today's Training



On Demand Resources

About Children's Law Center



WE REACH
1 out of 9 children
IN DC'S POOREST
NEIGHBORHOODS EACH YEAR

WE HAVE LAWYERS ONSITE AT
6 health clinics
ACROSS DC TO HELP FIND
AND FIX BARRIERS TO HEALTH



WE HAVE SERVED
**30,000 children
and families**
SINCE 1996



WE PARTNER WITH MORE THAN
500 pro bono lawyers



WE PARTNER WITH DISTRICT
AGENCIES, THE DC COUNCIL
AND COMMUNITY LEADERS TO
FIND OR IMPLEMENT
city-wide solutions
THAT BENEFIT ALL DC KIDS

Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone.

CLC Pro Bono Cases

Family

- ◆ Caregiver Custody
- ◆ Custody Guardian *ad Litem* (GAL)

Health

- ◆ Housing Conditions

Education

- ◆ Special Education

Supporting Pro Bono Attorneys



Screening

CLC thoroughly screens clients when assessing cases for pro bono placement to ensure the case is a good fit for a pro bono attorney.



Training and Resources

CLC offers in-person and online training and an abundance of resources on our website, including model pleadings, training materials and videos.



Mentoring

Experienced CLC attorneys mentor our pro bono lawyers. Mentors provide initial case recommendations, discuss strategy and legal issues, and remain available throughout the duration of the case.

Virtual Training Series

July 2020				
Monday	Tuesday	Wednesday	Thursday	Friday
6	7 2:00 p.m. - 3:00 p.m. Caregiver Custody Part One: Custody Law and Practice	8 9:30 a.m. - 10:30 a.m. Caregiver Custody Part Two: Pretrial and Trial Advocacy	9	10
13 12:00 p.m. - 1:00 p.m. Custody GAL - Part One: The Role of the GAL	14	15 2:00 p.m. - 3:00 p.m. Custody GAL - Part Two: Custody Law and Procedure	16	17 10:00 a.m. - 11:00 a.m. Custody GAL - Part Three: Communicating with Children and Teens; Overview of Domestic Violence, Substance Abuse, and Child Abuse and Neglect
20 10:00 a.m. - 11:00 a.m. Special Education - Part One: What is Special Education?	21	22 3:00 p.m. - 4:00 p.m. Special Education - Part Two: Handling a Special Education Case	23 3:30 p.m. - 4:30 p.m. Cultural Humility Training	24 10:00 a.m. - 11:00 a.m. Special Education - Part Three: The Due Process Hearing
27	28 12:00 p.m. - 1:30 p.m. Housing Conditions Training	29	30	31

Today's Training

Content

- Communicating with Children and Teens
- Overview of Domestic Violence, Substance Abuse, Child Abuse and Neglect

Remote Representation

- These cases can be handled remotely.

Questions

- Zoom Chat
- Email Jen Masi

On Demand Resources



**Training
Presentations**



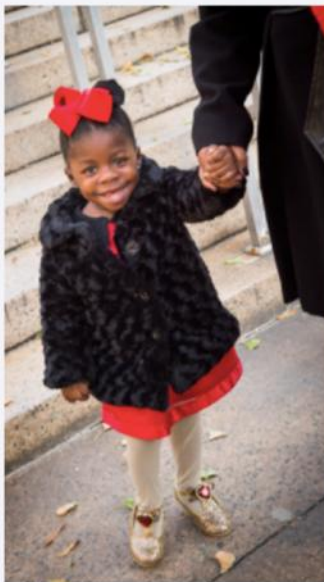
**Training
Videos**



**Training
Manuals**

On Demand Resources

Pro Bono



Though Children's Law Center is the largest non-profit legal provider in DC, many more children come to us than we can help. We are honored to partner with more than 500 pro bono attorneys every year from the area's top law firms, in-house legal departments and government agencies to help fill the gap.

If you are a pro bono attorney, we hope you will partner with us. We provide world class mentorship, training and written materials to help attorneys feel more comfortable navigating new areas of law. In addition to gaining valuable trial skills, we promise that you will be deeply touched by your experience – because our cases are life changing.

