

# **Roles and Responsibilities in the Child Welfare System:**

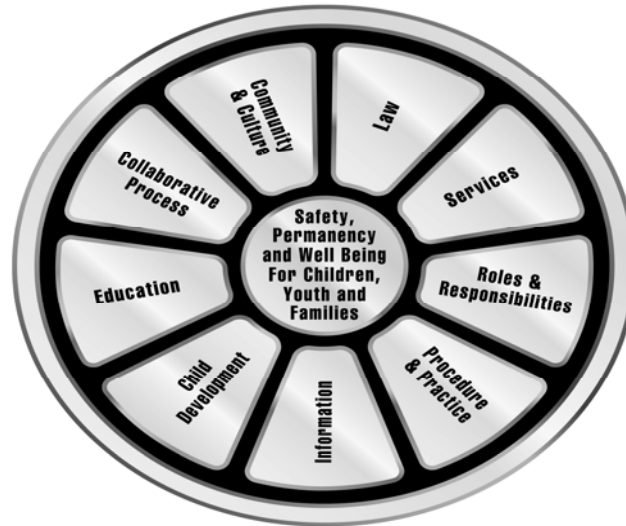
**A Multi-Disciplinary Curriculum for Improvement of  
the Child Welfare System**



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## Colorado Court Improvement Program Training Wheel Curricula

It is not surprising that the diverse culture of the child welfare system creates knowledge and experience gaps for child welfare participants and practitioners alike, which leads to the question, “How can individuals who are involved in the child welfare system know about that system as a whole as well as the roles of others involved in it? “

The Colorado Court Improvement Program (CIP) is in the process of designing training to answer this very question. The Training Wheel Curricula is made up of nine separate modules, each representing a discipline or service area associated with the Child Welfare process. The purpose of each module is to assist multi-disciplinary Best Practice Court Teams in building a foundation of core knowledge within each discipline or service area. While each discipline or service area may have a required professional knowledge and skill base that exceeds core knowledge, it is core knowledge in all areas that creates an understanding of the child welfare process as a whole.

The *Roles and Responsibilities* curriculum was authored by J. Robert Lowenbach, J. Robert Lowenbach Consulting at [jrlconsulting@q.com](mailto:jrlconsulting@q.com) .

For questions about the *Roles and Responsibilities* curriculum or about other Training Wheel curriculum, please contact Kay Yorty, Training Coordinator for the Colorado Court Improvement Program at [margaret.yorty@judicial.state.co.us](mailto:margaret.yorty@judicial.state.co.us).



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## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM

Time 7 hours

Purpose To assure that stakeholders in the child welfare system have an understanding of the perspectives, motivations, culture and ethical considerations and the roles and responsibilities of other stakeholders within the child welfare system in order to gain an appreciation of the roles of others so that they may create respect for individuals, promote productive relationships, and maximize system capacity to assure safety, permanency and well being for children.

Competencies/  
Learning Objectives

- Participants will demonstrate an understanding of the processes of basic group communication and conflict communication
- Participants will demonstrate a basic understanding of the roles of all other stakeholders
- Participants will demonstrate a basic understanding of the focus of each stakeholder
- Participants will demonstrate a basic understanding of the needs and strengths of each stakeholder
- Participants will demonstrate a basic understanding of the professional/personal schedules of stakeholders
- Participants will demonstrate a basic understanding of the impact of resource limitations
- Participants must demonstrate a basic understanding of the ethical considerations of each stakeholder

## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM

Materials	All materials as well as this curriculum are provided in electronic and printed format.
Faculty Resource 1a:	SURVEY MONKEY TEMPLATE
Faculty Resource 1b:	NARRATIVE RESPONSES TO SURVEY – 19 <sup>TH</sup> JD
Faculty Resource 1c:	JUDGE LEONARD EDWARDS QUOTE
Faculty Resource 1d:	PANEL PRESENTATION AND DISCUSSION GUIDE
Faculty Resource 1e:	ETHICAL AND PROFESSIONAL RESPONSIBILITIES POWERPOINT FILE
Faculty Resource 1f:	EVALUATION TEMPLATE
Handout 1a:	AGENDA
Handout 1b:	ADVANCE READING – <i>SOMEBODY ELSE’S CHILDREN</i>
Handout 1c:	SURVEY QUESTIONS NARRATIVE SUMMARY
Handout 2:	ETHICAL AND PROFESSIONAL RESPONSIBILITIES POWERPOINT SLIDES
Handout 3:	HYPOTHETICAL CHILD WELFARE CASE SCENARIO
Handout 4:	ANALYZING WHAT MAKES OTHERS TICK
Handout 5:	PERMANENCY HEARING #1 WITH DISCUSSION QUESTIONS
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Handout 7:	RESOURCE BIBLIOGRAPHY

## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM

### Expectations of Trainers

The Lead trainer must be a leader in the court system. Ideally, the Lead trainer should be a current or former Lead Judge in a juvenile court. The small group facilitators and panelists should be knowledgeable and skilled in concepts of court and agency process and relationships and in ethical considerations of stakeholders. All trainers must also be skilled in facilitating productive discussion amongst diverse groups of stakeholders.

The facilitators and panelists should be chosen carefully and must be willing to prepare fully. Full preparation includes participation in the Pre-Training Survey, reading *Somebody Else's Children* (or at a minimum, the advanced reading selection) reading the introduction to this curriculum and reading and thinking about the preparation materials that are contained in their section of this curriculum.

Facilitators of the small groups may come from any of the professions represented in the participating jurisdiction's child welfare and court system. The ideal facilitator is someone who will ask probing questions, facilitate a civil discussion, gently control dominating group members, and keep the group on task – not someone who will dominate the discussion.

Panel discussions can be deadly. To assure a successful panel discussion the panel must be well prepared and guided by a facilitator who will bring out issues that are important in understanding their roles. The panel must represent multiple stakeholders – not just the lawyers. An ideal panel includes a judge, a guardian ad litem, a respondent parent counsel, an Assistant City/County

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Attorney, an ongoing caseworker, a CASA, a mental health or addiction counselor, and a foster parent.



**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
PREPARATION**

**ROLES AND RESPONSIBILITIES – PREPARATION**

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**Description of Activity**

**Facility.** The ideal facility is a public meeting area such as a government office, library or church. The main meeting room must be large enough to accommodate the number of registrants at rounds of up to 8. The main meeting room should have audio equipment so that all participants can easily hear the presentations. It must have a screen or a wall that is appropriate to display a PowerPoint presentation. Finally, the facility should have sufficient facilities to allow the breakout groups to meet in separate rooms.

