



## 2019 Caregiver Custody Training Manual

### 1. Introduction

- a. Caregiver Custody Manual Table of Contents
- b. CLC Pro Bono FAQ (2019)

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### 2. Client Realities and Cultural Humility

- a. Living in Poverty
  - i. The High Cost of Poverty: Why the Poor Pay More, (DeNeen Brown, Washington Post, May 18, 2009)
  - ii. After Welfare (Katherine Boo, The New Yorker, April 2001)
  - iii. Five Evils: Multidimensional Poverty and Race in America (Richard Reeves, Edward Rodrigue, and Elizabeth Kneebone, Brookings Institute, April 2016)
- b. Understanding DC's Children: Data on D.C.'s kids
  - i. DC Kids by Ward (DC Kids Count, March 2017)
  - ii. Kids Count Profile DC (2017)
  - iii. D.C. Infants, Toddlers, and Families (Zero to Three, 2015)
  - iv. District of Columbia's Children (2017)
  - v. Stepping Up for Kids: What Government and Communities Should Do to Support Kinship Families (Kids Count, January 2012)
- c. Cross-Cultural Lawyering
  - i. Beyond Bias-Cultural Competence as a Lawyer Skill (Nelson P. Miller, Michigan Bar Journal, June 2008)
  - ii. Lawyers... want to know how well you communicate cross culturally? Take a look at your level of cultural competence (Jatrine Bentsi-Enchill, Women Lawyers Journal, Spring 2005, at 20)
  - iii. Five Habits of Cross-Cultural Lawyering (Sue Bryant and Jean Koh Peters, 8 Clinical L. Rev. 33, Fall 2001)
  - iv. Information on "Never Married Parent" Cases (Adapted from handout by Joan K. Raisner, Circuit Court of Cook County, Chicago, IL)

- v. Cultural Humility Versus Cultural Competence: A Critical Distinction in Defining Physician Training Outcomes in Multicultural Education (Melanie Tervalon and Jann Murray-Garcia, *Journal of Health Care for the Poor and Underserved*, May 1998)

### **3. Overview and Beginning Steps**

- a. Custody Case Overview
- b. Initial Client and Party Interview Tip Sheet
- c. Sample Praecipe for Custody Case
- d. E-filing in D.C. Family Court (December 2017)

### **4. Custody and Domestic Violence Law and Procedure in D.C.**

- a. Primer - Custody Cases in D.C. (February 2019)
- b. Custody Statutes and Rules
  - i. D.C. Code § 16-831 Best Interest Factors in Third-Party Custody Cases
- c. Flowchart- The Process of a Custody Case
- d. DR Case Management and Scheduling Plan
- e. UCCJEA Fundamentals
- f. Consent in Third-Party Custody Cases (February 2019)
- g. D.C. Custody Case Law Updates
- h. Service in Custody Cases – March 2018
- i. Child Testimony Case Law Overview (February 2019)
- j. Custodial Power of Attorney Information and Forms (February 2017)
- k. Practice Standards for Custody Guardians *ad Litem* (GAL) in Custody and Related Consolidated Cases
- l. Custody and Accessing D.C. Public Benefits
- m. Domestic Violence (Intrafamily Offenses) Statutes and Rules
- n. Primer – Civil Protection Order Cases in D.C.
- o. Civil Protection Order Information Sheet

### **5. Sample Third-Party Custody Complaint and Answer**

- a. Complaint for Custody
- b. Custody Consent Answer

## **6. Services and Resources Available in Domestic Relations Cases**

- a. Home Studies and Evaluations in Custody Cases
  - i. Home Studies and Forensic Evaluations in Custody Cases
  - ii. Custody Assessor Unit Overview
  - iii. Sample Home Study
  - iv. American Psychological Association Guidelines for Child Custody Evaluations in Family Law Proceedings
- b. Co-Parenting Communication Tools
  - i. Information on Our Family Wizard
  - ii. Information on Talking Parents
- c. Mediation Materials
  - i. Multi-Door Dispute Resolution Family Mediation Program Brochure
  - ii. Program for Agreement and Cooperation in Contested Custody Cases (PAC) Information (January 2015)
  - iii. Program for Agreement and Cooperation in Contested Custody Cases (PAC) Administrative Order
- d. D.C. Superior Court Information
  - i. D.C. Superior Court Contact List (2019)
  - ii. D.C. Superior Court Tour Handout (2018)
  - iii. D.C. Superior Court Organizational Chart
- e. Investigation and Research Information
  - i. Researching Court Records (2019)
  - ii. Social Media as Evidence
  - iii. Authenticating Social Media