Want to learn more about becoming a pro bono lawyer for Children's Law Center? [Check out our FAQs](#) and sign up to [join our mailing list](#)! Closing a case? [Click here](#).

For information on how to partner with us, please contact Jen at JMasi@ChildrensLawCenter.org.

Resources >

Fact Sheets

Pleadings

Training Manuals

Training Presentations & Videos

Other



Meet Our Mentors



Pro Bono Partners



Interested in a case?

◆ **Email me!**

jmasi@childrenslawcenter.org



Training Survey Request

- ◆ Please complete our electronic survey. Available online at: <https://clcprobonotraininggalp3.questionpro.com>
 - ◆ What worked?
 - ◆ Where can we improve?
- ◆ Thank you for your feedback!



Communicating with Children and Teens

Kim Daulton, Director of Social Work



July 17, 2020

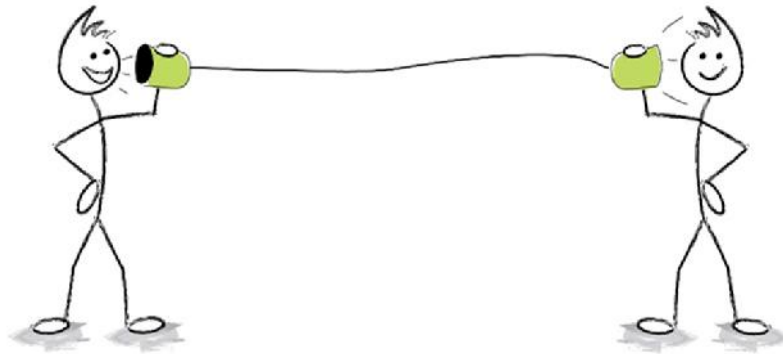


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COVID-19 Updates in **RED**

Goals

- ◆ Obtain tools to support and facilitate communication and relationship-building with child clients
- ◆ Understand developmental context for communication with children and teens



Preparation

- ◆ Consider age and developmental level
- ◆ Find out what the child may already know
- ◆ Check in about how the child is doing
- ◆ Focus on building a trusting relationship
- ◆ Determine means of communication

Time, Time, Time

- ◆ Building trust may take multiple meetings
 - ◆ During the pandemic, those meetings may be shorter but more often
- ◆ Be consistent and follow through
- ◆ A child's presentation can vary on different days, at different times, and in different settings

Collateral Information

- ◆ You may need to rely on collateral information about a child from caregivers, teachers, therapists and others

And that is OK!

Safe Space

- ◆ Productive communication requires safety
- ◆ How do I build safe physical space?
- ◆ How do I promote safe emotional space?

Awareness

- ◆ Who is in the room?
 - ◆ You
 - ◆ The child
 - ◆ The caregivers
 - ◆ Experiences



Communication

- ◆ Play
- ◆ Invite children to talk and engage
- ◆ Be an active listener
- ◆ Remember your body language
- ◆ Clarify
- ◆ Empathize

