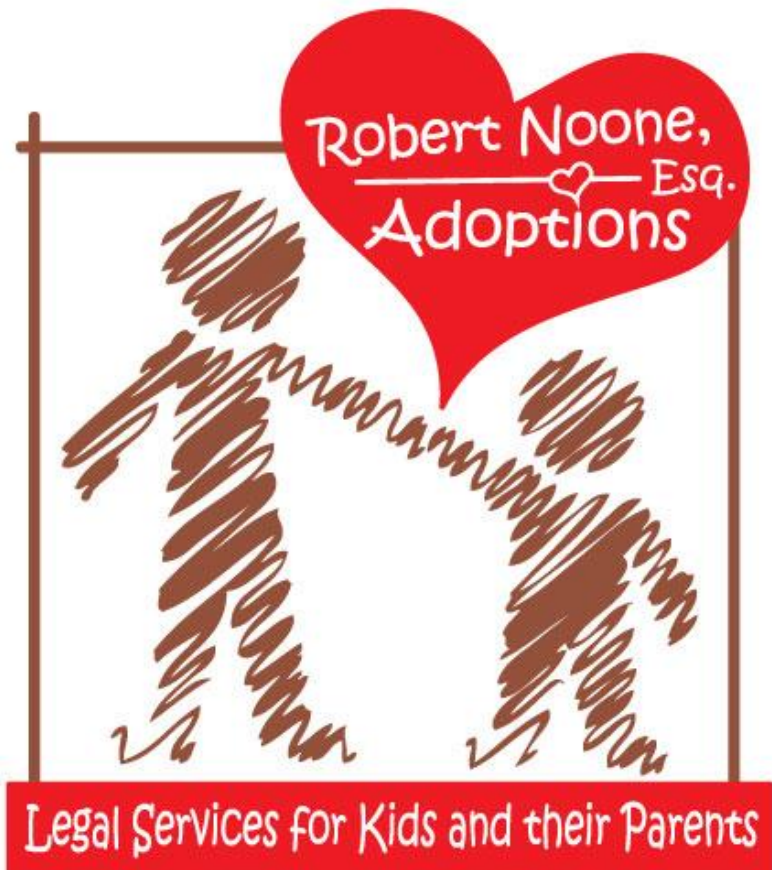
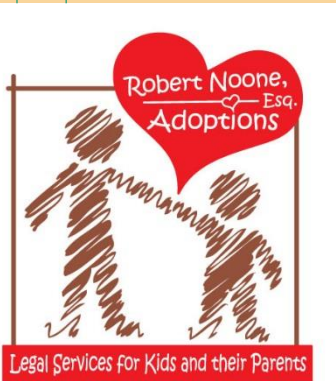


G.A.L. TO G.A.L. . --- *TALKING TO PEERS*

CIP: Thoughts on “Finding the Scoop” About Young Clients

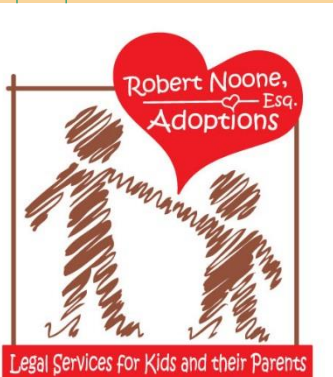


Robert Noone, JD
Adoption & Juvenile Counsel
Robert Noone Legal Services
November 2014



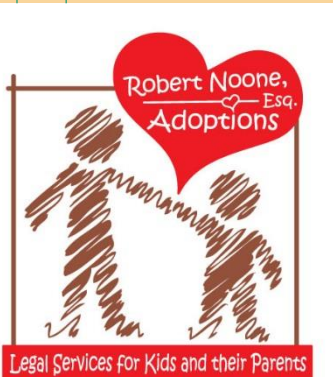
WHAT FLYING TAUGHT ME ABOUT ADVOCATING AS A GUARDIAN AD LITEM . . .

GOOD APPROACHES
MAKE GOOD LANDINGS



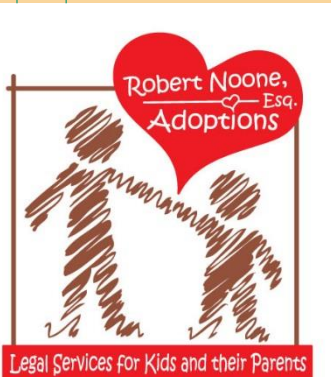
GETTING THE SCOOP and AVOIDING MALPRACTICE

- 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...)



