

# Parental Defense Alliance of Utah



**Annual Report**  
**July 2015-June 2016**

## Executive Summary

The Parental Defense Alliance of Utah is a non-profit organization created to provide training and assistance to attorneys who represent parents in Utah's child welfare proceedings. From removal to reunification, or even at termination of parental rights, parental defense attorneys are committed, dedicated advocates, well-versed in the laws and practice of child welfare law in the juvenile courts. We are proud to serve them.



## Year in Review

The fiscal year spanning from July 1, 2015 through June 30, 2016 proved to be one of encouraging growth for the PDA, both in literal numbers and also, importantly, in expanding the borders of what services and resources we are able to provide our members. In addition to continuing to fulfill our mission to provide the best possible training and assistance to Utah's parental defense attorneys, we were able to allocate resources in new and creative ways to improve our outreach and support to our members. These opportunities included:

- adding two new board members and restructuring the Board of Directors such that each judicial district has a dedicated board member to attend to their needs;
- providing a number of in-person trainings, including a successful annual conference and release and renewal of several online training opportunities;
- updating our website and using our blog and emails to provide relevant information related to child welfare to our members and contacts;
- participating in trainings both inside and outside of the state, along with other statewide committees related to child welfare;
- continuing to reimburse funds to attorneys who represent indigent parents for the purposes of appeal and expert testimony; and
- producing our new Parent Video, in partnership with Utah's Court Improvement Program.

The balance of the Annual Report will address these opportunities in greater detail, as well as outline the allocation of our annual budget.

### Board Members

The PDA began the year with four board members, with the intention to further expand that number. The purpose of that expansion was to add experience and perspective to the organization, and also provide more outreach opportunities to our members in the various districts. In October 2015, the PDA announced that we had added Jim Smith and Mark Tanner to the Board of Directors, bringing the total, including Kate Hansen the Executive Director, to six. In addition to providing greater organizational depth, expanding the board also represented an effort to improve communication with parental defense attorneys state-wide, by dividing the 8 judicial districts into 5 regions. Each region is now represented by a board member. The regions are as follows:

Region Name	Judicial Districts	Current Board Member Representative
Northern	1 and 2	Carol Mortensen
Salt Lake	3	Jim Smith
Central	4	Grant Dickinson
Southern	5 and 6	David Boyer
Eastern	7 and 8	Mark Tanner

Specific duties of board members include liaison with PDA members in their districts, liaison with court clerks in their districts, planning at least one lunch CLE for their region per year with the Executive Director, observing court with the different judges in their region, and contributing posts to the PDA's blog.

One other significant change to the board of directors occurred in 2015: in April 2016, Kate Hansen formally tendered her resignation as the Executive Director of the PDA. In preparation for her departure, Ms. Hansen revised the PDA's bylaws such that more of the decision making power of the PDA was refocused on the Board of Directors, and not on the individual office of the Executive Director.



The revisions also highlighted specific office positions within the Board of Directors. Those offices are: President, President-Elect, and Treasurer. The goal of the revisions was to provide the PDA with more institutional memory moving forward, so that when changes like Ms. Hansen's departure occur, the PDA could continue serving its mission without losing any momentum in addressing the needs of its members, and pursuing its mission.

In April 2016, the board elected Grant Dickinson to be its President, Carol Mortensen as President-Elect, and Mark Tanner as Treasurer, with each officer serving for a period of two (2) years. Additionally, the Board held interviews and ultimately hired Kirstin Norman as its new Executive Director. Ms. Norman is a familiar face to the PDA and its board; she has served as Kate Hansen's Administrative Assistant and has assisted with the last three (3) annual conferences. It is undeniable that in her three-year tenure, Kate Hansen was able to improve the professionalism and efficacy of the PDA. Ms. Norman and the rest of the board look forward to continuing in this upward trajectory in the future.

## **Trainings, Seminars and Conferences**

One of the main charges of the PDA is to provide training opportunities for continuing legal education credit (CLE) to parental defense attorneys in the state of Utah. This past year we provided four different in-person trainings, one of which we simultaneously webcast for those who were unable to attend in person. The PDA also utilized a portion of its budget to webcast the 4<sup>th</sup> Annual ICWA Conference as a services to its members, and also to support our colleagues in child welfare across the state. We are continuing to expand our use of webcasts of live trainings to reach our members living outside of the Wasatch Front.

