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INTRODUCTION

The Attorneys for Children (AFC) Program is an auxiliary agency of the Appellate Division, Fourth Department. In accordance with 22 NYCRR 1032, the Office of AFC has been established to ensure the provision of the highest quality of legal representation for children and to administer the AFC Program in a manner sensitive to local needs. There are over 650 AFC in the Fourth Department.

The Director of the Office of AFC, appointed by the Appellate Division and supervised by the Presiding Justice, is responsible for administration of the Program. In addition, the Presiding Justice appoints members of the departmental AFC Advisory Committee to make recommendations to the Presiding Justice and Director regarding training of AFC and the promulgation of rules, standards and administrative procedures for the improvement of representation for children in the 22 counties of the Fourth Department. The Advisory Committee consists of representatives of the Fifth, Seventh and Eighth Judicial Districts of the Fourth Judicial Department.

In addition to drafting and issuing practice guidelines, the Advisory Committee selects outstanding attorneys for children for awards, makes recommendations with respect to the procedure governing designation and removal of panel AFC, and researches and investigates appropriate issues in the area of AFC practice.

The volunteer members of the Advisory Committee meet on a regular basis. At each meeting, the Director updates the Advisory Committee on the status of the AFC
Program and provides support as needed.

I. FISCAL YEAR 2017 OVERVIEW

In fiscal year 2017, the AFC Program participated in eight initiatives to improve the Program:

- Implemented Results of Surveys of AFC and Judges in the Fourth Department
- Performed Follow-up Evaluations of Erie County AFC
- Assisted the Office of Court Administration With Legal Aid Training
- Began “Raise the Age” Planning
- Diversity Recruitment Results
- Published Comprehensive Compensation and Reimbursement Guidelines and an Administrative Handbook
- Published Updated Ethics for AFC
- Refined the AFC Program Training Curriculum

All eight goals were accomplished. They are discussed on the following pages.

(A) AFC and Judges Survey Results Implementation

Based upon the results of the fiscal year 2016 surveys of AFC and Family Court Judges in the Fourth Department, the AFC Program implemented the following changes:

- Conducted more half-day seminars at more rural locations.
- Provided additional training on trial skills and segments centering on custody cases.
- Developed a “mentoring” program pairing AFC experienced in advocacy and Family Law practice with those AFC who need direction.

(B) **Erie County AFC Follow-up Evaluations**

After the results of the fiscal year 2016 evaluation of Erie County AFC were analyzed, the Director met with seven AFC and sent 18 letters of caution. In fiscal year 2017, the AFC Director conducted follow-up evaluations of the attorneys who had been counseled or received letters of caution. After the results of those evaluations and consultation with Family Court Judges, five attorneys were removed from the panel by the Appellate Division, Fourth Department and two attorneys were put on probation for six months.

(C) **Training for Upstate AFC Institutional Providers**

In fiscal year 2017-18, the AFC program worked with the Office of Court Administration (OCA) to assist Upstate AFC institutional providers to meet CLE and training requirements. As a result, Upstate institutional providers attended a seminar in Rochester, sponsored by the Third and Fourth Departments and OCA. Additionally, all Upstate Institutional Providers were invited to participate in all AFC Program live training seminars. Institutional provider AFC attendance at Fourth Department AFC Program seminars was up 80% in fiscal year 2017 from fiscal year 2016. The AFC Program also shared all Fourth Department AFC training videos with institutional providers throughout the State.
(D) **Raise the Age Planning**

In fiscal year 2017, the AFC Program began to make plans to meet the requirements and needs arising from implementation of the "Raise the Age" (RTA) legislation, which will raise the age of criminal responsibility for 16-year-olds on October 1, 2018, and 17-year-olds on October 1, 2019. In addition to speaking informally about RTA implementation plans with Judges and AFC in the Fourth Department, the Director sent a survey to Fourth Department AFC to gauge interest in a hybrid panel composed of AFC who are also on the assigned counsel panel. These AFC could take cases in the Youth Part and follow the case to Family Court if transferred there, thus insuring continuity of representation. The survey also asked for information about AFC experience in handling criminal cases, especially felony cases. This information was used to develop new Appellate Division, Fourth Department Rules, which the Court approved in fiscal year 2018.