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!



The Horse Whisperer . . .

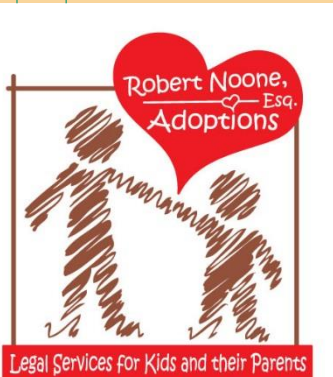
Lessons from “The Man Who Listens to Horses”

by Monty Roberts

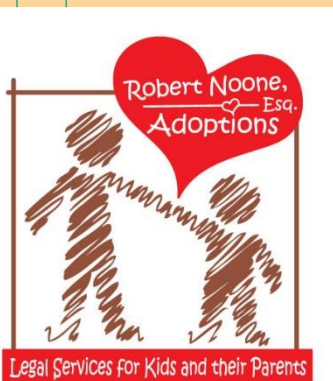
“THE MAN WHO LISTENS TO . . . HOUSES”

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, Flushing Toilets**
- **Critters – (Pet the dog!)**
- **Anyone wearing diapers? Are there enough? Formula Check?**
- **Belonging of kids – Pawned?**
- **Closed Doors?**
- **Checklists**

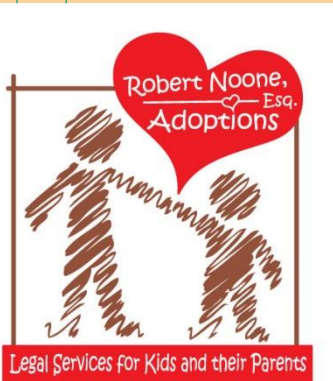


General Atmosphere/Safety		
House/Apt is safe and well maintained	Yes	No
Setting has light (versus windows covered)	Yes	No
Toys are safe and appropriate for the ages of the children	Yes	No
Window guards on 2nd floor windows,	Yes	No
There is good light and ventilation	Yes	No
There are smoke & carbon monoxide 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
Parents Smoke? Any health issues with children's breathing?	Yes	No



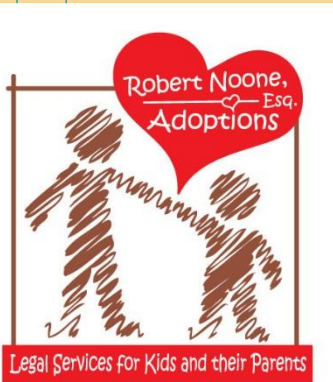
“WHILE SITTING THERE I LOOKED DOWN AND MAGGOTS WERE COMING OUT FROM THE SIDE OF THE COUCH (IN KITCHEN) WHERE A TRASH BAG FULL OF TRASH WAS. I HAD XXX GET THE VACUUM AND THEN EMPTY THE BAG AND REMOVE TRASH. HE SWORE IT HAD ONLY BEEN SITTING OVERNIGHT. THE MAGGOTS KEPT COMING AND SO 3 TIMES HE VACUUMED THEN NO MORE APPEARED. I HAD HIM EMPTY BAG AGAIN. XXX STATED SHE WAS MORTIFIED 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