Language

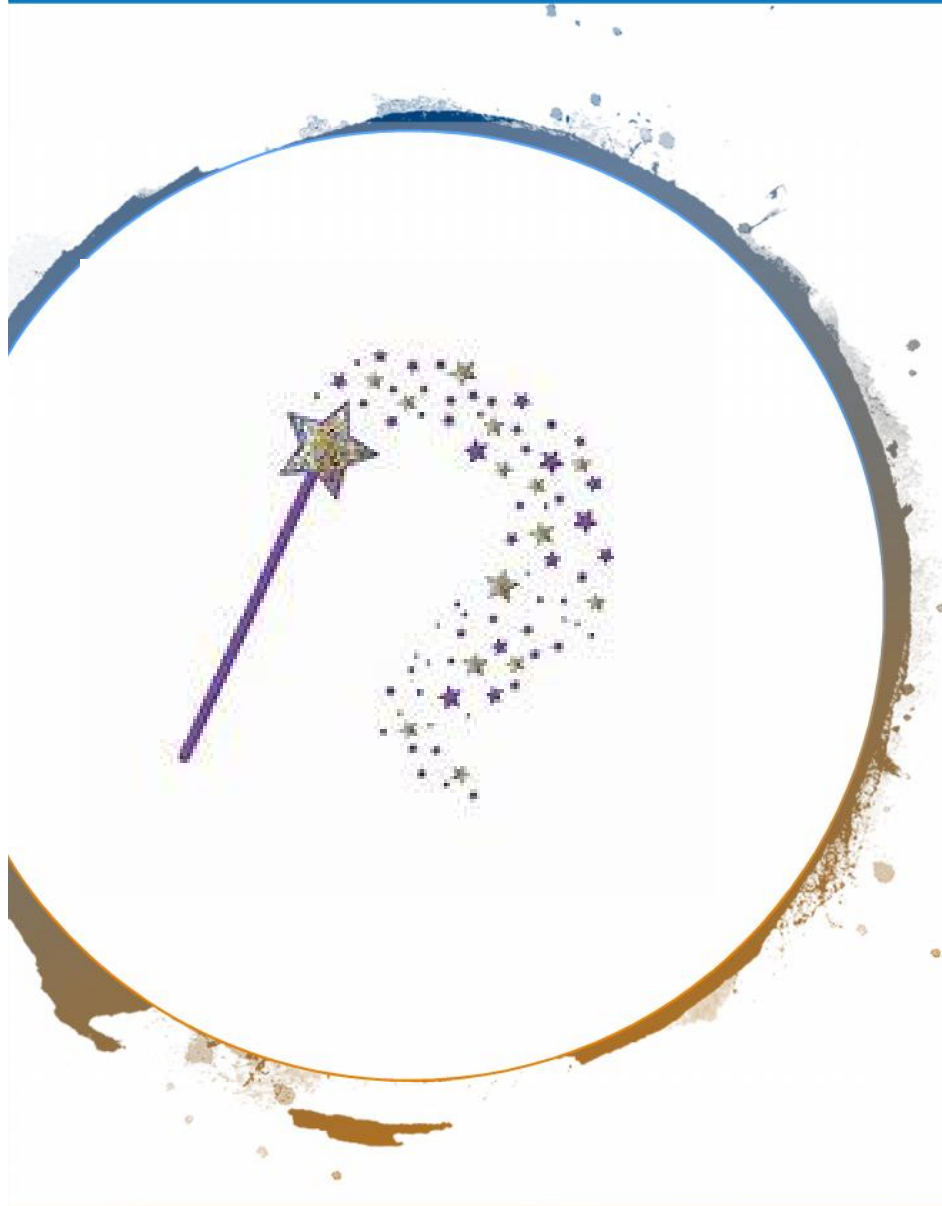
- ◆ Adapt the child's language
- ◆ Use words appropriate for age and developmental level
- ◆ Assure a shared meaning of words
- ◆ Ask open-ended questions

Teens

- ◆ Direct communication
- ◆ Authenticity
- ◆ Power dynamics
- ◆ Change of scenery
 - ◆ Take a walk, out for coffee
- ◆ Boundaries
- ◆ Manage expectations and follow through

Tools

- ◆ Uno card deck
- ◆ Playdough
- ◆ Puppets, dolls, stuffed animals
- ◆ Matchbox cars
- ◆ Slinkies or other fidget toys
- ◆ Crayons and paper (draw a house, draw your family)
- ◆ Scavenger Hunt
- ◆ Feelings Guessing Game



Kid-friendly Questions

- ◆ If you woke up tomorrow and had 3 wishes what would they be?
- ◆ If you fall down at school and hurt your knee, who do you want the school nurse to call?