(E) **Diversity Recruitment**

The AFC Program continued its efforts to recruit minority attorneys and attorneys with foreign language proficiency. Three of the twenty-one Fourth Department attorneys who attended the two-day Introduction to Effective Representation of Children seminar in Rochester in April 2017 were attorneys of color. One attorney of color and two attorneys fluent in Spanish were among the twenty-three Fourth Department attorneys who attended the Introduction seminar held in Latham in October 2017.

(F) **Compensation & Reimbursement Guidelines and Administrative Handbook**

The Office of Attorneys for Children developed comprehensive compensation and
reimbursement guidelines, which contain detailed instructions on how to use AFCIV; how to hire experts; how to order transcripts; and other relevant forms. This step-by-step guide contains many "screen shots" of AFCIV and other mechanisms to aid attorneys for children in using AFCIV. The Compensation & Reimbursement Guidelines was updated and reissued in fiscal year 2017.

The Appellate Division, Fourth Department Office of AFC updated the Administrative Handbook, which contains a general policy considerations section outlining the role of attorneys for children and protocols; relevant rules, regulations, and statutes; and contact information for Office of AFC staff, Fourth Department AFC Advisory Committee members and AFC Liaisons. The Administrative Handbook was reissued in fiscal year 2017.

(G) Ethics for AFC

The Office of AFC updated the publication "Ethics for Attorneys for Children," which includes general policy considerations; Section 7.2 of the Rules of the Chief Judge; summary of responsibilities of the attorney for the child; ethical Questions & Answers and relevant cases on ethics for attorneys for children. Ethics for Attorneys for Children was updated and reissued in fiscal year 2017.

(H) Curriculum

The Fourth Department AFC Program curriculum includes seminars designed for prospective AFC, as well as seminars for more experienced AFC. The two-day "Introduction to Effective Representation of Children" seminars, formerly known as "Fundamentals," cover the role of AFC, ethical issues in AFC practice, and the basics of AFC representation
in juvenile justice, child protective, and custody and visitation cases. The curriculum includes update seminars that are designed to provide more experienced AFC with information about important developments in children's law. Additionally, the curriculum regularly includes a seminar that examines one topic in depth, e.g., sexual abuse, custody, permanency planning, forensics.

The Appellate Division, Fourth Department is an accredited provider of continuing legal education. AFC receive between 4 and 14 hours of free CLE credit, depending upon the length of the seminar.

In fiscal year 2017, the Assistant Director continued to refine the Introduction seminar curriculum in accordance with experience and feedback from AFC. The Third and Fourth Department AFC Programs began collaborating on Introduction seminars in the fall of 2014. Co-sponsored Introduction seminars are held in Rochester in the spring and Latham in the fall. Attorneys must attend both days and complete six hours of online training in domestic violence before they can be considered for designation to the Fourth Department panel. During fiscal year 2017, 44 Fourth Department attorneys attended Introduction to Effective Representation of Children and completed six hours of initial domestic violence training.

In fiscal year 2017, the "Update" seminars were developed in accordance with experience and the suggestions of AFC. Most Updates contain one or more segments on recent developments in case and statutory law affecting children, practical information bearing on specific aspects of child advocacy, and ethical issues in AFC practice. One
"Topical" seminar, which explored in depth the topic of child welfare, was held in fiscal year 2017. In addition, the Fourth Department AFC Program partnered with the Office of Court Administration Division of Professional and Court Services and the AFC Program in the Third Department to provide a seminar for Legal Aid AFC, and a limited number of Fourth Department panel AFC. During fiscal year 2017, approximately 587 AFC attended seminars at various locations throughout the Fourth Department. The seminar agendas are contained in an appendix to this report. In addition to these seminars, in fiscal year 2017, two informal Lunch and Learn programs, offering 1 CLE credit each, were conducted at Oswego County Family Court. Nineteen AFC attended the Lunch and Learn programs.