## **7. Grandparent Caregiver Resources**

- a. Grandparent Caregivers Program Subsidy Fact Sheet
- b. Grandparent Caregivers Program Subsidy Application (2015)
- c. Joint Application for TANF/Medicaid
- d. Grandfamilies Fact Sheet for the District of Columbia



## Frequently Asked Questions

*Children's Law Center's pro bono attorneys serve more than 400 children and families every year. All our cases are designed to provide children in the District of Columbia with the solid foundation of family, health, and education we believe they need to succeed. See below for more information and answers to frequently asked questions regarding our pro bono program.*

### **What types of cases does Children's Law Center offer for pro bono attorneys?**

#### *Custody Guardian ad litem (CGAL)*

Pro bono attorneys represent the best interests of children involved in complex custody disputes between parents or other prospective caregivers. Judges refer these matters directly to Children's Law Center when they identify the need for a GAL to represent the child's best interests. CGAL cases are heard in the Domestic Relations branch of DC Superior Court.

#### *Caregiver Representation*

Pro bono attorneys represent caregivers seeking to provide children with loving homes through adoption, guardianship, or custody. These caregivers include foster parents, grandparents, and other relatives who want to provide stability for children who are in foster care or at risk of entering foster care. Caregiver representation cases are heard in the Neglect branch or the Domestic Relations branch of DC Superior Court.

#### *Special Education*

Pro bono attorneys represent parents of children with special education needs that are not being adequately addressed in the child's current educational environment. These cases may involve obtaining evaluations, advocating for special education services or challenging the denial of services at due process hearings held at the Student Hearing Office of the Office of the State Superintendent of Education (OSSE).

#### *Housing Conditions*

Pro Bono attorneys represent parents of children whose health is at risk due to the presence of environmental health hazards in the home. These housing conditions cases may involve negotiating with the family's landlord and/or filing a civil case to force the landlord to address housing code violations and substandard housing.

### **How does Children's Law Center identify pro bono cases?**

Cases are referred to Children's Law Center from a variety of sources, including the DC Superior Court, Guardians *ad litem* for children in the abuse and neglect system, attorneys practicing in DC Superior Court, social workers, and other legal services organizations. Prospective clients may also call our intake line. Children's Law Center conducts extensive screening before we refer cases to pro bono attorneys.

### **How can I find out what cases are currently available?**

CLC emails a list of available cases approximately twice per month. Cases are placed with qualified pro bono attorneys on a first-come, first-served basis. Please contact CLC's Pro Bono Director, Jen Masi, or CLC's Pro Bono and Intake Assistant Alyssa Tender, if you would like to receive information about available cases.

### **I have no experience in family law—is that OK? Are there cases that can be matched to my skill set? Will I go to trial?**

No background in family law is necessary to be a pro bono attorney with Children's Law Center. We have worked successfully with many attorneys with no prior family law experience and/or limited litigation experience. Our trainings, online resources, and mentors are available to ensure all our pro bono attorneys are well equipped for their cases.

All our cases involve oral and written advocacy as well as strong client skills. Some cases are more likely to go to trial or an evidentiary hearing, while others are less likely. Many cases place a premium on negotiation skills, legal advocacy, and other pre-trial skills, while some are more likely to proceed to litigation.

We are happy to talk with you about which cases are most likely to match your skills and interests.

### **What trainings and resources does Children's Law Center offer for pro bono attorneys?**

Children's Law Center regularly conducts training in all four areas of pro bono representation, custody guardian ad litem, caregiver, housing conditions, and special education. These trainings are either full or half days and are conducted at locations around the District. In addition to the live training, all attendees receive an extensive reference manual covering the particular area of representation.

CLC also offers on-line versions of our trainings on the pro bono page of our website. Our website also contains a plethora of additional resources for pro bono attorneys, including power point presentations, model pleadings, the videos mentioned above, and recent training manuals in each area of pro bono representation. Please contact Jen Masi or Alyssa Tender for access to these online materials.

Attorneys should attend a relevant training before taking a pro bono case. A list of upcoming trainings can be found in the pro bono section of our website.