**Recruitment.** A diverse group of stakeholders is essential to the success of this training. For this reason slots should be reserved for stakeholders representing various groups, including: judicial officers, court staff, family court facilitators, guardians ad litem, respondent parent counsel, county attorneys, CASAs, DHS caseworkers, supervisors and managers, parents and grandparents, educators, foster parents, visitation supervisors/therapists, mediators, psychologists, mental health and drug and alcohol treatment providers, tribal representatives, etc. *If advance registration does not reflect sufficient diversity of stakeholders, the Lead trainer must take steps to assure recruitment of an appropriate blend.*

*Lead Faculty must assure that registration forms include email addresses for all participants, as materials and notices will be sent to participants via their email addresses both before and after the training. The person delegated to be in charge of registration should create a distribution list to be used for registrant communication.*

*It will likely be necessary for the Lead Judge in a judicial district to take steps to assure full participation, which may include motivating or prodding attorneys or heads of agencies, sending repeat notices, etc. Lead Faculty should monitor early registration and contact Lead Judges so that they can ensure that a diverse group of participants attend.*

## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM PREPARATION

**Pre-Training Survey.** Because the primary focus of this curriculum is to address thoughts and feelings regarding relationships between stakeholders in the court and child welfare systems it is vital to identify the issues that may be present in the locale of the participants. Identifying these issues allows the program to be directed to the specific needs of those participants and it also allows the participants to introduce ideas that they might be reticent to advance in a public forum. To this end, Survey Monkey should be used to conduct an anonymous survey.

*Lead Faculty should construct a survey using the template found in FAaculty Resource 1a. State judicial has an account with [www.surveymonkey.com](http://www.surveymonkey.com). Faculty should contact staff at SCAO CIP or Judicial Training (303-861-1111) to obtain the member login and password. The survey used for the 19<sup>th</sup> Judicial District's Roles and Responsibilities training can be found on the Survey Monkey website after signing in. Instead of recreating the survey from scratch you may rename that survey and make any necessary changes. That survey was created on November 28, 2008 and is titled "Roles and Responsibilities." (If you wish, you may create your own account at the same website for free)*

*Once the survey is created, the link to the survey must be sent electronically to those signed up to attend. The link with an accompanying message should be sent to registrants at least 3 weeks prior to the training. An electronic reminder should be sent to participants periodically until the predetermined closing date. The closing date for the survey should be no less than 7 days before the training.*

Survey Monkey collects the responses and allows the creator of the survey to review the results in aggregate form. In addition, Survey Monkey allows the authorized user to view the comments made to specific questions.

*After the survey closes, the Lead Faculty member will review the survey and construct a Narrative Summary of the responses of participants. This document will be used as a handout (Handout 1c) for all participants and will be sent in advance to those who facilitate the small group discussions. (The Narrative Responses to Survey – 19<sup>th</sup> JD is included as Faculty Resource 1b)*

**Advance Reading.** In order to prepare participants to discuss the types of issues that are essential to achieve the learning objectives of this training, a selection from the book Somebody Else's Children, by John Hubner and Jill

## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM PREPARATION

Wolfson has been chosen for advance reading by participants. This book contains an in depth description of the lives of the kids, families and stakeholders in the Santa Clara County, California dependency court system. This book is an important resource for stakeholders in the child welfare and dependency court system and is essential reading for the Lead Faculty in this training.

The specific selection chosen for this training is from pages 1-9 and 99-104 of the book (Handout 1b). These selections speak to the low status and the extreme importance of the work that is done in the juvenile court. In addition, they illustrate inherent points of friction that exist between stakeholders. If misunderstood, unappreciated or neglected, these points of friction can result in loss of system capacity to promote the safety, permanency and well-being of children. It is important for the faculty to make reference to and weave the themes from the selections into each of the segments of this training. (Faculty may choose to utilize different selections, but they must be brief and must illuminate inherent areas of friction that may undermine the system if not understood and addressed)

*Approximately 10 days prior to the training, the Lead Faculty should draft an email message to be sent to all participants in which they are welcomed as participants in this important training and encouraged to complete the advanced reading. In the message it is important to let participants know that the selections are short and that reading them is important in setting the stage for a successful training. This message should be sent to participants from the Lead Judge in the participant's district.*

**Recruitment and Preparation of Facilitators and Panelists.** At least three weeks before the training date lead faculty should recruit facilitators and prepare them by sending Faculty Resource 1g. When Handout 1c is completed, it should also be sent to the facilitators so that they can review it prior to the training.

At least three weeks prior to the training, panelists should be identified and prepared by sending them copies of the Panel Presentation and Discussion Guide (Faculty Resource 1d).

**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
WELCOME AND INTRODUCTIONS**

**WELCOME AND INTRODUCTIONS**

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**Time: 15 minutes**

**Description of Activity:**

*Welcome participants to Roles and Responsibilities Training and thank them for taking the time out of their busy schedules to improve their system. Thank them for participating in the Pre-training Survey and for completing the Advance Reading.*

*Briefly introduce yourself (your bio for introduction is included in the materials) and take a moment to explain why you are committed to education as a means of helping to improve the lives of children and their families.*

*Take care of housekeeping issues including:*

- *Information about the facility (restrooms, parking, breakout rooms)*
- *Participant materials*
  - *Expense reimbursement forms and rules*
  - *CLE forms*
  - *Silence Cell Phones*

*Thank the organizers of the training and the rest of the faculty.*

*Explain that although many of the participants may already know many people, not everyone does and it is important to wear their nametag. Ask participants to participate in an introduction activity at their small table. In their introductions they should give their name, their stakeholder role (agency and position), how long they have been in their current role, and the single greatest strength in the child welfare court system. Explain that each introduction should be less than a minute.*

**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
INTERDISCIPLINARY ETHICS AND CHALLENGES**

**INTERDISCIPLINARY ETHICS AND CHALLENGES**

**Time: 75 minutes**

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**Description of Activity:**

This session is designed to provide a foundation for the most important part of the training day, i.e. multi-disciplinary small group discussions. During this session participants will receive information on some of the common challenges as revealed in their responses to the survey. In addition, participants will receive a summary of the ethical and practical framework under which the different stakeholders operate. By providing this framework, the participants will be better prepared to participate meaningfully in the small group discussions. While this portion of the program relies on PowerPoint to present abstract material, the presentation also provides a concrete experience through the use of faculty selected excerpts from the Pre-Training Survey. It is important for the trainer to engage the participants throughout this section by asking difficult questions and allowing participants to reflect on how these issues might result in inefficiencies and the loss of safety, permanency and well-being for children.

The following corresponds with the PowerPoint presentation slides set forth in [Faculty Resource 1e](#):

🖥️ Slide 1: Title Slide: “Going along to get along” vs. “The squeaking wheel” vs. “Just doing my job ...”

Roles and Responsibilities of Stakeholders in the Child Welfare System:  
Improving the system to work better for children and their families

*While this slide is on the screen it is important to set the stage. We are here to talk about our relationships and how they affect the children we touch. It is important to have participants reflect on the purpose and mission of the dependency court – that is to provide children and families with lives that are better than when they entered our system. To do this you should read a short selection from [Somebody Else’s Children](#). This selection is found at [Faculty Resource 1h](#) and it the book starting at page 111 and continuing to page 113. This selection provides a concrete experience because participants have often had to face the difficult decisions faced by the participants in this scenario. After reading the selection, ask reflective questions such as, “Do you know*

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*Jenny?” and “Is she on your caseload now?” “Have you been frustrated by your powerlessness in situations like this?” This selection and the characters within it provide some clarification about why this program is so important and provides a segue to the next slide.*

☞ Slide 2: What the title means and where we are going today.