Expanded Online Training for Optional Use and for Recertification

In fiscal year 2017, the Fourth Department AFC Program expanded online training options. Pursuant to NYS CLE rules, AFC can receive free CLE for online training if they have been admitted for more than two years. Effective January 1, 2016, attorneys admitted less than two years can receive free CLE for online training in the categories of professional practice and law practice management only. Currently, 109 training videos on various topics of interest to AFC are accessible on the Program website in addition to the seven domestic violence videos referred to above. Each segment of training was videotaped at a live seminar sponsored or co-sponsored by the Fourth Department AFC Program. AFC can meet the Program training requirement for the purpose of recertification by watching online videos or by attending a live seminar. AFC may choose the training videos that most interest them, but they must view at least 5.5 credit hours of online training to meet the
requirement for recertification and to receive free NYS CLE credit. In fiscal year 2017, more than 133 AFC viewed at least 5.5 credit hours of continuing training online.

II. PROGRAM ADMINISTRATION

(A) **AFC Vouchers**

In fiscal year 2017, the Office of AFC processed approximately 26,000 vouchers totaling approximately $13,800,000. Currently, the AFC Office processes a voucher on the day of its receipt. It is anticipated that at the close of fiscal year 2017-18, in September 2018, about the same number of vouchers will be processed at about the same cost.

(B) **Assigned Counsel Vouchers**

In fiscal year 2014, the AFC Program began to process Judiciary Law 35 (7) vouchers, previously processed by another department, for services rendered by attorneys in representing indigent parties in matrimonial matters. The AFC Program instituted a number of controls, including a handbook that, among other things, contains instructions, an on-line voucher form requiring time-keeping in "real-time," and a number of payment policies. In fiscal year 2017, the AFC Program processed approximately 473 vouchers totaling approximately $483,050. This was over a 30% increase from fiscal year 2016. Currently, the AFC Program processes assigned counsel vouchers within two weeks of receipt.

(C) **Annual Designation of Panels**

Effective April 1, 2017, new attorneys were designated and current attorneys were re-designated to the AFC panel upon the recommendation of local Senior Family Court
Judges; a determination that the attorney has complied with the attorney registration requirements of Judiciary Law Section 468-a; that the attorney has fulfilled the Program's mandatory training requirements; and that the attorney filed with the Program a satisfactory redesignation application.

(D) Assignment Summaries Distributed

In fiscal year 2017-18, the Director provided all Family Court Judges of the 22 Family Courts in the Fourth Department with a summary of their county’s fiscal year 2016 AFC appointments, by proceeding code and cost. The summaries specify each assignment given, fees for each assignment, and total fees for the fiscal year.

(E) New Members of the Judiciary

Each year the Director forwards welcoming correspondence to new Family Court Judges, Supreme Court Justices and Surrogates to acquaint them with the AFC Program and the voucher system. Enclosures include the Fourth Department AFC Guidelines, Ethics for AFC, as well as the AFC Program Administrative Handbook.

(F) Liaisons

The liaison program was created by the Fourth Department AFC Advisory Committee to solicit suggestions and feedback from panel members on an annual basis. Eighteen AFC liaisons attended the June 20, 2017, meeting of the Fourth Department Advisory Committee.

Issues discussed included: the training program; quality of representation issues; billing practices; complaints about Family Courts; and problems with school districts and
DSS.

(G) **Appeals**

The Assistant Director monitors appeals closely. Where an AFC is assigned at the trial level and the case is appealed, the case is tracked from the time the face sheet is completed until the case is heard. Letters are sent to attorneys who fail to follow the Appellate Division rules, fail to file timely a brief or otherwise appear to be neglecting their duties on appeal. Cases are referred as appropriate to the Clerk of the Court. This process has dramatically improved attorneys’ awareness of their duties on appeal and their participation on appeals. One hundred and one appeal vouchers were reviewed, adjusted when appropriate, and approved by Justices of the Appellate Division, Fourth Department.