Activities

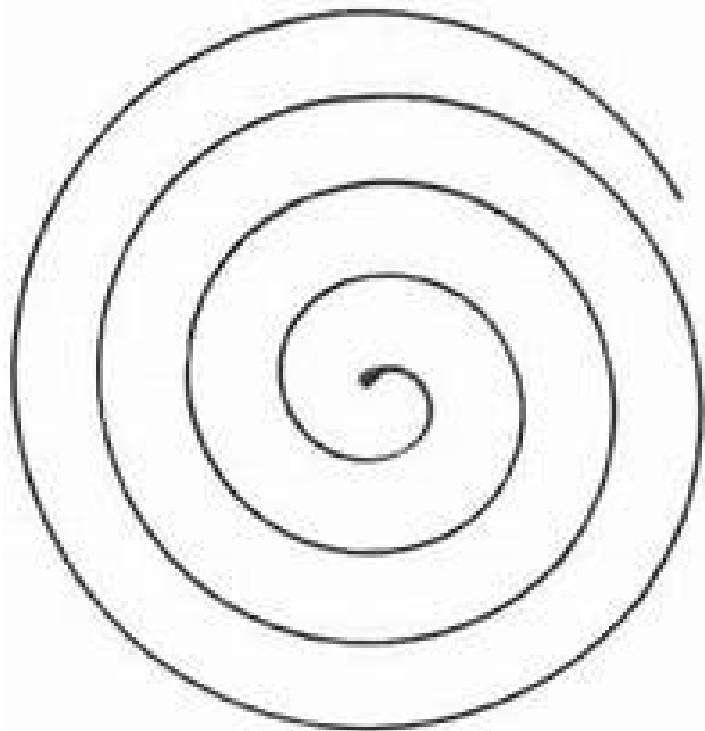


Let's plan your next birthday party.

- ◆ Where will it be?
- ◆ What kind of cake?
- ◆ What kind of decorations?
- ◆ Who will be there?

Activities

Spiral Exercise



Marvelous Me

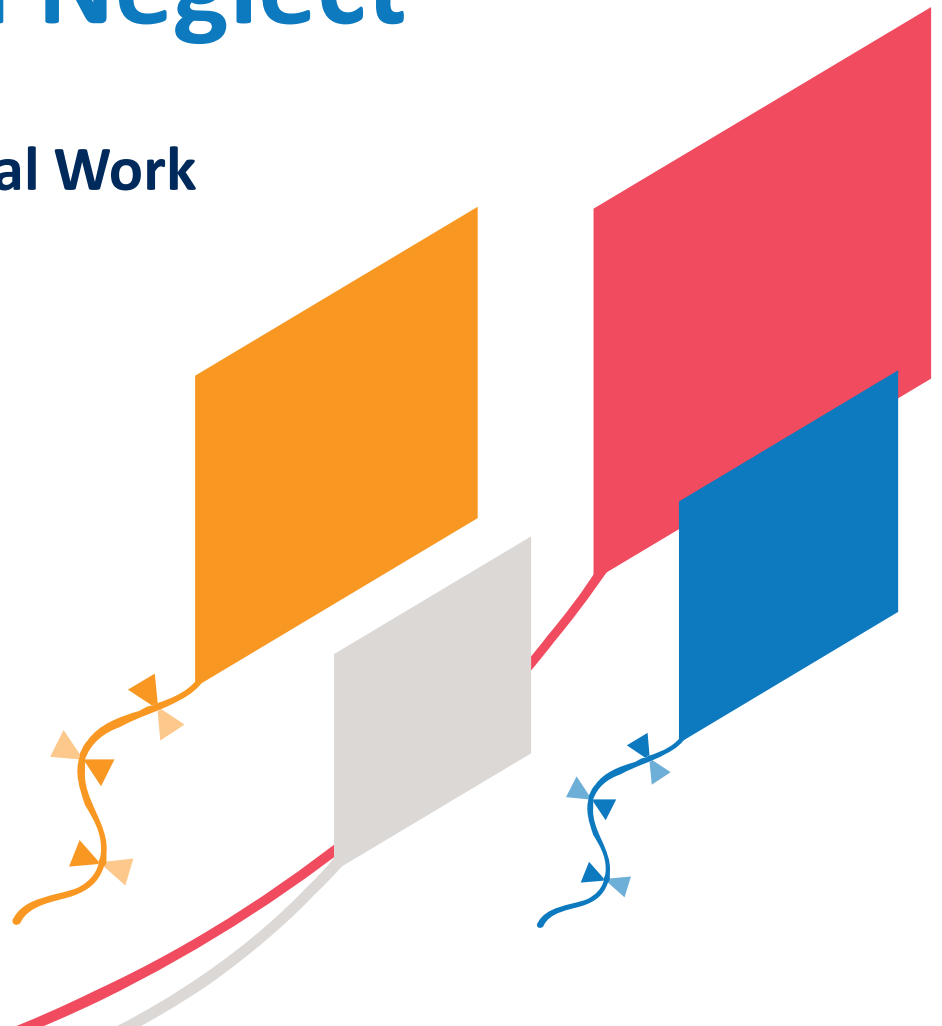
-  Something about yesterday
-  Things you do well
-  Favorite school subject
-  Something about your summer
-  Something about your family
-  What do you do for fun