- Awareness of your own profession’s ethics and expectations
- Appreciation of the roles and ethical obligations of other stakeholders
- Understanding of the breadth and responsibilities inherent in the role of advocate

*Explain that the title is indicative of the roles that some of us may have played in the course of our careers. Sometimes we choose to avoid conflict and not rock the boat; at other times we are the squeaking wheel that gets attention; and at other times we try to tell others that it’s nothing personal, “I’m just doing my job.” There are inherent problems, challenges or conflicts that may arise as a result of the approach we take. If we don’t rock the boat, it may be that we are not being effective advocates for our clients. If we are the squeaky wheel too often it may damage our ability to argue that this client or that client needs “special” attention. And while just doing our job, we may damage the interpersonal relationships that are essential to meet our clients’ needs.*

*Lack of awareness of your own profession’s ethics and expectations; lack of appreciation of the roles and ethical obligations of other stakeholders; and especially a lack of understanding of the important role of advocate (whether as a lawyer, CASA, caseworker, therapist, etc, are likely to cause a breakdown in the capacity of our child welfare system to work collaboratively for the benefit of our clients.*

☞ Slide 3: What you said . . .

*In preparation for this session, the presenter should select 4-6 excerpts from the Pre-Training Survey as illustrations of the challenges and conflicts faced by participants. These quotes should be added to the slide and participants*

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*should be allowed to reflect on whether they are surprised by the views expressed by their colleagues. (Take great care to assure that none of the quotes contain identifiable information)*

📄 Slide 4: The *Challenges* faced by the many different stakeholder roles

- Privacy/confidentiality
- Different/opposing goals
- Difficult roles
- Inconvenient legal/ethical duties and constraints
- Serving different/multiple masters
- Too many phone calls/emails
- Not enough phone calls/emails

*Explain that the purpose of this training is to bring the deeply held views of participants as well as the challenges posed above to the surface so that they can be discussed in a thoughtful and safe manner and with a foundation of awareness of the challenges faced by others.*

📄 Slide 5: “This court is real, real different.” anonymous (but could be you?)

- Not really *civil* litigation
- Not really *criminal* litigation
- Most language is *not legalese*
- *Policy* driven

*It is important for you to recognize with the participants that this court is different. For many of the attorneys it is not what they thought they would be doing when they chose their career. Further, it is not a specialty that commands a lot of respect from other lawyers or judges.*

📄 Slide 6:

- *Pressure* to meet external deadlines
- Lots of *public scrutiny*  
(Visual of newspaper headline, “Ritter condemns deaths of 13 kids”)
- An environment of *shared goals*
- Emphasis on *problem solving*

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*The first two bullets reveal the pressure that all stakeholders feel in the dependency and neglect court. These are among the reasons that many burn out. In the next two bullets participants will be able to start to identify why they remain players in this system that often times doesn't have the rewards that they envisioned when they were gaining their educational credentials. It is important to ask as this slide concludes, "With all of the other opportunities that you had, why did you choose this field?" "As you recall from the reading, that is exactly the question that was asked of Judge Leonard Edwards. Do you remember how he responded?"*

☞ Slide 7: "This court is society's means of holding ourselves accountable to the next generation. It is the arena where politics, economics, and morality intersect; where everything that Americans care passionately about yet seem incapable of agreeing upon – the family, individual rights, the role of government, taxes, welfare, crime, punishment, and rehabilitation – are embodied in society's most vulnerable members, its children.

☞ Slide 8: " Working in the system is a chance to help keep hatred and violence from being passed on from one generation to the next, to keep violence from spilling out of the home and into the schools and streets.

### **What can be more important than that?"**

- Judge Leonard P. Edwards  
Superior Court Judge, Ret.  
Santa Clara County, California

*Before the session starts you should choose 5 participants to read from the Edwards quote found on this and the previous slide. The 5 participants should be chosen to emphasize diversity of professions, gender, race and ethnicity. You should have 5 copies of Faculty Resource 1c that contains the quote. The following portions should be bracketed or highlighted so the participants can read them in order:*

1. This court is society's means of holding ourselves accountable to the next generation.



## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM INTERDISCIPLINARY ETHICS AND CHALLENGES

2. It is the arena where politics, economics, and morality intersect; where everything that Americans care passionately about yet seem incapable of agreeing upon;
3. The family, individual rights, the role of government, taxes, welfare, crime, punishment, and rehabilitation are embodied in society's most vulnerable members, its children.
4. Working in the system is a chance to help keep hatred and violence from being passed on from one generation to the next, to keep violence from spilling out of the home and into the schools and streets.
5. What can be more important than that?

*It is now time for you to take a couple of minutes to process the meaning of this slide. Emphasize that although there are great challenges posed in working in this court, if you dedicate yourself to making the court all that it should be, the rewards are great for society and for the professionals.*

📖 Slide 9: Each of **these** roles in this court have **formal** ethical duties and responsibilities that direct how they operate.

- Judges
- Caseworkers
- County Attorney
- Attorney for parents
- GAL (attorney) for children
- Other professionals, e.g. medical, education, psychotherapists-counselors

*Explain that our challenge is to understand and appreciate each other's role so that our court can be a model for others and so that children and families who visit us will succeed.*

📖 Slide 10: Ethical issues and Relationship Challenges: Where do we find them?

Relationships between:

- Attorney and client
- Attorneys and caseworker

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- Lawyers and other lawyers
- Lawyers and other interested parties

*Work quickly through this and the following slide unless there are questions.*

📄 Slide 11: Relationships between:

- Assorted professionals (school, foster parents, behavioral health, counselors in programs) and lawyers
- CASA and everyone

Relationship between:

- Everyone and THE JUDGE
- THE JUDGE and everyone

📄 Slide 12: Colorado Code of Judicial Conduct

- Canon 1  
A judge shall uphold and promote the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2  
A judge shall perform the duties of judicial office impartially, competently and diligently
  - Rule 2.9 (A) A judge shall not initiate, permit, or consider ex parte communications (except as the law allows)
- Canon 3  
A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.
  - Rule 3.1[1] A judge is encouraged to participate in extra-judicial activities that concern the law, the legal system, and the administration of justice

*Point out that there are a total of 4 Canons with many subparts and that the Canons apply to Judges and Magistrates alike. Ask participants what the Canons mean in practical terms. Ask for illustrations of what might present a problem in terms of impartiality or appearance of bias (or the appearance of*

## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM INTERDISCIPLINARY ETHICS AND CHALLENGES

*such), for example. Point out that these Canons embody important principles that are the cornerstone of our society's concept of fairness and justice.*

🖥️ Slide 13: National Association of Social Workers (NASW) Ethics

Ethical Principles:

- Primary goal is to help people in need & to address social problems
- Challenge social injustice
- Recognize the central importance of human relationships
- Behave in a trustworthy manner
- Practice within their areas of competence and develop and enhance their professional expertise

*Although many caseworkers or other helping professionals are not licensed as social workers, these ethical principles are easy to endorse and form the basis of much that we do.*

🖥️ Slide 14: DHS Workers: Caseworker, Visitation Specialist, Administrator, etc.