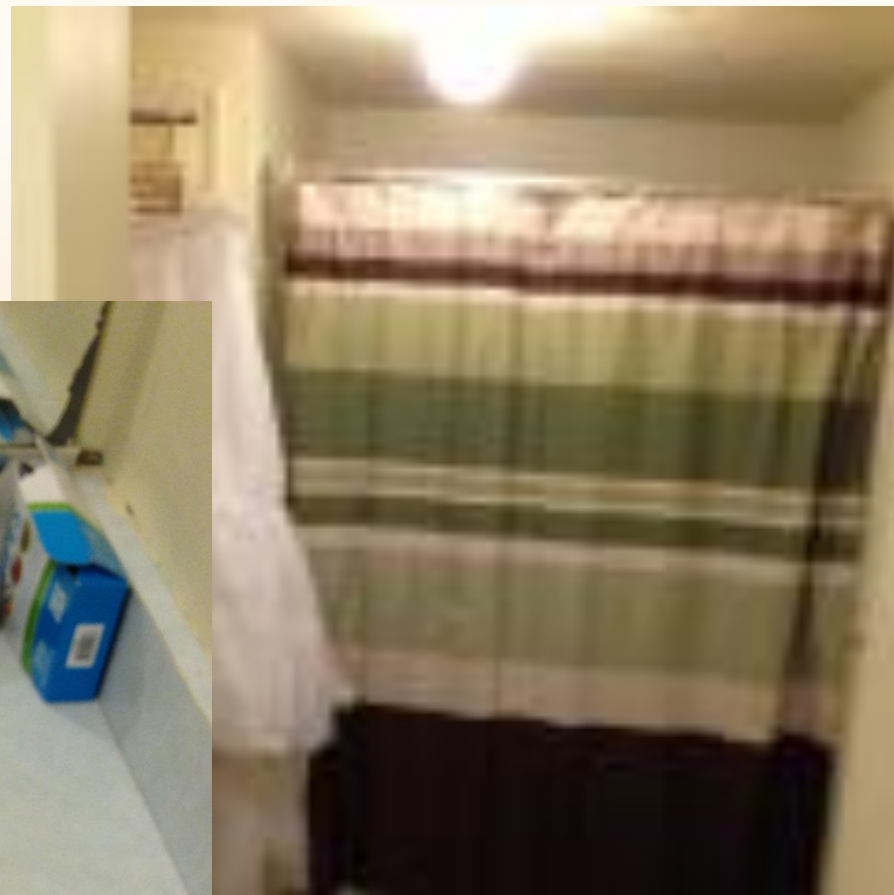


OTHER TIPS ON HOME INSPECTIONS

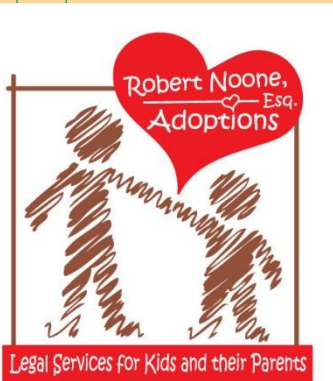
- SMELLS, GARBAGE PILES AND DOGS (BY THE DOZEN)
- GETTING AN “INFORMANT” IN THE AREA
- WHEN TO USE AN INVESTIGATOR





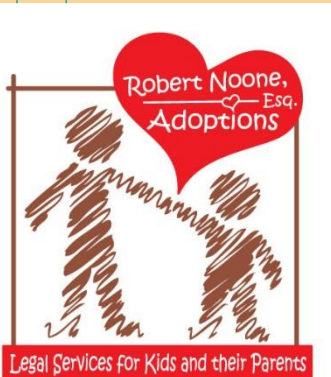


**“TO GET THE
SCOOP.
YOU MUST
SNOOP”**



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.

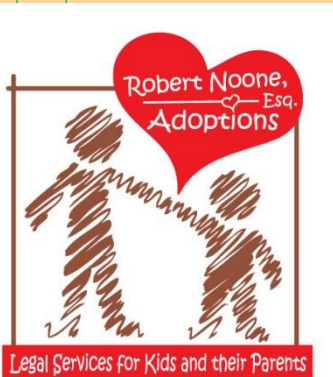


When Screens Suddenly Become CLEAN?

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

ASK HOW?

- 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.



DRUG SCREENS TOO GOOD TO BE TRUE?

Whizzinator Instructions - ...

www.youtube.com/watch?v=5DnGI-6t1qE

whizzinator

Flying the Weather: Pl... OVS- PDS QB RNLS USPS Yodle Training GTM Civil Air Patrol AbacusLaw Abacus KnowledgeBase Square Dashboard

YouTube

Upload Sign in

0:46 / 2:19

Whizzinator Instructions

ALS Alternative Lifestyle Systems

Subscribe 67

230,557

Add to Share More

74 29

Jimmy Kimmel Live

AD by Jimmy Kimmel Live

15,818,628 views

4:04

Drug Testing Cheats: How They Work and How We Catch Them

by John Seeley

121,232 views

3:18

"Marijuana...generally out of your system in 5-7 days"