Another way to provide trainings to those unable to attend in person is through on-demand video versions of trainings. We have four (4) online trainings that have been produced previously that continue to be available to our attorneys. During the last fiscal year, we were able to renew CLE approval for three (3) of those trainings that had expired. The following is a summary of each individual event:

### ***November 6, 2015***

Event: Multi-Hour CLE Event  
 Location: Miller Professional Development Center in Sandy, UT; simultaneous webcast  
 Topic: *Juvenile Court E-Filing for Parental Defenders*  
 Presenters: Staff from the Administrative Office of the Courts  
 Number of Registrations: Approximately 40

We held our multi-hour CLE in November 2015 on the subject of E-Filing. It was our intention to help parental defense attorneys prepare for the mandatory E-Filing that went live in December 2015. Participants were asked to bring their laptops and acquire a C.A.R.E. login in advance of the event. Staff from the Administrative Office of the Courts handled the presentation. The presenters included Brody Arishita, Krista Airam, and Libbey Wadley. Mr. Arishita has been involved with CARE through its complete development life cycle and has been the CARE Project Manager for over 8 years. Ms. Airam is the Assistant Juvenile Court Administrator in the Administrative Office of the Utah State Courts. Ms. Wadley is employed with the Administrative Office of the Courts as the Online Training Program Specialist, where she develops and manages the Online Training material for court employees. The presenters did a demonstration of e-filing through the new C.A.R.E. system, showing how to manage cases and file proposed orders. They then took time to answer any and all questions by the participants both in the room and online.

We had approximately 35 persons attend in person with at least 5 more online. Although we did not do a formal survey of the event, feedback was generally positive. The PDA received approval for 1.5 hours of CLE credit from the Utah Bar, both for participants who attended in person, and those who viewed the webcast and properly entered codes during the presentation.

### ***January 15, 2016 and February 19, 2016***

Event: Lunch CLE  
 Location: Provo, UT (January 15, 2016)  
 Moab, UT (February 19, 2016)  
 Topic: *Parent Time and Parent Time Timelines*  
 Presenter: Grant Dickinson, Mark Tanner, and Kate Hansen  
 Number of Registrations: 6 and approximately 10, respectively

A lunch CLE was held in Provo on January 15, 2016 with approximately 6 people in attendance. Grant Dickinson presented on the structured decision making program of DCFS. On February 19, 2016, Mark Tanner set up a CLE in Moab for local attorneys the majority of whom are not parental defense attorneys. Grant Dickinson presented again, as did Kate Hansen and they were able to talk about the PDA and what we do. The event served as a wonderful opportunity to introduce one of our newest board members to various attorneys in his region, and educate the legal community there about the PDA.

The PDA feels the smaller lunches that are held in communities off the Wasatch front are a great way to meet and interact with the parental defense attorneys around the state. We plan on continuing the lunch CLEs in the coming years.

### ***April 27-28, 2016***

Event: Annual Parental Defense Conference

Location: The Homestead Resort, Midway, Utah

Number of Registrations: 152

Presenters:

- **Keynote: Parenting Beyond Bars-Helping Preserve Parental Rights for Incarcerated Parents** by Lilian Hewko of the Incarcerated Parents Project and Shayne Rochester
- **Measuring Practice: Better Outcomes for Children and Families** by DHS/ORS Brad McGarry, Director of Office of Services Review and Jeff Harrop, Review Manager
- **BURNOUT! If we know so much, then why do lawyers still burn out?** by Steven A. Szykula, PhD, Psychologist
- **Tech Tips, Sites, and Apps to Help Your Practice** by Lincoln Mead, IT Director, Utah State Bar
- **Case Law Update** by Danielle Allison of Expert Paralegal Services
- **Appeals Panel** by Brent Hall, Neil Skousan, and Colleen Coebergh, moderated by Mark H. Tanner
- **Legislative Update** by Senator Todd Weiler
- **Termination of Parental Rights: Weaknesses of Psychological Evaluations in the State and Legal System** by Steven A. Szykula, PhD
- **The Truth About UA's from the Trenches** by Craig Webb and Richard Larsen
- **Ineffective Assistance of Counsel in Parental Defense Cases** by Paul Dodd (presentation prepared by Paul Dodd, but ultimately given by Grant Dickinson due to a family emergency for Mr. Dodd)
- **Professionalism and Civility Challenge** by Grant Dickinson

Interestingly, this year's annual conference had the exact same number of registrants as last year's conference. We had 152 persons register. Of those surveyed, 20.8% reported that this was the first year they had attended the conference.