- A myriad of responsibilities and challenges
  - Duties are found in law and regulation
    - Children's Code and Volume 7 – 12 C.C.R. 2509
  - Initial placement
  - Sometimes difficult balance between responsibility to place the child's needs first *and* make reasonable efforts to assist parents
  - Duty to maintain confidentiality and disclose when there is a need to know
  - High caseloads, difficult clients, reports, reports, reports

*This slide is designed to illustrate the extremely demanding job of a caseworker – physically and emotionally. This is a good time to refer back to the advance reading. The caseworker, Sallie Bearden, believed that she was “Just doing her job.” She didn't feel that she had crossed over any line. She had a difficult job and her primary responsibility was to the child and she didn't think that mom was up to her job in the long run. There was a lot of tension between the caseworker and Lee Ann Osterdock, Jenny's attorney,*

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*who thought that Sallie was being unfair and not giving mom a chance. Ask the participants what they think the reasons are for this conflict. Suggestions: different goals, conflicting roles, not enough time to fully investigate/prepare, both overloaded, etc.*

### Slide 15: Court Appointed Special Advocate: CASA

Standards come from multiple and sometimes conflicting sources:

- Mission
- Legal foundation – 19-1-201 C.R.S.
- Personal Commitment
- Different courts have different expectations
- Accountability to the child, family and court
- Confidentiality

*The mission is to speak up for abused, neglected or abandoned children in the court. What could be easier? CASA's are "free agents" who have a responsibility to make an independent investigation and who can take independent positions. Yet they have their challenges and limitations:*

- *They come from all walks of life and have varied backgrounds*
- *Some are trained in matters highly relevant to child welfare, some are not*
- *They are often not comfortable speaking in public and are most often not at ease in court*
- *For the most part they are self supporting. For example, they are volunteers who have a job, a family, have to pay for their own transportation, have little or no budget for the little things that they do for the children and the family*
- *In some arenas they are welcomed with open arms and respected while in others they are viewed as a threat or a nuisance.*
- *Sometimes they are left off of mailing lists or are unable to easily access important material*
- *They do their work because they love children and because they believe that children deserve to be heard.*

### Slide 16: Foster Parents

- Code of ethics
- Right of notice and opportunity to be heard at every hearing – 19-3-502(7)

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- Participate in planning, choose to work with families of origin, keep records (Volume 7.304.74)
- Love the child as you would your own child . . . Work with difficult people . . . Give the child up . . . Adopt the child . . .

*The Code of Ethics citations are found in the Resource Bibliography.*

*This is another good opportunity to refer back to the Advance Reading. Nicky's foster parents Claire and Greg took Nicky into their home in good faith. They wanted the parents to succeed, but after mom's death they were more conflicted. After all, dad had previously failed several programs. Even though dad was successful for the time being, all Claire could think about was his previous failures and how another failure might affect Nicky. She had grown to love Nicky as her own and had nursed him through his many medical problems, and now the medical crisis brought all of these feelings to the surface. Trust is an important issue, and despite the fact that Claire trusted the caseworker, she didn't trust her enough to send the letter with her true feelings. This fact pattern should illicit some strong feelings amongst the foster parents in the audience. They may wish to speak and you should allow them to do so but this discussion may be more amenable to the small group discussions. Reflection is the goal here so others have the opportunity to experience the feelings of the foster parent.*

### Slide 17: Therapists/Treatment Providers

- Counselors, therapists, marriage and family therapists, social workers, certified addiction counselors and psychologists
  - Codes of Ethics
  - Statutes –
    - Privilege – 13-90-107 C.R.S.
    - HIPAA
    - Mandatory reporting – 19-3-304 C.R.S.
    - Confidentiality – 12-43-218 C.R.S.

*The codes of ethics are cited in the Resource Bibliography*

*In addition, you should refer participants to the ABA Sharing Information pamphlet and the Davidson article in the Resource Bibliography.*

*The main points of conflict in this area are the sharing of information and the lack of understanding of who each of these professionals serve. For example, the mental health therapist's client is not the court or the caseworker but rather the person she/he is counseling. It is that person who holds the privilege, just like it is the lawyer's client that holds the privilege. The*

## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM INTERDISCIPLINARY ETHICS AND CHALLENGES

*counselor cannot reveal his/her client's confidences unless the client consents or the court orders it. It will be important while displaying this slide to solicit opinions on why there is law and public policy that prohibits or discourages disclosure.*

### 🖥️ Slide 18: Educators

- Code of ethics – NEA
  - Commitment to the Student
  - Hold student information confidential
- Report Suspected Child Abuse 19-3-304(1)
- Disclose information and provide protections as required by law (McKinney Vento)
- Provide students qualified under IDEA with IEP and associated services

*The various Codes of Ethics are included in the Resource Bibliography. Again the main point of conflict is in the area of sharing information. Educators are constrained in sharing info and are frustrated when others don't share information with them.*

*IDEA – Individuals with Disabilities Education Act*

*The McKinney-Vento act has numerous requirements that are designed to break down barriers to success for homeless students including students who are waiting for or are in foster care.*

### 🖥️ Slide 19: Rules of Professional Conduct

The legal profession is largely self-governing

A lawyer is a representative of clients, an officer of the legal system & a public citizen who has special responsibilities for the quality of justice.

A basic tenet – Every person is entitled to the assistance of an independent and competent lawyer.

Maintaining the integrity and improving the competence of the bar to meet the highest standards is the ethical responsibility of every lawyer.

*Explain that we will spend a little more time talking about the legal profession since so many of the stakeholders are lawyers. Although judicial officers have their own Canons, as lawyers they are bound by the Code as well. This slide provides a broad overview of the Code that governs attorney conduct.*

### 🖥️ Slide 20: Colorado Rules of Professional Conduct

## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM INTERDISCIPLINARY ETHICS AND CHALLENGES

### Client-Lawyer Relationship

- A lawyer must be competent through legal knowledge, skill, thoroughness and preparation (RPC 1.1)
- The client is the boss concerning the scope and objectives of the representation, although after consultation, the lawyer determines the means or strategy to pursue the goals. RPC 1.2(a)
- By representation, the lawyer does not endorse a client's political, economic, social or moral views or activities RCP 1.2(b)

*Emphasize that while there are certain areas of legal representation not affecting the merits of the case or substantially prejudicing the rights of a client, a lawyer is entitled to make decisions. These are generally referred to as strategic decisions. Otherwise, the **authority to make decisions is exclusively that of the client** and, if not illegal or unethical for the lawyer to pursue, the client's decisions are binding on the lawyer.*