(H) **New York Children's Lawyer**

The *New York Children's Lawyer* is published by the Fourth Department Office of AFC, in collaboration with the First, Second and Third Department Offices of AFC. It consists of a lead article, articles and books of interest, departmental “news,” and digests of all cases of interest to Family Court practitioners. In fiscal year 2014, *New York Children's Lawyer* went “on-line” on each Appellate Division website, which resulted in lower costs and enabled a wider readership. The general public may now access the publication, in addition to those former persons and institutions who previously received it by mail – in the Fourth Department that includes all Fourth Department Family Court Judges, Surrogates and Supreme Court Justices and their respective law clerks; the Clerks and Deputy Clerks of those Courts; all panel AFC; and the Legal Aid AFC offices.
I) **Children's Legal Center (CLC)**

The Director oversees the administration of CLC. The six CLC attorneys practice in an office called the Children's Legal Center. CLC also includes a social worker component. The social workers provide support for AFC in appropriate matters. CLC was formed by the Appellate Division, Fourth Department, to offer effective and economic representation for children. The attorneys at CLC are independent contractors who represent minors in Erie County Supreme, Surrogate and Family Courts. The Appellate Division has a separate contract with each CLC attorney and provides each attorney with office space and support staff. The AFC Director is responsible for preparing, negotiating, and obtaining approval for each attorney contract. In fiscal year 2017-18, the AFC Director met with all CLC attorneys twice to negotiate the next year’s contact amounts. The AFC Director maintains regular contact with CLC’s Chief Attorney and her administrative assistant in connection with administrative issues that arise in connection with the contracts and staff.

III. **FOURTH DEPARTMENT OFFICE OF AFC STAFF**

The Program has six employees. The Director manages the AFC Program; attends meetings as appropriate; speaks at bar association and other public gatherings; and consults regularly with the other three AFC Program Directors in publishing *New York Children's Lawyer* and cooperating in other statewide AFC functions. The Assistant Director monitors appeals and prepares reports to the Court on appeals, has primary responsibility for the training program, and assists the Director as needed with other administrative tasks.
One Court Analyst processes vouchers; one Court Analyst functions as the Director's Administrative Assistant; one Court Analyst functions as the Assistant Director's Administrative Assistant; and the fourth Court Analyst is in charge of AFCIV problem-solving and outreach, assists with processing vouchers, and compiles the books and articles section of *New York Children's Lawyer*.

**IV. AFC ADVISORY COMMITTEE**

Under the guidance of Honorable Martha E. Mulroy, Chairperson of the Fourth Department AFC Advisory Committee, the Advisory Committee continued to recommend Program improvements. In fiscal year 2017, Presiding Justice Gerald J. Whalen made several appointments to the Committee.

The Committee met three times in fiscal year 2017 to consider issues related to the Program, including the training program, AFCIV, school district and other ancillary issues, the Hon. Michael F. Dillon awards, complaints against AFC, and conflicts in AFC practice.

The Advisory Committee selected six outstanding AFC to receive the Hon. Michael F. Dillon AFC Award. The Awards were presented by Presiding Justice Gerald J. Whalen at a ceremony held June 20, 2017. The recipients were Darlene O'Kane, Onondaga County, Mark Malak, Oneida County, Teresa Pare, Ontario County, Christine Valkenburgh, Steuben County, David Frech, Erie County, and Mary Hajdu, Chautauqua County.

**V. STATEWIDE ADVISORY COMMITTEE**

In 1996, the Administrative Board of the Unified Court System formed a Statewide AFC Advisory Committee to consider statewide issues of concern for AFC. The
Committee is comprised of Judges from the four Appellate Divisions, Supreme Court and Family Court; Office of Court Administration representatives; and the four AFC directors.