Our feedback for this year's conference was incredibly encouraging: 100% of those surveyed rate the conference as either "Excellent" or "Good". We also slightly modified the format of the conference, frontloading the first day with a longer schedule so that participants left just after lunch the second day. This decision also met with overwhelming approval, with 75% of surveyed participants favorably reviewing the change. Some of the most well-reviewed presentations according to our data were the presentation on UA's by Craig Webb and Richard Larsen and

Lincoln Mead's presentation on technology to help your practice, which one participant called "most awesome."

One survey participant noted the following: "War stories and tips from other attorneys at the conference were helpful. Also helpful to know that what I'm experiencing is not unique. The frustrations and concerns with the process seemed universal." This frank, if not universally flattering response highlights one of the most important functions of the PDA: we serve to connect parental defense attorneys to resources as well as to one another, and help them feel supported in their practice. Overall, with the positive feedback noted in our surveys and from the conversations our board members have been able to have with our members since the Conference, we feel confident we are succeeding to fulfill this most critical obligation of our contracted duties with the State.

### ***Other Training Opportunities***

It should be noted that the PDA assists other agencies within the child welfare community in their training opportunities where appropriate as well. Grant Dickinson presented at the Semi-Annual Court Improvement Program Attorney Skills Summit this past year, and Kate Hansen and David Boyer, sitting on the Training and Steering Committee for the same, also assisted in planning and executing that event in cooperation with the Court Improvement Program Coordinator, Gabriella Archuleta.

### ***Videos***

As indicated previously, we currently have four (4) online trainings available on demand to PDA members for which they can receive CLE credit. Those trainings are:

- Structured Decision Making: Safety and Risk Assessments (3 hours)
- Children of Incarcerated Parents (.5 hours)
- Juvenile Court Boot Camp for Parental Defenders (1 hour)
- Judges Panel: Mistakes Attorneys Make in Juvenile Court (1 hour)

Also, the PDA anticipates to make the 4<sup>th</sup> Annual ICWA Conference video available in the very near future, dependent upon Utah's Court Improvement Program's application for CLE credit approval. Once we receive that information, it will go live for our members immediately.

During the year we had approximately 25 registrations for all of the videos and broadcasts together. Last year, we had approximately 40 registrations over all. We anticipate a jump in numbers as soon as the ICWA training goes live, as the other presentations have been available on the website for at least a year, and most PDA members have already had the opportunity to watch them if they needed the opportunity.

It also should be noted that whenever possible, the PDA tries to ensure that our members have access to discount codes to view the online trainings for free. Our purpose is to provide training to our attorneys, and we do not seek to profit from this endeavor. Rather, the online trainings appear online as purchasable so that attorneys who do not practice in any child welfare related field do not utilize our videos to satisfy their CLE requirements, without providing any improvement to the practice of parental defense in the process. The PDA will continue to make trainings available online where appropriate. Not only will this help attorneys who are currently practicing child welfare law, but as new attorneys join the practice, these videos will be available to provide training and supplement the live in person events that we will continue to put on.

## **Website, Outreach and Counseling**

### ***Website—[www.parentaldefense.org](http://www.parentaldefense.org)***

The PDA continues to look for ways to improve the website so that it is an excellent resource to parental defense attorneys around Utah. In the past year we were able to add webpages for use during the annual conference, which allows us to distribute materials digitally and save printing costs.

One of the improvement projects that we have currently been working on for the last two years is a case law data base of child welfare cases in Utah. As you may recall from previous reports, currently there is no database available to attorneys that focuses specifically on child welfare cases. In fact, in our surveys from our annual conferences, practitioners have specifically requested one. At this point, all of the cases in Utah have been catalogued and tagged by topic. This was a herculean task, and represents a significant expenditure of time and resources by the PDA. All that remains at this point in time is for the website interface to be completed.

This is where we have run into repeated difficulty. Our web developers have not been able to produce a functional interface in over a year. We have made repeated requests, only to be sent pages that contain significant errors and do not function as we requested. To say the process has been a frustrating one is a gross understatement.