by Randall Bock

225,449 views

5:30

How to Pass a Drug Test or Urine test for a Job -Marihuana

by Joseph Trimmer

305,816 views

6:49

How to pass a drug test the right way

by Relentless Reza

104,447 views

3:12

whizz kit instructions

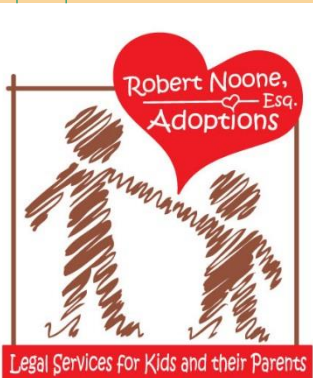
by Alternative Lifestyle Systems

65,895 views

2:13

Preparing The Real Whizzinator

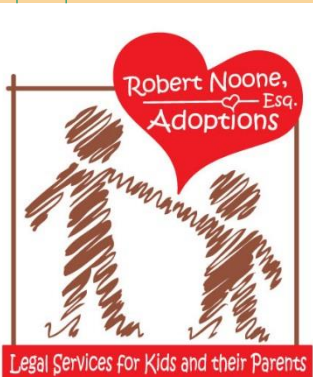
XXX For Use



AS GAL – MAKE IT EASY FOR JUDGE TO UNDERSTAND WHAT YOU’VE LEARNED

- Why I use a “Grade Card”

Court Ordered Task	MOM (Pass or Fail)	DAD (Pass or Fail)
Attend AA/NA 2x week		
Twice Weekly Screening Attend		
Provide Drug Prescription List within One Week to DHHR		
Secure Employment or provide documentation of attempts		
Keep Therapy Appointments		
Keep all visitations		
Maintain contact with DHHR each Monday before 11 a.m.		



Branchville man accused of using 'Whizzinator' to try to beat drug test



By [Joe Moszczynski/The Star-Ledger](#)

[Email the author](#)

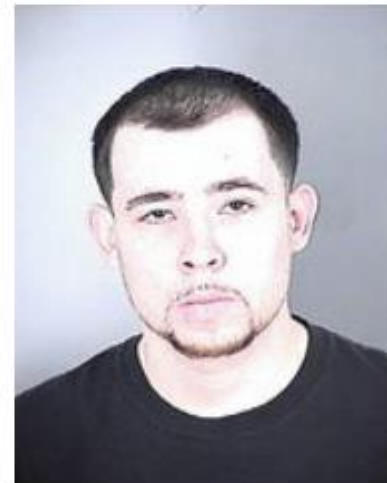
on May 22, 2014 at 1:19 PM

ASK Yourself: "WHY DON'T WE HAVE PENALTIES LIKE THIS ..."

Charge: *Defrauding a Court Ordered Drug Screen ... up to 5 years*

NEWTON — A Branchville man remained in the Sussex County jail today after he was allegedly caught using a "Whizzinator" device to defraud a court-ordered drug test, the county sheriff's office said.

Christopher Caufield, 28, who was ordered to comply with periodic drug screenings as part of probation for an earlier offense, is accused of using the device when he reported to probation on May 6. The device was discovered after a probation officer became suspicious.



Christopher Caufield, 28, of Branchville

Sussex County jail

Sponsored by:



New Rule In Logan, WV



68-Year-Old Grandma Looks 40 Again

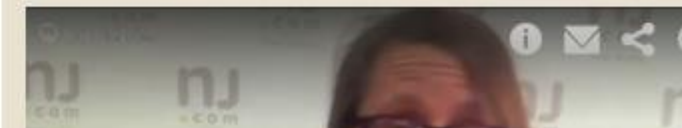


1 Veggie That Kills High BP



Celebs BULKING UP

Video of the Day



INSTRUCTIONAL BREAK

TALKING TO YOUR
CLIENTS
AT THE OFFICE . . .

TIPS

-CAUTIONS FOR YOU
AS AN INTERVIEWER

-



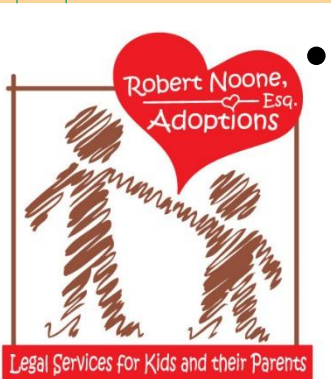
**Judge Jay Hoke & Bob
October 23rd, 2014
Lincoln County Circuit Court
Hamlin, WV**

(Facebook picture by permission)

THOUGHTS ON GETTING THE SCOOP FROM CHILDREN OF TRAUMA ...