The mandate of the Committee is broad, i.e., examination of the entire AFC Program. Subcommittees have been established to examine the efficiency of the program and to make suggestions for improvements. The subcommittees also address issues of verification of AFC voucher compensation claims; quality and scope of AFC representation; institutional AFC representation; and ancillary services. The Program Director attended and participated in all Statewide AFC Advisory Committee meetings.

VI. DEPARTMENTAL DIRECTORS

The departmental directors continued to meet with each other to discuss issues of common concern and with representatives of OCA to implement ongoing fiscal policy changes and develop fiscal policy initiatives.

VII. CONCLUSION

In fiscal year 2017, the goal of the Fourth Department's AFC Program was to provide the highest possible quality of legal representation for children. To attain that goal the Program Director continued to focus on assessing and improving the Program and the departmental AFC Advisory Committee continued to recommend Program enhancements and improvements.
APPENDIX
INTRODUCTION TO EFFECTIVE REPRESENTATION OF CHILDREN

Thursday, April 6 and Friday, April 7, 2017

Ballroom 384
(Adjacent to the East Avenue Inn & Suites)
384 East Avenue
Rochester, New York

Thursday, April 6 - Juvenile Justice Proceedings

9:00 a.m.  Registration & Materials Distribution

9:30 a.m.  WELCOME
Tracy M. Hamilton, Esq.
Director, Office of Attorneys for Children
Appellate Division, Fourth Department

Jaya L. Connors, Esq.
Assistant Director, Office of Attorneys for Children
Appellate Division, Third Department

9:55 a.m.  JUVENILE DELINQUENCY & RELATED ETHICAL ISSUES
The Juvenile Justice System & Pre-Trial Representation
Gary Solomon, Esq.
Director of Legal Support
The Legal Aid Society, Juvenile Rights Practice
New York City

11:25 a.m.  Break

11:35 a.m.  JUVENILE DELINQUENCY & RELATED ETHICAL ISSUES
Representation At Fact-finding & Subsequent Proceedings
Gary Solomon, Esq.
Director of Legal Support
The Legal Aid Society, Juvenile Rights Practice
New York City

1:00 p.m.  Lunch (Provided)

1:25 p.m.  DEMO: INTERNET VOUCHER SYSTEM
Amy Hugyecz, Court Analyst, Office of Attorneys for Children
Appellate Division, Fourth Department

1:40 p.m.  ROLE OF THE ATTORNEY FOR THE CHILD/ETHICAL CONSIDERATIONS
Linda J. Kostin, Esq.
Assistant Director, Office of Attorneys for Children
Appellate Division, Fourth Department

2:05 p.m. HOW PINS PROCEEDINGS DIFFER FROM JD PROCEEDINGS
Stephen R. Weisbeck, Esq.
Director of the Juvenile Justice Program
Legal Aid Society of Rochester
Rochester

2:30 p.m. BASIC TRIAL PRACTICE/EVIDENCE
James S. Hinman, Esq. (Recorded Presentation)
Panel Attorney for the Child, Monroe County
Rochester

3:20 p.m. Break

3:30 p.m. DISCUSSION: JD & ETHICAL ISSUES FACT PATTERN
Stephen R. Weisbeck, Esq.
Director of the Juvenile Justice Program
Legal Aid Society of Rochester
Rochester
Jon M. Stern, Esq.
Panel Attorney for the Child, Monroe County
Kaman, Berlove, Marafioti, Jacobstein & Goldman LLP
Rochester
Brett C. Granville, Esq.
Senior Deputy County Attorney
Monroe County Law Department
Rochester

4:20 p.m. Conclusion

Friday, April 7 - Child Welfare and Custody Proceedings

9:15 a.m. REGISTRATION & MATERIALS DISTRIBUTION

9:45 a.m. CHILD PROTECTIVE PROCEEDINGS & RELATED ETHICAL ISSUES
Margaret Burt, Esq.
Attorney in Private Practice, Specializing in Child Welfare Matters
Rochester