At this point, the PDA intends to seek a new web development company to create the interface for the case law database. It simply represents too large of an investment of time to just walk away from, and the board continues to believe that once complete, the database will prove to be an invaluable tool for our practitioners.

### ***Blog—[www.parentaldefense.blogspot.com](http://www.parentaldefense.blogspot.com)***

In addition to the website, our Blog has become an integral part in sharing relevant information with attorneys. The Blog provides opportunities for members of our board to share topics intriguing to them in their practice, and that they believe would similarly be of use to our members. This opportunity to utilize so many different perspectives highlights the usefulness of both the Blog itself, and our newly expanded board. During the fiscal year we posted to our blog 34 times, which averages more than 3 times a month. Last year, we averaged



approximately 5 posts per month. The apparent decline in postings, however, can be attributed to the fact that during the period in which the PDA was seeking and training a new Executive Director, no new posts were made. We anticipate those numbers to increase during the next fiscal year. We use the blog to post about happenings within the PDA, including in-person and online trainings, local and national news items related to child welfare, case law of import from other states, law review articles, and other resources.

Those interested can subscribe to the Blog to get updates. The Blog is also searchable and posts are tagged by topic, so it can be used as a resource for attorneys looking for information on a specific topic.

### ***Parental Defense Database and Emails***

The PDA's contract requires it to maintain a database of parental defense attorneys and to use emails to provide updates. This is the second year we have utilized a member management software called WildApricot to provide this service. We continue to be highly satisfied with this program as it allows us to not only keep track of members, but to email them all at once. We are able to send blast emails regarding Save the Date reminders, as well as to seek immediate feedback from PDA members on pressing issues. For example, recently we were asked by the CIP Committee to seek input from our PDA attorneys to jointly design and implement a data-driven project with DCFS focused on improving permanency outcomes. The CIP Committee needed input from parental defenders on a tight timeline. The email blast provided the perfect tool for receiving those suggestions quickly without having to rely on members staying up to the minute with the blog. We look forward to continuing to expand the uses this program offers to increase the efficacy of PDA outreach.

At the end of the fiscal year we had 313 contacts in the database and 272 of those were considered members. The members have their information displayed on our website as part of the directory, while the contacts do not. Members can manage any changes to their personal information by logging into the database which is linked to the website.

During the fiscal year the PDA sent 21 emails out to all the contacts, which averages to just under 2 a month. Most of the emails have been related to PDA events and training, but we have also included references back to blog posts for those who do not read the Blog regularly. This has resulted in an increase of traffic to the Blog.

### ***Counseling***

The PDA continues to act as a resource to parental defense attorneys who may need direction or insight regarding a particular case. Our enlarged board has particularly increased the efficacy of this process. PDA Members at large are able to connect with the board member that represents their region to report issues or challenges they are facing. This increases the channels by which the PDA is able to receive information from its members, and allows us to become more responsive to their needs. Throughout the year, the board has consulted with a number of attorneys regarding various issues relevant to child welfare and juvenile court practice, directing

them to resources or trainings that might assist them. In some cases, our responses to attorney questions were made available to all parental defenders via email and our Blog.

## Other Activities

The PDA is constantly looking for ways to assist parental defenders above and beyond those activities that are covered by our contract with the State of Utah. Members of our Board of Directors sit on the Court Improvement Committee and the CIP Training and Steering Committee, providing a much needed voice for parental defenders in trainings that are offered to all child welfare practitioners in the State. PDA board members also worked with agencies and legislators on relevant legislation this past year, and seek to maintain relationships with stakeholders at all levels of government within the State.

### *Other Conferences and Trainings*

There are numerous local and national conferences and trainings on subjects relevant to child welfare. The PDA board wanted to inform themselves, as well as other parental defenders, to what other state and local agencies are doing and keep aware national trends and ideas. Therefore, the PDA sent three members to one out-of-state conference and had board members attend several others.