Domestic Violence, Substance Abuse, and Child Abuse and Neglect

Kim Daulton, Director of Social Work



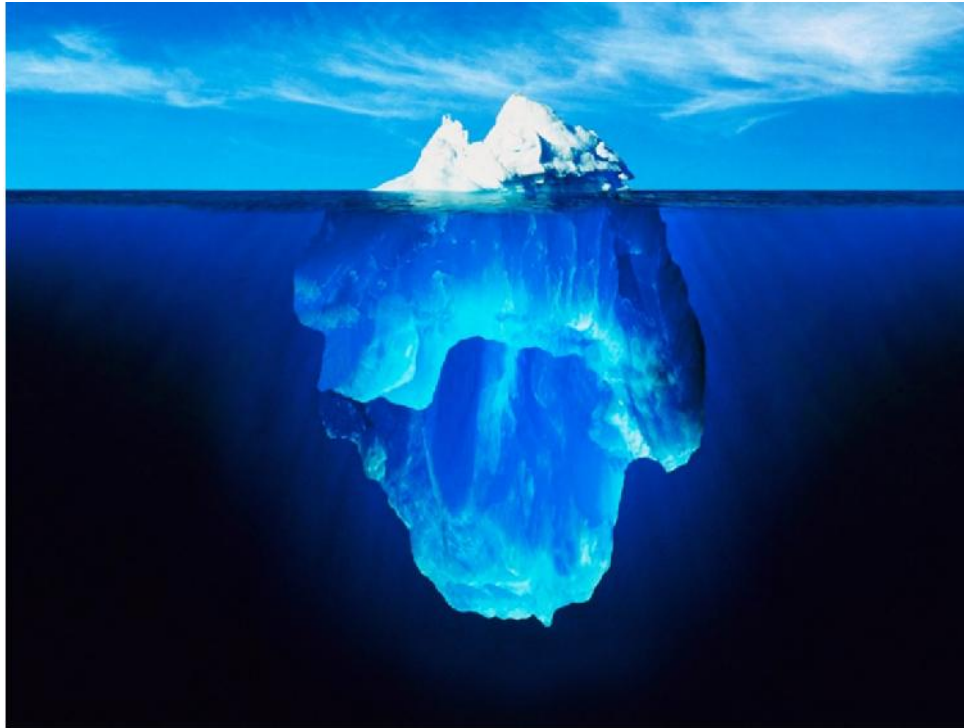
July 17, 2020



Goals

- ◆ Identify key issues and red flags related to domestic violence, substance abuse, and child abuse/neglect
- ◆ Contextualize how these issues can impact best interests
- ◆ Understand how to respond as the Custody GAL when questions of child maltreatment arise

Disclaimer



Further readings on trauma, substance abuse, and child abuse and neglect in custody cases can be found in Tab 8 of your Custody GAL manual

Take Care of Yourself



The background is a solid blue color with several lighter blue geometric shapes and lines. A path of four small arrows starts near the top center and moves towards the right. There are also some faint, larger geometric shapes scattered across the background.

