G.A.L. TO G.A.L . --- TALKING TO PEERS
CIP: Thoughts on "Finding the Scoop"
About Young Clients



Robert Noone, JD Adoption & Juvenile Counsel Robert Noone Legal Services November 2014

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GETTING THE SCOOP and AVOIDING MALPRACTICE

- Days are GONE when we jokingly called ourselves "Kiddie Lawyers" doing Kiddie Law.
- No other law touches and impacts lives more than Chapter 49 of WV Abuse Neglect law
- The Sanctions to the Parents and Effect on Kids make it the civil equivalent of the DEATH PENALTY



Until Jeffery R.L. & the Recent 2014 GAL RULES our "local standard " for representing Children would have been considered malpractice in other areas of law. (like meeting client 2 minutes before hearing in the hall, not returning calls, failing to keep client informed...)

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RECOMMEND: "Trial Advocacy for the Child Welfare Lawyer" by Marvin Bentrell - ABA Bookstore

- Those same skills that made you like trial work -
- Openings/closings
- Expert prep (not while they are on the stand)
- · Memos to persuade Learning to "channel" your client
- All related to the foot work involved in finding the scoop!



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The Horse Whisperer . . . Lessons from "The Man Who Listens to Horses" by Monty Roberts

"THE MAN WHO LISTENS TO ... HOUSES" Tips from Bob on Home Visits:

- Beware Hovering Parents
 Common Sense on living arrangements view the "love nest"
 Something seem "Staged" (The Honeymooner's first Fridge)
 Utilities running water, electricity, TV, Hushing Toilets
 Critters (Pet the dog!)
 Anyone wearing diapers? Are there enough? Formula Check?
 Belonging of kids Pawned?
 Closed Doors?
 Closed Doors?



	General Atmosphere/Safety		
	House/Apt is safe and well maintained	Yes	No
	Setting has light (versus windows covered)	Yes	No
	Toys are safe and appropriate for the ages of the children	Yes	No
	Window guards on 2nd floor windows,	Yes	No
	There is good light and ventilation	Yes	No
	There are smoke & carbon monoxide detectors, fire extinguishers & a first aid kit in the home	Yes	No
	Medicines/household products & firearms are locked away	Yes	No
	Heating and cooling appropriate	Yes	No
	Utilities working (water, elec, gas, etc.) Cut off notices?	Yes	No
1 x	Parents Smoke? Any health issues with children's breathing?	Yes	No

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"While sitting there I looked down and maggots were coming out from the side of the couch (in kitchen) where a trash bag full of trash was. I had XXXx get the vacuum and then empty the bag and remove trash. He swore it had only been sitting overnight. The maggots kept coming and so 3 times he vacuumed then no more appeared. I had him empty bag again. XXX stated she was mortherd that that had happened but there were flies everywhere and door was open. The kitchen was only part of home I saw maggots in. [October Summary Attached]"



Actually summary from visit October 2013 incorporated into the GAL report

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OTHER TIPS ON HOME INSPECTIONS

- SMELLS, GARBAGE PILES AND DOGS (BY THE DOZEN
- GETTING AN "INFORMANT" IN THE AREA
- WHEN TO USE AN INVESTIGATOR





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GOT DRUGS???

- The secrets to your client's treatment @ home may be in the parent's urine. How the Money and Time is spent?
- Children can describe events well discussion starter: "Has a police car ever been to your house?"
- Meth Making, crushed pills, strange smells, late night dealers or friends stopping by wayyy after kid's bed time. Making addiction recovery part of the case plan early. "Can't Fix what you don't think is broke!"(a twist on Doris S.) Name a concurrent plan to deal with parental drug denial. Measurable expectations (screens, AA/NA, therapy, etc.) with clear goals that are either met or not.



When Screens Suddenly Become CLEAN?

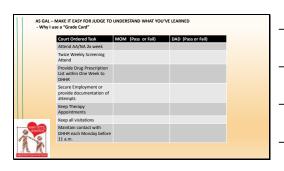
- Without Intervention
- Without Support (AA/NA)
- Without Therapy from an addictions counselor
- And with ATTITUDE . . . Against You.

- But I've Passed ALL my screens at the Suboxone Clinic!
 You are prescribed XYZ, but your screen is clean ... ???
 Check Board of Pharmacy vs. the screen.
 When to bring the "Blue Glove" to Court.



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Branchville man accused of using 'Whizzinator" to try to beat drug test ASK Yourself: "WHY DON'T WE HAVE PENALTIES LIKE THIS . . ." Charge: Defrauding a Court Ordered Drug Screen ... up to 5 yea Charge: Degrauding a Court Orace NEWTON — A Branchville man remained in the Sussex County jail today after he was allegedly caught using a "Whizzmator" device to defraud a count-ordered drug test, the county shertiff s office said.

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INSTRUCTIONAL BREAK

TALKING TO YOUR CLIENTS AT THE OFFICE . . .