- July 21-25, 2015: ABA Parent Attorney Conference, Washington DC; attended by Board Members Carol Mortenson and Dave Boyer
- August 24-27, 2015: 38<sup>th</sup> National Child Welfare, Juvenile, & Family Law Conference, Monterey, CA; attended by Carol Mortenson
- August 31-September 1, 2015: 2015 Utah Court Improvement Program Attorney Skills Training; Midway, UT; attended by PDA board and other PDA members

## Assistance on Appeal

A parental defense attorney representing a parent or parents that are the subject of a petition alleging abuse, neglect, or dependency under the provisions of Title 78 Chapter 3a, Juvenile Courts, Part 3 or 4 and who have been determined by the court to be indigent pursuant to the provisions of Utah Code Section 77-32-202, may apply to the Parental Defense Alliance for reimbursement of certain services or costs. A parental defense attorney whose clients meet the requirements may be reimbursed for the costs of procuring expert witness services, paralegal services on appeal, and court transcripts for appeals, in order to assist in providing an effective defense.

As of August 1, 2012, the PDA instituted a policy requiring a qualitative review of the issues in the case prior to reimbursement approval in order to ensure that the funds be used to assist in meaningful changes in the law.

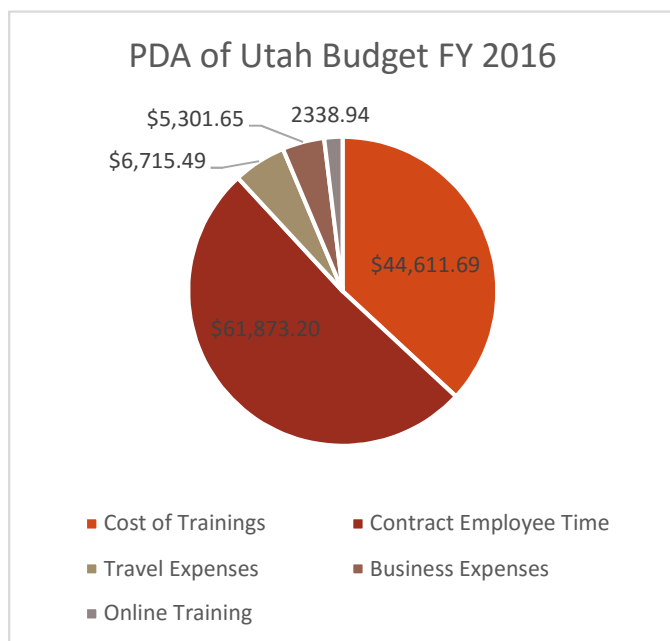
The total aggregate amount of grant reimbursements for services cannot exceed the amount available in the “Child Welfare Parental Defense Fund,” a restricted fund created by Utah Code

Section 63A-11-203. The balance of the restricted fund at the end of the fiscal year was \$57,648.80.

During the fiscal year, the PDA provided reimbursement of expenses for several different appeals in the amount of \$7498.66. We track the amount spent on each appeal. Our policies call for only \$4,500 for experts, \$2,500 for appeal transcripts and \$2,500 for paralegal help on appeal. We have not always maintained expenditures within those restrictions, but as the fund continues to wane, we will try to stay closer to the policy numbers. The PDA makes efforts to remind members of these restrictions in the form of periodic emails to that effect.

## Budget

The PDA of Utah has an annual budget of \$85,400 appropriated from the Utah legislature. In addition to those funds, the PDA received \$9,000 towards the cost of our annual conference and \$568.80 towards the cost of sending two of our attorneys to the annual ABA conference from the Court Improvement Program. We received \$17,962.64 in revenue from the Annual Conference due to the \$100 or \$150 attendance fee and the cost of meals for guests. We also received a nominal amount of \$140 in online training income. Thus our total budget for the year 2015-2016 was \$113,071.44.



During the fiscal year, the PDA of Utah expended \$120,840.90. This means that we spent \$7,769.50 over budget, which money was from a surplus from previous years.

The largest increase in spending over last year were in Contract Employee Time and Online Trainings. We spent approximately \$8,500 more on Contract Employee Time than we did in 2013-2014, which can be attributed to adding two members to our board of directors. We also more than doubled the amount we spent last year on online trainings. After the

success of broadcasting an event last year, we tried to make more opportunities like that available to our members this year. The cost of our trainings appears to have decreased from last year by approximately \$10,000. In reality, more than half of the difference can be accounted to the PDA's decision to charge attendees without a contract \$150 instead of \$100 to attend the conference, which resulted in the PDA invoicing the state for less of the cost of the conference. Additionally, we had fewer speakers request an honorarium for this year's conference.

However, by and large, most expenditures remained similar to last year's. We look forward to continuing to utilize our budget for maximum effect in FY 2017.