Case Study

Sample Case Referral - Nadine

Judge Name:	Judge John Justice	Date of Referral:	2/27/20
Law Clerk Name:	Helpful Clerk	Law Clerk Phone Number:	879-1000
		Law Clerk Email:	John.Justice@dcsc.gov
Case Name:	Alice Jones v. Luis Bono	Case Number:	2019 DRB XXXX
Next hearing date(s) and time(s):	8/18/20 at 10:00 a.m.	Related cases (e.g., criminal, child support, neglect, CPO/DV, child delinquency matter):	2019 CPO XXXX - Mother filed for civil protection order against father, stating he harassed/threatened her. Father agreed to CPO without admissions. Consent CPO entered. Father not to contact mother except concerning child, Nadine
Type of hearing (e.g., status, pretrial, evidentiary, emergency):	Status Hearing		
Child(ren)'s name(s), DOB(s), Primary Language(s):	Nadine Bono (07/21/2011)		
Plaintiff's name and DOB: Confidential? IFP? Preferred/Primary Language?	Alice Jones (05/05/1982)	Relationship to Child(ren):	Mother
		Phone Number and Email:	202-xxx-xxxx
		Address:	DC General Shelter Washington, DC 20011
		Occupation (if known):	Unknown
		Attorney name, phone, email, and address/Pro Se:	<i>Pro se</i>
Defendant's Name and DOB: Confidential? IFP? Preferred/Primary Language?	Luis Bono (08/11/1979)	Relationship to Child(ren):	Father
		Phone Number and Email:	202-xxx-xxxx
		Address:	2013 Longfellow Street Apartment 201 Mitchellville, MD 20782
		Occupation (if known):	Unknown
		Attorney name, phone, email, and address/Pro Se:	<i>Pro Se</i>

Sample Case Referral - Nadine

What is the current custodial arrangement? If a party's contact with the child(ren) has been restricted, please state basis.

The child is in the mother's custody right now.

Is there a pendente lite custody order or other custody order in place? If so, what are the provisions of the order? Please provide the latest substantive order issued.

Procedural posture of the case (e.g., motion to modify custody filed):

Complaint for Custody pending before the Court.

Describe a compelling reason for GAL request (e.g., domestic violence, allegations of physical or sexual abuse or neglect, withholding of child from one party, child or parties have physical or mental health needs, child testimony issue, teen parents, de facto parent):

Judge Justice would like a GAL to speak with the child, Nadine. She's 8 years old and is afraid to visit with the father or even be in the same room with him. It is clear to the Court that the mother does not want these visits to take place. The Court questioned the mother extensively regarding a reason why the child would be so adamant about not wanting to visit with the father but still has little insight into the reasons for the child's reluctance. The father denies the mother's allegations that he has threatened and harassed her. The father has yet to see Nadine because of her refusal to visit him. The Court also wants Nadine to attend the next court hearing.

Have home studies and/or psychological evaluations been ordered for any of the parties? If so, when? If ordered, have they been submitted to the court for review? Has mediation been attempted? If so, when?

Home studies were ordered on November 25, 2019 but have not been completed. The father now lives in Maryland and the court would like information about his home|

The background is a solid blue color with several abstract, semi-transparent geometric shapes in a lighter shade of blue. These shapes include a large rectangle in the upper left, a trapezoid in the lower left, and a large irregular shape on the right side. A thin, light blue line with several small arrowheads pointing downwards and to the right, resembling a path or a trail, starts near the top center and moves towards the bottom right.

Domestic Violence

Case Study

- ◆ During one of your first meetings with Nadine, she tells you that she once witnessed her dad shove her mom into a wall.

Case Study - Questions

- ◆ Was this a one-time incident or part of a larger pattern of behavior? Are there indications of a pattern of coercive-controlling behavior such as social isolation, control of financial resources, stalking?
- ◆ Has he ever been physically abusive toward Nadine? What is his approach to discipline? His parenting/discipline style?
- ◆ What is the father's perspective on this incident or any past incidents of violence with mom? Does he show insight? Does he continue to justify the behavior?
- ◆ What is the current level of fear or risk of further incidents?