-CAUTIONS FOR YOU AS AN INTERVIEWER



Judge Jay Hoke & Bob October 23rd, 2014 Lincoln County Circuit Co Hamlin, WV

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THOUGHTS ON GETTING THE SCOOP FROM CHILDREN OF TRAUMA

- TRAUMA affects Attorney-Client Relationship.
- The Ebola lesson
- Not All kids are Traumatized. . . Look at what lead them to your door! (severe neglect, drug exposure, physical sexual abuse?)

 As a GAL we are not Mental Heath Specialists, but , to
- effectively serve our clients, we must be knowledgeable . . For great tips *Child Law Practice* by the ABA. See work of San Francisco Legal Services for Children (Patton and Kraemer – great articles)



THREE AREAS TO BE AWARE OF:



- UNDERSTAND THEIR TRUST AND ENGAGEMENT. Difficulty trusting! Building a relationship helps you build a case and improves their engagement.
- THEIR INTERACTION WITH ATTORNEY. Early childhood trauma affects cognitive and psychosocial development. . . . Don't expect chronological age. MODELING POSITIVE RELATIONSHIPS. They expect new relationships to reinforce their negative beliefs. Modeling safe positive relationship is healing.



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SOME THINGS WE KNOW ABOUT TRAUMA IN KIDS:

- Impacts psychological AND PHYSIOLOGICAL. Young incomplete grains develop ways to handle traumatic stress. (Aside: Study of Chronic Toxic Stress and changed in developing brains. Biological Psychiatry.)
- Amygdala- survival mode: Flight, Fight or Freeze.
- Once activated in a child, hard to turn switch off.



 So how do we build relationships with our kids of trauma?

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BUILDING RELATIONSHIPS:

Know they have an impaired sense of safety!

- Even a "neutral office" may be threatening. Survival Behavior when there is no real danger is maladaptive. Tune into "friggers"
 Hyper-aroused states. heightened energy, jumpy, frequent outbursts, confrontational.
 Dissociative behavior —zoned out. Appears indifferent? Nightmare to attorney planning a case. Involve therapist.

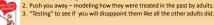
- planning a case. Involve therapist.

 4. Emotional Control 7 Tough for traumatized kids, "Alert button" always on. How develop the tools to calm self and self-regulate.

 5. Lack of Trust. They don't rrust adults (and you counselor are an adult!)

 1. Adults did not keep them safe.

 2. Push you away modeling how they were treated in the past by adults.





COMMUNICATION WITH YOUR CLIENT -BECAUSE OF TRAUMA YOUR CHILD MAY:

- Have trouble processing information. They are focused on survival.
- Be unable to express themselves due to early life instability.
- Have family secrets and won't disclose.
- Be unable to give you a smooth narrative on trauma history, so don't expect one – particularly if they grew up in homes where adults told them NOT to talk about things (like the abuse). . . Or when they talked, no one believed them. Loyalty to Family.

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• Be unable to make DECISIONS in their case - a cognitive impact from trauma. "Cause and Effect" thinking is impaired. Remember they suffered harm without any apparent cause... the reality they can't count on adults to follow a linear pattern.





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GUARDIAN AD LITEMS - TIPS FOR OUR CLIENT RELATIONSHIPS IN TRAUMA CASES?

- Get a STRONG working relationship valuable in the life of the client.
 No formula, but don't make their unsafe feelings worse. Don't worsen ability to trust. . Don't encourage negative self beliefs.
 TRANSPARENCY in age appropriate terms. Promotes TRUST and helps
- negate the feeling of powerlessness a trigger to the traumatized.

 Predictability both in the relationship with the client and with the legal



- Predictability both in the relationship with the client and with the legal process.
 THE VOICE give them a sense of control. Also critical for post-trauma development.
 RELIABILITY do what you say... with responsibilities, commitments, etc. You kid understands betrayal and disappointment don't reinforce that.
 ANTICIPATE predict issues de-escalate triggers.
 PATIENCE Remain present, available and patient, even when pushed away or bumps in the road.

THE GAL NEEDS TO UNDERSTAND THE TREATMENT OPTIONS ONCE SIZE UP CLIENT'S ISSUES:

- Not all Treatment is Equal. Is there a specialty needed (attachment, trauma, play therapist, etc.)
 Start with a good evaluation or initial interview.
 Docket to follow up on evaluations and with updates from

- Docket to rollow up on evaluations and with updates from providers.
 Licensed Masters Level professional therapist/counselor (versus the supervisee) should be on your more difficult cases. I put it im your orders. (Usually costs the same)
 When is out of state care called for --- when do you bring them back.



back ADVOCATE for PROPER TREATMENT, the clock is running on yo client.

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THOUGHTS ON "REVERSE CROSS OVER"

- Call it out when you see it. A Juvenile matter that is really an abuse and neglect case should not be treated like a "mini-delinquent."
- Likewise when an abuse and neglect client "FINALLY" arrives in juvenile court, follow the money (or lack





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There is no "Guardian ad litem Expert" – Just a bunch of collective wisdom on how to handle various situations ... AND

WE NEED TO BE SHARING THAT WISDOM OFTEN AMONG OURSELVES.

THANKS. BOB.





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