### Slide 21: Client – Lawyer Relationship (cont)

- A lawyer shall not counsel a client to engage in conduct that the lawyer knows is criminal or fraudulent. RCP 1.2(d)
- A lawyer shall not engage in conduct that exhibits or is intended to appeal to engender bias on account of a person's race, gender, etc. RPC 1.2(e)
- A lawyer must act with reasonable diligence and must explain the matter and keep a client informed of its status so that the client can make informed decisions. RCP 1.3, 1.4
- With the exception of two very narrow circumstances, *a lawyer may not reveal confidential client information unless the client consents.* RCP 1.6

*This is a continuation of the prior slide and it sets forth other obligations of an attorney. You should highlight any issues that recur as issues in the jurisdictions of the participants.*

### Slide 22: Colorado Rules of Professional Conduct

The Lawyer's role as a counselor

## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM INTERDISCIPLINARY ETHICS AND CHALLENGES

### Counselor

- In representing a client a lawyer shall exercise independent professional judgment and render candid advice – *including considerations such as moral, economic, social and political factors that may be relevant to the client’s situation.* RPC 2.1

*Explain that a lawyer is more than the client’s mouthpiece. A lawyer should exert best efforts to ensure that decisions of the client are made only after the client has been informed of relevant considerations . . . Advice of a lawyer to the client need not be confined to purely legal considerations . . . The lawyer may emphasize the possibility of harsh consequences that might result from assertion of legally permissible positions.*

### Slide 23: Colorado Rules of Professional Conduct

#### The Lawyer’s role as an advocate

##### Advocate

- A lawyer cannot bring or defend a proceeding, or assert an issue unless there is a basis for doing so that is not frivolous. RPC 3.1
- A lawyer is not permitted to knowingly make false statements of fact or law or fail to disclose legal authority that is directly adverse to the position advocated. (Including knowingly offering false evidence). RPC 3.3
- A lawyer may not communicate *ex parte* with a judicial officer unless permitted by law

*In the electronic version, clicking on the “3.1” in the first bullet provides a link to slide 34. That slide provides an example of a lawyer who went too far and was punished. Clicking on the asterisk (\*) in slide 34 is a link back to this slide. The point of this fact scenario is that lawyers do not have free rein to advocate for a position when they have no reasonable belief in law or fact that they could prevail.*

*Clicking on “3.3” in the second bullet provides a link to slide 35. This series of slides provides an example of a lawyer who was punished for lack of candor to the court in the context of a dependency case. The case makes*



## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM INTERDISCIPLINARY ETHICS AND CHALLENGES

*clear that fudging the truth will not be tolerated. Clicking on “In re Wilka” in slide 38 provides a link back to this slide.*

### 📄 Slide 24: Colorado Rules of Professional Conduct

#### Transactions with Persons Other than Client

- A lawyer may not knowingly make a false or misleading statement of fact or law, or fail to disclose a material fact to a third person when disclosure is necessary if disclosure is necessary to avoid a criminal or fraudulent act. RPC 4.1
- A lawyer cannot directly communicate with a party who is represented unless that party’s lawyer has consented to the contact. RPC 4.2
- A lawyer should exercise special care when interacting with an unrepresented party. RPC 4.3

*You should note that while a lawyer must be candid with others, this does not mean that the lawyer may disclose information whose disclosure is prohibited by Rule 1.6 (Confidential client information)*

### 📄 Slide 25: Ethical Challenges Posed by a Lawyer’s Special Relationships

- The County Attorney
- Respondent Parent Counsel
- The Guardian ad litem

### 📄 Slide 26: Who is my client?

#### **Models of representation in abuse/neglect cases:**

- **Agency Representation Model:** The agency attorney represents the agency as a legal entity, much the same as in-house counsel’s role in representing a corporation. *The agency is clearly the defined client.*
- **Prosecutorial Model:** The attorney, a city or county attorney, files petitions and appears in court on behalf of the agency, *but represents the state or “the people” of the jurisdiction.\**
  - *\*This may mean the attorney may override the views of the agency in court.*

## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM INTERDISCIPLINARY ETHICS AND CHALLENGES

*Explain that this is an issue that occasionally crops up, depending on the county/city attorney's perception of his/her role. Some attorneys argue that while the statute states that the Department is represented by the City/County Attorney, because the case is brought in the name of the "People", the attorney has an obligation to make decisions in the "best interest" of the child. Elicit comments from participants. The problem with the prosecutorial approach is that it could leave the Department's position unrepresented.*

### Slide 27: **Core Duties of County Attorney:**


To act as an advisor to his/her client with expectations that go beyond the immediate courtroom

***The organization/agency is the client*** and the lawyer owes a duty of allegiance to the organization itself. RPC 1.13(a)

***Exercise independent professional judgment and render candid advice . . .*** and may refer to other considerations, such as moral, economic, social & political factors, that may be relevant. RPC 2.1

***Counsel the client/agency about all legal matters*** related to individual cases as well as policy issues and the periodical monitoring of cases in and out of court.

*An interesting discussion of a lawyer's duty to his/her client can be found in the case of Philip Zekilow, who at the time the torture debate was happening wrote a memo in which he argued that the other torture memos were an extreme view of constitutional law. What were his duties to his client? Who is his client? Does it make a difference that he was a lawyer for the Secretary of State and it was the CIA who was using the "harsh interrogation techniques?" These questions raise some interesting ethical issues.*

 Slide 28: Ethics & Practice: When the Assistant County Attorney and Caseworker don't agree.

### **Key Principles in Resolving Dispute:**

- 1) The attorney and caseworker should start with a face-to-face meeting to try to resolve the conflict;
- 2) If there is no resolution, the system should delineate how each should go up their respective chains of command; and

## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM INTERDISCIPLINARY ETHICS AND CHALLENGES

3) The system should set out examples of issues that are legal and those that are social work decisions, understanding that most issues will need to be resolved jointly.

- Timeframes for resolution should be set
- Conflicts in front of judge and other parties should be avoided

*Ask for examples of situations where the attorney and the caseworker may disagree. These can provide fertile ground for analyzing how to overcome a disagreement. For example, a caseworker may want to have the attorney file for TPR without a treatment plan but the attorney doesn't want to; either because he/she feels that it is not legally justified or he/she doesn't believe it is ever justified. In terms of ethical considerations, is there a difference?*

### Slide 29: Respondent Parent Counsel

Salient issues:

- Confidentiality
- Incarcerated Client
  - Communication
  - Control of case
  - Case plan
- Case Strategy
  - Candid assessment and communication is essential
  - Educate client that different stages require different tactics
  - Mediation may assist in resolving conflict
- Bias against parent by helping agencies based on act
- Strategies when the plan is no longer reunification but OPPLA or placement with a fit and willing relative

*Make sure all participants understand that the RPC and many of the other stakeholders often have very different outcomes in mind. Consider Jenny's attorney in the Advance Reading and her conflict with the Sallie Bearden and the workers at the shelter. Conflict is to be expected because of sometimes different goals and many times different points of emphasis.*

### Slide 30: Attorney for the Child

## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM INTERDISCIPLINARY ETHICS AND CHALLENGES

- Guardian ad litem
- Youth Voice
- Legal role
- Conflicts naturally arise

Query:

Does the 12 year old control the case?