What is Domestic Violence?

- ◆ Power and Control Through Fear and Abuse
 - ◆ Physical Abuse
 - ◆ Verbal Abuse
 - ◆ Sexual Abuse
 - ◆ Isolation
 - ◆ Coercion
 - ◆ Harassment
 - ◆ Economic Control
 - ◆ Intimidation & Threats
 - ◆ Emotional Withholding
 - ◆ Property Destruction
 - ◆ Self Destructive Behavior

The background features several sets of curved, parallel lines in shades of gray, some solid and some dashed, creating a sense of movement and depth. A dark blue rectangular box with a white border and a small white triangle pointing downwards at the bottom center is positioned on the left side of the slide.

Types of Domestic Violence

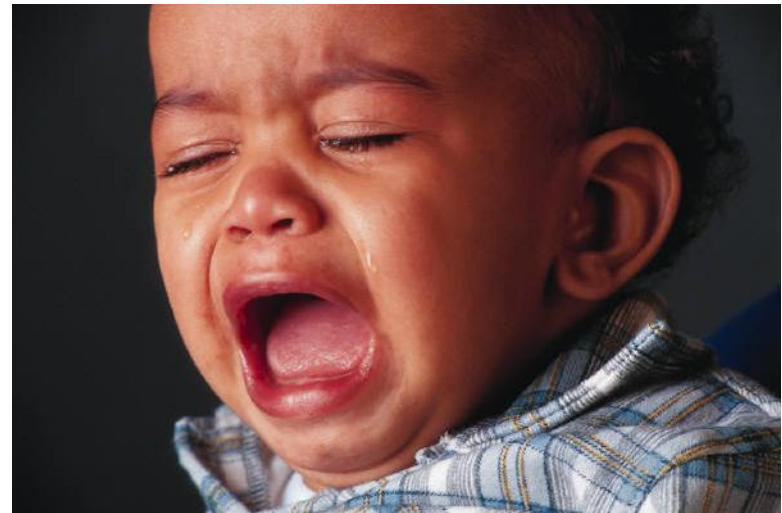
- ◆ Abusive-controlling violent relationships/Intimate terrorism
- ◆ Violent resistance
- ◆ Situational couple violence

Domestic Violence in Practice

- ◆ Allegations are common in high conflict custody matters
- ◆ Next steps when accusations are made:
 - ◆ Be aware of signs in the children
 - ◆ Observations/targeted questions
 - ◆ Consult with records, family/friends, and professionals with knowledge of the family
 - ◆ Consult with experts in domestic violence

Risks to Children

- ◆ Intuitive dangers of violence
- ◆ Increased risk of child maltreatment
- ◆ Disruption to the attachment and bonding process
- ◆ Cyclical nature of DV
- ◆ Lifelong implications



Signs of Exposure

- ◆ Regression
- ◆ Clinginess
- ◆ Violent play
- ◆ Eating, sleeping problems
- ◆ School absences and academic difficulty
- ◆ Behavioral/mood changes
- ◆ Somatic complaints
- ◆ Substance abuse, high-risk behaviors (older children)

Characteristics of Survivors & Abusers

◆ Survivors

- ◆ Mostly women
- ◆ Ages 18 to 24
- ◆ Studies have found no correlation between personality type and being a victim

◆ Abusers

- ◆ Deny or make light of the abuse
- ◆ Blame the victim
- ◆ May express remorse
- ◆ Can be smart, witty, charming people, and at times, loving parents



Prevalence

In the United States:

- ◆ 1 in 3 women have been physically abused by an intimate partner
- ◆ Intimate partner violence accounts for 15 percent of violent crime
- ◆ 1 in 15 children are exposed to intimate partner violence annually; 90 percent of these children are eyewitnesses

National Coalition Against Domestic Violence

The background is a solid blue color with several lighter blue geometric shapes and lines. A prominent feature is a path of four small arrows pointing downwards and to the right, starting from the top left and ending near the center. There are also several larger, semi-transparent geometric shapes, including a large square-like shape in the upper left and a large trapezoidal shape on the right side. The overall design is clean and modern.