11:20 a.m. Break

11:30 a.m. OTHER CHILD PROTECTIVE PROCEEDINGS & RELATED ETHICAL ISSUES
Margaret Burt, Esq.
Attorney in Private Practice, Specializing in Child Welfare Matters
Rochester

1:15 p.m. Lunch (Provided)

1:40 p.m. CUSTODY AND VISITATION & RELATED ETHICAL ISSUES
Michele Brown, Esq.
Chief Attorney for the Child
Children’s Legal Center
Buffalo

2:55 p.m. Break

3:05 p.m. INTERVIEWING AND CHILD DEVELOPMENT
Christopher Brechtel, Esq.
Children’s Legal Center
Buffalo

3:55 p.m. Conclusion

The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2014 to March 1, 2017 (recertification pending). This two-day seminar has been approved for a total of thirteen (13) credit hours, of which two (2) hours can be applied toward the professionalism and ethics requirements, four and one-half (4.5) hours can be applied toward the skills requirement, one-half (.5) hour can be applied to the practice management requirement, and six (6) hours can be applied toward professional practice (family law) requirement. This program is suitable for experienced or newly admitted attorneys.
THE APPELLATE DIVISION, FOURTH DEPARTMENT
in conjunction with the
PRACTICE AND PROCEDURE IN FAMILY COURT COMMITTEE
OF THE
ERIE COUNTY BAR ASSOCIATION

presents:

ATTORNEYS FOR CHILDREN PROGRAM UPDATE - BUFFALO

Friday, April 28, 2017
SUNY at Buffalo
Center for Tomorrow
Buffalo, New York

9:00 a.m. Registration and Continental Breakfast

9:30 a.m.
Welcome
- Hon. Mary G. Carney
  Family Court, Erie County
- Yvonne Vertlieb, Esq., Co-chair, Practice & Procedure in Family Court Committee, Erie County Bar Association,
  Cheryl McFadden Zak, Esq., Co-chair, Panel Attorney for the Child, Erie County
- Linda J. Kostin, Esq.
  Assistant Director, Attorneys for Children Program

9:40 a.m. Experiences of a Former Foster Youth and Current Youth Advocate
Jarel Melendez
Youth Advocate Coordinator
Lawyers for Children
New York City

10:30 a.m. Break

10:45 a.m. Evidence in Family Court Cases
Tracey Kassman, Esq.
Court Attorney-Referee
Erie County Family Court
Niagara County Supreme Court

noon Lunch (provided)

1:00 p.m. Representing LGBTQ Children and Youth: Background and Legal Considerations
Kimberly Forte, Esq.
Supervising Attorney
Legal Aid Society
2:30 p.m.  Break

2:45 p.m.  What's Happening in Custody Cases - Moving Forward, Backwards, Sideways or Not at All
           Michele Brown, Esq.
           Chief Attorney, Children's Legal Center
           Buffalo, NY

4:00 p.m.  Conclusion

The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2014 to March 1, 2017 (recertification pending). This program has been approved for a total of five-and-a-half (5.5) credit hours, of which one-and-a-half (1.5) hours can be applied toward the professional practice (family law) requirement, three (3.0) hour can be applied toward the skills requirement, and one (1.0) credit hour can be applied toward the ethics and professionalism requirement. This program is suitable for experienced and newly-admitted attorneys.
To register for this seminar
your email registration must be received on or before March 31, 2017*

THE APPELLATE DIVISION, FOURTH DEPARTMENT

presents:

ATTORNEYS FOR CHILDREN PROGRAM UPDATE - UTICA

Friday, May 12, 2017
Holiday Inn Utica
1777 Burrstone Road
New Hartford, New York