What constitutes communication?

What special skills are necessary to assure that you are able to listen to what is both said and unsaid?

*Make sure that there is not confusion regarding the Office of Child Representative (OCR). Despite the fact that attorneys contract with OCR, the attorney's duty is with the child, not OCR.*

*SB 226 and the Child and Family Services Improvement Act of 2006 require notice and age appropriate consultation for children 19-3-702(3.7) C.R.S.*

🖥️ Slide 31: Strategies

- Walking the tightrope:
  - Advocate for the client's goals and empower the client to direct the representation and make informed decisions based on good counsel
  - Advocate for the client's best interests and inform the court of what the client wants
- Remember & act in accordance with the duties of loyalty and confidentiality owed to the client
- Communicate and counsel with the client regularly and maintain a system that supports regular contact

*There is some debate regarding whether the GAL represents the child's wishes or what the child wants. The statute says that the GAL represents the child's best interests. A recent case in the Court of Appeals, *People v. Gabriesheski*, 2008 WL 4140447, announced on September 4, 2008 raised the issue in a criminal context. That case is not final at this time, but it highlights the need to address the issue in the GAL's relationship with the child.*

## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM INTERDISCIPLINARY ETHICS AND CHALLENGES

*One strategy a GAL may use if he/she disagrees with the child's stated wishes is to allow the child to speak directly to the court. Question: At what age – if any – does your role change if you and the child disagree?*

🖥️ Slide 32: Bringing it all together

Improving our Performance

Tools

- Survey
- Reading
- Ethics Presentation
- Small Group Discussions
- Panel of Stakeholders

*It is important to bring closure to this session and chart the course for the rest of the day. This slide is designed to facilitate that discussion and to stress the importance of being open and honest in the discussions throughout the rest of the day. Consider the following material as a way of facilitating this purpose:*

It is all about improving our performance –

- Children and families languish in our system far too long
- They move far too often
- They are too often unsafe in their homes of origin and elsewhere
- Their voices are sometimes not heard
- Survey was designed to give each of you the opportunity to candidly **express** how you feel about your court system and the other professionals you work with.

It was also designed to allow you **hear** some voices (through the survey summary) that you may not have heard before.

- The reading in many ways was selected to bring forward some of the same feelings and emotions – we

## ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM INTERDISCIPLINARY ETHICS AND CHALLENGES

have each chosen to practice in a very difficult field – why have we done it? Money? Prestige? The envy of our peers? Because we enjoy waking up in the middle of the night to comfort a child? Or do we wake up because we are thinking about what we’ve seen? Is it because we enjoy working with the Jenny Langdon’s on our caseloads? I suspect instead that it is because we believe our children need us, because we believe that they need families who will also cherish them. Although some may start out doing it because it is a job – those who stay do so because they passionately believe that society will be better because of their participation.

- I hope that the ethics presentation will give you the foundation that you need to understand your own role more completely and to appreciate the role that others play so that you will collaborate effectively to improve our system.
- Your voice needs to be heard here – we all need to hear it and respect it so that together we make a more humane system for children and families.

### Slide 33: Contact Information

Presenter’s Name

Title

Email

Address

Phone #

*Include your professional information so that participants may contact you with questions and comments.*

*Explain how the participants will identify their breakout group and adjourn for the 15 minute networking break.*

**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
INTERDISCIPLINARY ETHICS AND CHALLENGES**

*The following slides are used in conjunction with slide 23. The electronic version of the PowerPoint file contains links to navigate from that slide to these and back.*

☞ Slide 34: How “cross” is cross examination: Did he go too far?

“Prosecutor engaged” in a blistering cross examination of six defense mental health experts, calling them “hired guns” when he had no controverting expert testimony or mental health evidence . . .

The examination was of defense witnesses for a defense of not guilty by reason of insanity.”

Disciplinary Proceeding resulted in a 6 month suspension and probation.

Held: Violations of three Ethical Rules: competence, assertions made without basis in law or fact and conduct prejudicial to the administration of justice. \*

In the Matter of Thomas Zawada,

Arizona Supreme Court Ethics Opinion (7/1/04)

*To return to slide 23 click on the asterisk.*

☞ Slide 35: Finding that *sometimes* fine line between maintaining confidentiality and candor to tribunal

Context: Mother’s motion for supervised visitation based on father’s alleged meth use

- Father’s attorney arranged urinalysis for meth; drug screen showed marijuana only
- Lab refused to screen for meth only or issue new report
- Lab tech cut off bottom portion of the report re: marijuana
- Partial report introduced as evidence that father had not been using meth

☞ 36. The Hearing

- At hearing on Motion, court asked “Is this the whole report?”
- Father’s attorney said “That’s what I was provided by the hospital; that's what I have judge...”
- And when judge asked if the report “ was cut off?” Father’s attorney said “That’s what I asked them to screen for . . .”

**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
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- Father’s attorney argued that the report was evidence that Father not using meth.
- After argument, the court found that the report was not ”competent” due to its apparent irregularities and ordered another screening.

📄 Slide 37: The Fallout

- Criminal contempt was filed but was reduced to civil contempt.
- Attorney was convicted and a fine was imposed
- Matter was referred to South Dakota Board of Professional Conduct . . .

📄 Slide 38: Despite the Disciplinary Board’s recommendation for a lesser sanction, the South Dakota Supreme Court ordered public censure

- Wilka’s intent to mislead the court is not mitigated by his concerns over his client’s right to confidentiality.
- While Wilka may not have directly lied to the court, he intentionally evaded the plain and understandable questions of the judge
- The requirement of candor towards the tribunal (RPC 3.3) goes beyond simply telling a portion of the truth. It requires every attorney to be fully honest and forthright.

In re Wilka, 638 NW2d 245 (2001)

*To return to slide 23, click on “In re Wilka”*



**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
BREAKOUT GROUPS – SESSION 1**

**BREAKOUT GROUPS – SESSION 1**

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**Time: 70 minutes**

**Description of Activity:**

The breakout groups must be preselected in order to provide diversity in stakeholder roles. *The nametags should be pre-marked with different colors or shapes that will indicate which small group the participant will attend.* When multiple jurisdictions are participating in the training it is important to group participants from the same jurisdiction together to the extent possible. This allows the jurisdiction to take advantage of the relationships that they have already built and allows them to air their concerns about the functioning of their court system in a structured and safe environment.

Facilitators may come from any of the professions represented in the participating jurisdiction's child welfare and court system. The facilitators must be chosen carefully and must be willing to prepare fully. The ideal facilitator is not someone who will dominate the conversation but rather someone who will ask probing questions, facilitate a civil discussion and keep the group on task.