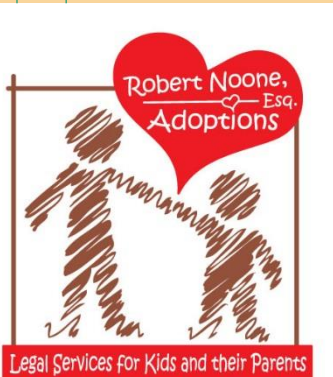
- TRAUMA affects Attorney-Client Relationship
- The Ebola lesson
- Not All kids are Traumatized. . . Look at what lead them to your door! (severe neglect, drug exposure, physical – sexual abuse?)
- As a GAL we are not Mental Heath Specialists, but , to effectively serve our clients, we must be knowledgeable . .
- 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:



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



SOME THINGS WE KNOW ABOUT TRAUMA IN KIDS:

- Impacts psychological AND PHYSIOLOGICAL. Young incomplete brains 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.

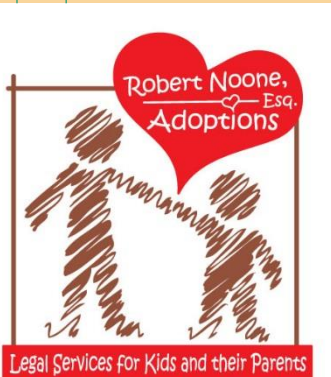


- **So how do we build relationships with our kids of trauma?**

BUILDING RELATIONSHIPS:

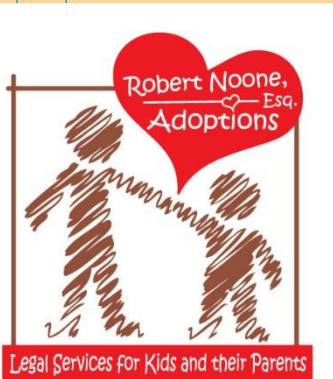
Know they have an impaired sense of safety!

1. Even a “neutral office” may be threatening. Survival Behavior when there is no real danger is maladaptive. **Tune into “Triggers”**
2. Hyper-aroused states... heightened energy, jumpy, frequent outbursts, confrontational.
3. **Dissociative behavior** – zoned out. Appears indifferent? Nightmare to attorney planning a case. Involve therapist.
4. **Emotional Control ?** 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 trust 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.
 3. “Testing” to see if you will disappoint them like all the other adults did.



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.

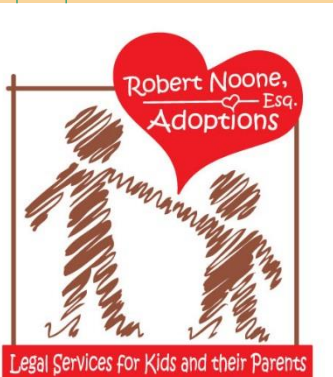


- Be unable to make DECISIONS in their case – a cognitive impact from trauma. “Cause and Effect” thinking is impaired. Remember they suffered harm without any apparent cause... the reality – they can’t count on adults to follow a linear pattern.



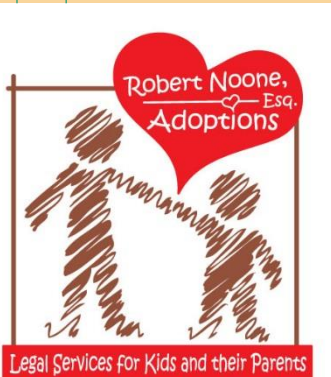
GUARDIAN AD LITEMS – TIPS FOR OUR CLIENT RELATIONSHIPS IN TRAUMA CASES?

- **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 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 providers.
- Licensed Masters Level professional therapist/counselor (versus the supervisee) should be on your more difficult cases. I put it in my court orders. (Usually costs the same)
- When is out of state care called for --- when do you bring them back .
- **ADVOCATE for PROPER TREATMENT, the clock is running on your client.**



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 thereof) to where treatment was ignored, denied, and client pushed through cracks. . .
- Get dismissal and ramp-up care in the abuse case.





**As GALs, we will
daily deal with the
effect of
BAD PARENTING . . .**



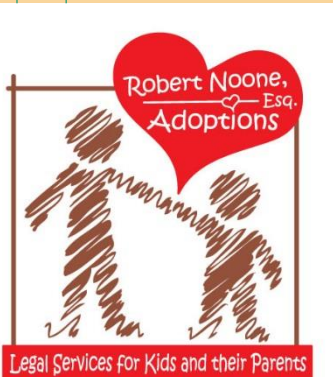


**BEING POOR DOESN'T MAKE YOU A BAD PARENT,
STUPIDITY DOES...**

**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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