Substance Abuse

Case Study

- ◆ In Nadine's case, dad tells you that mom has a marijuana problem. Mom tells you the same thing about dad.

Case Study - Questions

- ◆ Have you seen any evidence of substance use in either home? Is there any other collateral evidence of a substance use problem?
- ◆ Is there any evidence that substance use is impacting parenting?
- ◆ Has Nadine ever reported any concerns of substance use by her parents?
- ◆ Might there be unaddressed mental health concerns that could indicate a concern for substance abuse?

Substance Abuse in Practice

- ◆ Cross-allegations of substance abuse are common, and are often unfounded
- ◆ Consult with professionals regarding assessment and treatment

Abuse vs. Addiction

Substance Abuse

- The use of a substance to the extent that it negatively impacts one's functioning in various domains.

Addiction, or Substance Dependence

- A complex illness characterized by intense and, at times, uncontrollable drug craving, along with compulsive drug seeking and use that persist even in the face of devastating consequences. (NIH)

Indicators of Substance Abuse

Reports from caregivers, child(ren) or others

Paraphernalia

Observed changes in mood and behavior

Financial stress

Difficulties with work and relationships

Criminal behavior

Impact on Children

- ◆ Prenatal development
- ◆ Delays in emotional and physical development
- ◆ Disruption to bonding process
- ◆ Academic difficulties
- ◆ Lack of supervision
- ◆ Parentification
- ◆ Social stigma
- ◆ Child maltreatment

Addressing Substance Abuse Problems

Step one: Assessment

Possible treatment:

- Inpatient
- Outpatient
- Medication
- Mutual self-help groups
- Treatment for co-occurring disorders

Assessing Recovery

- ◆ Timeline of substance use
- ◆ “Rock bottom” and demonstrated desire to change
- ◆ Triggers
- ◆ People, Places, Things
- ◆ Treatment and after-care plan/support



The background is a solid blue color with several semi-transparent geometric shapes, including rectangles and a diamond, scattered across it. A faint, light blue graphic of a child's legs with small arrows pointing outwards is visible in the upper left quadrant. The text "Child Abuse and Neglect" is centered in a bold, white, sans-serif font.

Child Abuse and Neglect

Case Study

- ◆ Nadine tells you that once, her dad forgot to pick her up from her karate class and left her standing outside. She says it's one reason she believes he is a bad father.

Case Study - Questions

- ◆ Is this part of a larger pattern by dad, or a one-time incident? Is there a CPS history in this case? Does this rise to the level of neglect?
- ◆ Emotional perception vs reality – was this a severe incident where the karate instructor had to call CPS because he couldn't locate dad, or a communication problem that was resolved?
- ◆ What is the context in which Nadine reports this to you?

Child Abuse and Neglect

Physical Abuse

Sexual Abuse

Neglect

Emotional Maltreatment

Abuse/Neglect in Practice

Allegations of abuse/neglect are common

Remember: It is not necessarily your role to make a determination as to whether maltreatment occurred

Allegations of abuse by adults are different than disclosures of abuse by your client

If A Child Discloses



Stay calm, your initial response to disclosure is important



Ask open-ended questions to gather information



Consult with your supervisor or CLC mentor on next steps

What Happens When Maltreatment is Reported to Child and Family Services Agency (CFSA)?

- ◆ A hotline worker will gather as much information as possible
- ◆ CFSA determines response
- ◆ Investigations:
 - ◆ Unfounded / Inconclusive
 - ◆ Substantiated



A Note About Resilience



- ◆ Each child responds differently to maltreatment, parental substance abuse, and domestic violence
- ◆ The degree of signs and symptoms of adversity in children will vary
- ◆ **Resiliency** in children and youth plays an important role in a child's response to adversity

**Questions?
Interested in a case?**

**Email Jen Masi
jmasi@childrenslawcenter.org**



Thank you!



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