*Facilitators of each group should allow participants to take 5 minutes to review the first two pages of the Hypothetical Case Scenario (Handout 3). A recorder and reporter should be selected to report back to the large group before lunch.*

*The facilitator should ask the participants to introduce themselves to their small group. Each participant should give their name, their role, how long they have been in that role and their view of the greatest challenge faced by their jurisdiction's child welfare and court system.*

*The facilitator should then ask participants to consider the questions on page 3 of Handout 4 entitled "Analyzing What Makes Others Tick." The facilitator's role is to encourage participation, identify ethical or relational issues, seek opposing views and keep the group on task. The facilitator should be familiar with the "Survey Questions Narrative Summary" (Handout 1c) and may choose to utilize one or more of the comments from that document to promote a productive discussion. However, the facilitator must*

**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
BREAKOUT GROUPS – SESSION 1**

*remember that the survey is anonymous and the facilitator should take great care to protect that anonymity. Only if someone volunteers that they were the author of a comment should that fact be revealed.*

**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
REVIEW AND EVALUATION**

**REVIEW AND EVALUATION – SESSION 1**     [Return to Table of Contents](#)

**Time: 20 minutes**

**Description of Activity:**

*Each group is given 3-4 minutes to report back to the large group on their discussions and the challenges, if any, that they faced in effectively communicating in their small groups. The Lead trainer asks questions to clarify, records themes and challenges and thanks each group for their reports and their hard work.*

*At the conclusion of all of the reports the Lead trainer again thanks the groups for their hard work and provides lunch instructions, including the hope that participants will use this time to get to know their lunch mates outside of their stakeholder roles.*

**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM**  
**PANEL PRESENTATION AND DISCUSSION**

**PANEL PRESENTATION AND DISCUSSION** [Return to Table of Contents](#)

**Time: 75 minutes**

**Description of Activity:**

Panel discussions can be deadly. To assure that this one is not, it is important that the panel be well prepared and guided by a facilitator who will bring out issues that are important in understanding their roles. The panel must represent multiple stakeholders – not just the lawyers. An ideal panel will include a judge, a guardian ad litem, a respondent parent counsel, an Assistant City/County Attorney, an intake or ongoing caseworker, a CASA, a mental health or addiction counsel, and a foster parent. In addition, a former foster youth adds depth and texture to the panel and a reminder that it is children and families that should guide and inspire our work.

In preparation for the panel, all panelists should be asked to reflect on the Advance Reading and be prepared to comment on the issues or conflicts that were presented to the players in the selections from *Somebody Else's Children*. In addition, panelists should review the NARRATIVE RESPONSES TO SURVEY – 19<sup>TH</sup> JD ([Faculty Resource 1b](#)) and SURVEY QUESTIONS NARRATIVE SUMMARY ([Handout 1c](#)) in order to sensitize themselves to the issues raised by participants in this and other trainings.

Each of the panelists should be prepared to discuss the REAL challenges that they face personally and in their role. The questions below are designed to get the panelists to reflect on what they might be asked during the dialogue. It is important for the panelists to know that the panel facilitator will not necessarily ask them the questions as printed in this curriculum.

**Respondent Parent Counsel:**

- a. Advocacy vs. Collaboration, when to use each
- b. Use of ADR
- c. Advising clients regarding voluntary relinquishment or placement with kin
- d. Advocacy when there is denial or lack of services
- e. Advocacy around IV-E findings (use of reasonable efforts as a tool or a shield)

**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
PANEL PRESENTATION AND DISCUSSION**

- f. Conscious or unconscious bias against parents and those who represent parents
- g. “What is my duty to find my client or are they supposed to keep in touch with me?”
- h. Representing the non-offending parent in domestic violence or sexual abuse cases
- i. The ethical issues raised by representing both parents
- j. Advocacy when the facts don’t support the client’s position
- k. Do other professionals understand and respect your legal and ethical responsibilities? If not, how does this affect your relationships with those professionals?

2. City/County Attorney:

- a. Factors affecting relationship with client pre-petition
- b. “Case planning – What am I supposed to know and do I have to participate?”
- c. “Who is my client?”
- d. “Who owns the case and who makes important decisions?”
- e. “How do I handle situations where I don’t agree with what the caseworker asks me to do?”
- f. “How do I walk the line in communicating with a party who is not represented?”
- g. “Should I offer “no-fault” plea agreements?”
- h. Do other professionals understand and respect your legal and ethical responsibilities? If not, how does this affect your relationships with those professionals?

3. Guardian ad litem:

- a. Who is in charge of your client’s case?
- b. How do you communicate with your client?
- c. At what age, if any, does the child control decisions about your advocacy in the case?
- d. What if your client states a strong opinion that he/she should go home but you know that the child will not be safe there?

**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
PANEL PRESENTATION AND DISCUSSION**

- e. What if your client insists on staying in care but you and the caseworker believe that the child is safe in the home?
- f. Do you visit your clients where they live?
- g. How do you work with CASA's and what if you and the CASA disagree?
- h. Do other professionals understand and respect your legal and ethical responsibilities? If not, how does this affect your relationships with those professionals?

4. Mental Health/Addiction Professional:

- a. Who is your client?
- b. How do you handle confidentiality?
  - i. Generally
  - ii. Where your client has signed a release of information
  - iii. Where your client has not signed a release but disclosure may be required? (i.e. mandatory reporting, future crime)
- c. How does testifying in court affect your relationship with your client?
- d. Is reporting on your client's progress in a letter or at a staffing better for your professional relationship that testifying in court?
- e. Does it make a difference in terms of disclosure if you are an evaluator as opposed to an ongoing therapist?
- f. Do other professionals understand and respect your legal and ethical responsibilities? If not, how does this affect your relationships with those professionals?

5. CASA volunteer:

- a. Do other professionals take you seriously?
- b. How significant can my voice be when I am up against a whole room full of lawyers?
- c. Although your responsibility is to be the child's voice in court, do you have any responsibilities to the parents?
- d. Do I gather information and give it to the county attorney, or the parent's attorney, the GAL or the caseworker?

**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
PANEL PRESENTATION AND DISCUSSION**

- e. What if you disagree with the GAL or the caseworker?
- f. Do I have a duty to facilitate reunification?
- g. Do other professionals understand and respect your legal and ethical responsibilities? If not, how does this affect your relationships with those professionals?

6. Caseworker:

- a. How do I handle conflicts that arise when I try to engage parents and establish a supportive relationship and then testify against what they want?
- b. What does concurrent planning mean in terms of my communication with parents and other stakeholders?
- c. Do I qualify as an expert witness, and if so, what duty do I have to reveal to the examiner that a question is beyond my training and experience?
- d. How do I resolve differences with the City/County Attorney?
- e. How can I get my voice heard if I feel that I am being ignored or my views misrepresented by the City/County Attorney or the court?
- f. How much should I offer to the parents' attorneys if they don't know what to ask?
- g. Do other professionals understand the fiscal limits under which you operate and do they understand how far your time is stretched? Do they understand the utilization review process and the limitations you have on accessing services? If not, how does this affect your relationships with those professionals?
- h. Do other professionals understand and respect your legal and ethical responsibilities? If not, how does this affect your relationships with those professionals?