### **Are CLC staff available to support pro bono attorneys throughout the case?**

Experienced attorneys from CLC serve as mentors for our pro bono attorneys. A list of mentors is available on the pro bono section of our website. Together, these lawyers bring decades of experience in family and special education law. **We do not "co-counsel" or "supervise" pro bono attorneys**, but we are available to discuss strategy, legal issues, and local family court practice. We can also help you identify model pleadings, which you will also find on our website, and plan for trial or evidentiary hearings.

Updated February 2019

In a limited number of cases, Children's Law Center will have a conflict and will not be able to provide mentoring. Whenever possible, we let pro bono attorneys know in advance when a conflict exists and try to identify a third-party mentor to provide the pro bono attorney with support.

### **What is the typical time commitment for a pro bono case?**

Every case and area of pro bono representation is unique. While case circumstances may change over time, we do our best to evaluate the complexity of a case during the screening process, make every effort to let pro bono attorneys know of circumstances that may make a case particularly complex, and rate cases as beginner, high beginner, intermediate, or advanced. Pro bono attorneys are encouraged to talk to Jen Masi, CLC's Pro Bono Director, when evaluating a particular case to discuss the potential complexity and/or anticipated time commitment.

### **Am I responsible for costs and fees?**

Yes, pro bono attorneys are responsible for any litigation costs and other fees incurred during the handling of your case. Filing and eFiling fees are waived for Guardians ad Litem and those parties with in forma pauperis (IFP) status.

### **Do I have to be licensed to practice law in DC?**

Pro bono attorneys must be admitted to practice in the District of Columbia or be eligible to practice under District of Columbia Court of Appeals Rule 49(c):

- Attorneys who regularly practice in another jurisdiction (outside of DC) may qualify for admission *pro hac vice*;
- Federal government employees may be eligible to provide pro bono legal services under the supervision of an active member of the DC Bar;
- Attorneys who are eligible to practice in DC under the supervision of a DC Bar member while an application for admission to the DC Bar is pending may be eligible to practice for a limited duration; and
- Inactive DC Bar members may be eligible to accept referrals for pro bono cases.

### **Do I have to be affiliated with a law firm, government, or corporate law department?**

While most of our pro bono attorneys are affiliated with a law firm, the Federal government, or a corporate law department, we do refer cases to solo practitioners who have the requisite experience and resources to handle a pro bono case without institutional support. If you are a solo practitioner who is interested in taking a pro bono case, please contact CLC's Pro Bono Director, Jen Masi, to discuss your particular circumstances.

### **Do I have to carry my own malpractice insurance?**

No, Children's Law Center does not require pro bono attorneys to carry malpractice insurance. Our policy covers pro bono attorneys who are not otherwise covered up to \$2 million.

**Can I pair up with another pro bono attorney to handle a case?**

We encourage pro bono attorneys to pair up with another attorney in their office. For example, an experienced pro bono attorney might pair up with an attorney taking their first case, or a litigator might pair up with a transactional attorney. Additionally, some law firms have partnerships with in-house corporate legal departments.

**I'm not a lawyer—can I still get involved?**

Absolutely! Legal assistants or other staff can serve a critical role as an investigator or translator on a pro bono matter being handled by an attorney in your office. This may involve attending meetings, locating witnesses, and obtaining documents. It is a great opportunity to get out into the community and you may even have the chance to serve as a witness in a trial or hearing. Children's Law Center also offers other volunteer opportunities outside handling a pro bono case, such as volunteering to participate in our annual Holiday Hope Drive.

**I'm a current law student—how can I get involved? Do you have interns or law clerks?**

Law students in the DC area may work with Children's Law Center via clinical programs at their law school. Please contact your school for more information. Law students may also apply to serve as a law clerk at Children's Law Center. Information on our law clerk program is on our website.

**I'm interested in doing pro bono work with Children's Law Center. What are the next steps?**

The best way to get involved is to attend one of our trainings. Check our pro bono homepage for upcoming training information. You may also contact Jen Masi, CLC's Pro Bono Director, or Alyssa Tender, CLC's Pro Bono and Intake Assistant, to discuss getting involved.

**I have more questions. Who should I contact?**

Contact our Pro Bono Director, Jen Masi at (202) 467-4900 ext. 541 or [jmasi@childrenslawcenter.org](mailto:jmasi@childrenslawcenter.org) or Pro Bono and Intake Assistant Alyssa Tender at (202) 467-4900 ext. 586 or [atender@childrenslawcenter.org](mailto:atender@childrenslawcenter.org).