7. Foster Parent:

- a. Do other professionals appreciate the role you play?
- b. To what extent do other professionals listen to and act on the information that you give them about the children in your care?

**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
PANEL PRESENTATION AND DISCUSSION**

- c. Do you receive notice of upcoming court hearings? Do you have an opportunity to be heard in court?
- d. Do you feel able to communicate with and support parents in the absence of a mediator?
- e. What are the challenges posed by being identified as a foster-adopt parent?
- f. Do you feel comfortable communicating with the caseworker, GAL, CASA, Respondent Parent Counsel and other professionals outside of court, or are you reticent to trust any or all of them?
- g. Do other professionals understand and respect your legal and ethical responsibilities? If not, how does this affect your relationships with those professionals?

8. Judicial Officer:

- a. How do you view your role in juvenile court when compared to other more traditional judicial roles?
- b. How should I view my duty to make findings about whether reasonable efforts have been made?
- c. Do I have a duty to advocate and work with others to create a broad array of services for children and parents in the community or should I leave this to DHS, child and parent advocates?
- d. What kind of leadership should I exercise outside the courtroom to create a more collaborative system?
- e. To what extent do I strictly apply the rules of civil procedure and the rules of evidence?
- f. Should I run my courtroom in a less formal manner than I would if I presided over criminal or other civil cases?
- g. Do other professionals understand and respect your legal and ethical responsibilities? If not, how does this affect your relationships with those professionals?

*Each of the panelists should be provided with a copies of Faculty Resource 1d, Faculty Resource 1g, and Faculty Resource 1b and Handout 1c. You*



**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM**  
**PANEL PRESENTATION AND DISCUSSION**

*should communicate the clear expectation that they will not only read these materials but that they will think about the questions and their role in a thoughtful manner so that they can effectively communicate the challenges they face in dealing with other stakeholders.*

*The session should be started by briefly introducing each of the panelists by name and role in the system. Each panelist should then be asked to introduce themselves more fully and to also comment on the following questions/issues in 5 minutes or less:*

- 1. How did you come to your role as a stakeholder in this system? Did you choose to practice in the field of child welfare by conscious choice or some other circumstance?*
- 2. How do your roles and responsibilities within the system affect your life outside of your workday? Does what you see in your work or the pressures of your job cause you to lose sleep, have a closer relationship with your family, cause you to be frustrated, etc.*
- 3. What is the greatest challenge in fulfilling your stakeholder role?*
- 4. What do you view as the greatest challenge faced by the system?*
- 5. What do you view as the greatest strength of the system?*
- 6. Is there something about your work in the system that sometimes keeps you up at night?*

*Following each of these presentations, the facilitator should ask probing questions of the panelists and ask other panelists to comment on the answers. Audience members should periodically be asked if they would like to make a comment or ask a question.*

*The facilitator should assure that all of the voices on the panel are heard but should not adhere to any rigid formula as to how that occurs. There must be flexibility in how the dialogue proceeds. If a point is raised by a panelist or by a member of the audience that calls for a response by one of the other panelists, the facilitator should ask the question or rephrase and direct it to the appropriate panelist in order to promote understanding.*

**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
PANEL PRESENTATION AND DISCUSSION**

*It is also important throughout the discussion to make sure that the comments and responses to questions do not turn into longwinded war stories or comments that have little interest to the entire group's understanding of challenges faced by stakeholders. The facilitator should be prepared to move the discussion along so that an undue amount of time is not spent on any one issue.*

*At the conclusion of the session, the facilitator should thank each of the panelists for choosing their role in the system and helping the participants to understand better the challenges faced by others.*

*The facilitator should announce the networking break and direct the participants to be in their small groups in 15 minutes.*

**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
BREAKOUT GROUPS – SESSION 2**

**BREAKOUT GROUPS – SESSION 2**

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**Time: 60 minutes**

**Description of Activity:**

*The afternoon small groups will work on two different versions of the Permanency Hearing. The facilitators should be notified in advance as to which scenario their group will discuss. Half of the small groups are assigned to base their discussions on Permanency Hearing #1 ([Handout 5](#)) and half are assigned to base their discussions on Permanency Hearing #2 ([Handout 6](#)).*

*Facilitators of each group should allow participants a few minutes to read and consider the facts in the assigned scenario in the Hypothetical Case Scenario ([Handout 3](#)). A recorder and reporter should be selected to report when the large group reconvenes.*

*Because the small groups are the same as the morning groups there is no need to reintroduce. The facilitator should lead their group in considering the questions following their assigned scenario. As in the morning session, the facilitator's role is to encourage participation, identify ethical or relational issues, seek opposing views and keep the group on task. The facilitator should build on the morning session and incorporate some of the issues raised through the Panel Discussion, if appropriate.*

*At the conclusion of the breakout session the facilitator should thank each of the participants for their contribution to the discussion.*

**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
CONCLUSION AND EVALUATION**

**CONCLUSION AND EVALUATION**

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**Time: 30 minutes**

**Description of Activity:**

*Each group is given 3-4 minutes to report back to the large group on their discussions and the challenges, if any, that they faced in effectively communicating in their small groups. The Lead trainer asks questions to clarify, records themes and challenges and thanks each group for their reports and their hard work.*

*At the conclusion of all of the reports the Lead trainer should announce that participants will receive an evaluation instrument by email. The trainer should stress the importance of this evaluation in order to improve the training as it is presented at other locations around the state. In addition, the trainer should announce that participants should drop their CLE forms in a box at the registration table and that anyone needing a certificate of attendance should provide their name and email address on a sign-up sheet at the registration table.*

*Most important in concluding the day is for the Lead trainer or one of the Lead Judges call the participants to action to change the manner in which the stakeholders interact so that children and their families can be better served. This presentation should contain a request for commitment by the Lead Judges, agency representatives and individuals to use the information gathered through this training to inform better practice in the courts, in the agencies and individually.*

*The closing presentation may include a personal story that is inspirational and contains a call to action. You may choose to use one or both of the quotations set forth below in making this call to action. **Carpe diem!***



**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM**  
**CONCLUSION AND EVALUATION**

We are guilty of many errors and faults,  
    But our worst crime is abandoning the children  
Neglecting the fountain of life  
Many of the things we need can wait  
    The Child cannot  
Right now is the time  
    Bones are being formed,  
    Blood is being made,  
    Senses are being developed  
To the Child we cannot answer “tomorrow”  
    The Child’s name is Today  
                        Gabriella Mistral  
                        Nobel Prize winning poet from Chile



“The urgency you feel to make changes is just the extent that change will be made. **Do not sit this one out. Do not play it safe.** Understand the world and change it where it needs to be changed . . . **Make our society better.** Make a world worthy of *the children* that your generation will bear.”

Carl Sagan



**ROLES AND RESPONSIBILITIES IN THE CHILD WELFARE SYSTEM  
ACKNOWLEDGEMENT**

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