8:30 a.m.  Registration and Continental Breakfast

9:00 a.m.  Welcome
          •  Hon. James R. Griffith
                    Family Court, Oneida County
          •  Linda J. Kostin, Esq.
                    Assistant Director, Attorneys for Children Program

9:10 a.m.  **Client Confidentiality: What Information Is Confidential, When Can You Disclose It, and What Do You Say When the Judge Gets Too Nosy?**
          Gary Solomon, Esq.
          Director of Legal Support
          The Legal Aid Society, Juvenile Rights Practice
          New York City

10:25 a.m.  Break

10:35 a.m.  **Social Media Evidence: Discovery and Admissibility**
            Professor Michael J. Hutter
            Albany Law School

11:50 a.m.  Lunch (provided)

12:45 p.m.  **Electronic Evidence - Getting it Admitted and Using it Effectively**
            Michael Coluzza, Esq.
            Assistant District Attorney
            Oneida County
            Utica

1:45 p.m.  Break

1:55 p.m.  **Electronic Evidence - Getting it Admitted and Using it Effectively (Con't)**
Michael Coluzza, Esq.
Assistant District Attorney
Oneida County
Utica

2:55 p.m.    Break

3:10 p.m.    The Effect on Children of Parental Substance Abuse and Addiction
Bonnie L. Carr, LMSW, CASAC
Vice President of Program Development
Insight House
Utica

4:00 p.m.    Conclusion

The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2014 to March 1, 2017 (recertification pending). This program has been approved for a total of six (6.0) credit hours, of which three (3.0) hours can be applied toward the skills requirement, one (1.0) hours can be applied to the professional practice requirement (family law), and two (2.0) hours can be applied toward the ethics and professionalism requirement. This program is suitable for experienced and newly-admitted attorneys.
To register for this seminar
your email registration must be received on or before September 7, 2017*

THE APPELLATE DIVISION, FOURTH DEPARTMENT
presents:

ATTORNEYS FOR CHILDREN PROGRAM UPDATE - BATAVIA

Thursday, September 28, 2017
Quality Inn & Suites Batavia
(formerly known as the Clarion Hotel)
Batavia, New York

9:00 a.m.  Registration and Continental Breakfast

9:30 a.m.  Welcome
• Hon. Eric R. Adams
  Family Court, Genesee County
  Batavia, NY
• Linda J. Kostin, Esq.
  Assistant Director, Attorneys for Children Program
  Rochester, NY

9:40 a.m.  Representing Muslim Clients Respectfully and Well
Sareer A. Fazili, Esq.
Cellino & Barnes, P.C.
Rochester, NY

10:55 a.m.  Break

11:10 a.m  Fourth Department Case Law Update
Mark Schlechter, Esq.
Confidential Law Clerk to Hon. Peter C. Bradstreet
Family Court, Steuben County
Bath, NY

12:25 p.m.  Lunch (provided)

1:25 p.m.  Rising Up From the Ashes: The Status of Parental Alienation Today
Frank P. Alabiso, Ph.D.
Suburban Psychiatric Associates
Amherst, NY

2:40 p.m.  Break
2:55 p.m.  Ethics of Working with Interpreters
Emily Brady-Santos
Director of Language Services
International Institute of Buffalo
Buffalo, NY

3:45 p.m.  Conclusion

The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2014 to March 1, 2017 (re-certification pending). This program has been approved for a total of five-and-a-half (5.5) credit hours, of which two-and-a-half (2.5) hours can be applied toward the skills requirement, one-and-a-half (1.5) hours can be applied toward professional practice (family law) requirement, and one (1.5) hour can be applied to the ethics and professionalism requirement. This program is suitable for experienced or newly-admitted attorneys.
To register for this seminar
your email registration must be received on or before September 22, 2017*

THE APPELLATE DIVISION, FOURTH DEPARTMENT

presents:

ATTORNEYS FOR CHILDREN PROGRAM UPDATE - SYRACUSE

Friday, October 13, 2017
Genesee Grande Hotel
Syracuse, New York

8:30 a.m. Registration and Materials Distribution, Continental Breakfast

9:00 a.m. Welcome

- Hon. Michele Pirro Bailey
  Family Court, Onondaga County
- Linda Kostin, Esq.
  Assistant Director, Attorneys for Children Program

9:10 a.m. JD Statutory and Case Law Update, and Related Ethical Considerations

Gary Solomon, Esq.
Director of Training
The Legal Aid Society, Juvenile Rights Division
New York, NY

10:25 a.m. Break

10:40 a.m. U Nonimmigrant Status Certification - What Every AFC Needs to Know

Carmen Rey, Esq.
Deputy Director, Immigration Intervention Project
Sanctuary for Families
New York, NY

11:55 a.m. Lunch (provided)

12:55 p.m. Representing the Alienated Child: In Search of a Method for Determining Substituted Judgment

Frank P. Alabiso, Ph.D.
Suburban Psychiatric Associates
Amherst, NY

2:25 p.m. Break
2:40 p.m.  

Defenses to Payment of Child Support - Related to Abandonment and Custodial Interference  
- Susan Hamlin Nasci, Esq.  
  Support Magistrate  
  Onondaga County Family Court  
  Syracuse  
- Sara J. Langan, Esq.  
  Law Clerk to Hon. Julie A. Cecile  
  Onondaga County Family Court  
  Syracuse  

3:40 p.m.  

Conclusion  

The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2014 to March 1, 2017 (recertification pending). This program has been approved for a total of five-and-a-half (5.5) credit hours, of which three (3.0) hours can be applied toward the professional practice (family law) requirement, one and a half (1.5) hours can be applied toward the skills requirement, and one (1.0) credit hour can be applied toward the ethics and professionalism requirement. This program is suitable for experienced and newly-admitted attorneys.
## INTRODUCTION TO EFFECTIVE REPRESENTATION OF CHILDREN

**THE CENTURY HOUSE ~ LATHAM, NY**  
*Thursday, October 19, 2017 & Friday, October 20, 2017*

### PROGRAM AGENDA

#### THURSDAY - October 19, 2017

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>8:30 - 9:00</td>
<td>Registration and Materials Distribution</td>
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<tr>
<td>9:00 - 9:30</td>
<td><strong>Introduction to the Office of Attorneys for Children</strong></td>
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<tr>
<td></td>
<td><strong>Betsy R. Ruslander, Esq.</strong></td>
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<td></td>
<td>Director, Third Judicial Department, Albany</td>
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<td><strong>Linda J. Kostin, Esq.</strong></td>
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<td>Assistant Director, Fourth Judicial Department, Rochester</td>
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<td>9:30 - 10:00</td>
<td>Role of the Attorney for the Child</td>
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<td><strong>Hon. Elizabeth A. Garry</strong></td>
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<td>Associate Justice, Appellate Division, Third Judicial Department, Albany</td>
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#### JUVENILE DELINQUENCY PROCEEDINGS

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>10:00 - 11:30</td>
<td><strong>Pre-trial Representation</strong></td>
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<tr>
<td></td>
<td><strong>Gary Solomon, Esq.</strong></td>
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<td>Director of Legal Support</td>
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<td>Legal Aid Society, Juvenile Rights Practice</td>
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<td></td>
<td>New York City</td>
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<tr>
<td>11:30 - 11:45</td>
<td>Break</td>
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<tr>
<td>11:45 - 1:00</td>
<td><strong>Representation at Fact-Finding and Subsequent Proceedings</strong></td>
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<td><strong>Paul A. Sartori, Esq.</strong></td>
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<td>Directing Attorney</td>
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<td>Sullivan Trail Legal Society, Inc.</td>
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<td>Elmira</td>
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<td>1:00 - 2:00</td>
<td>Lunch</td>
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#### PERSON IN NEED OF SUPERVISION (PINS)

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>2:00 - 3:00</td>
<td><strong>PINS Proceedings</strong></td>
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<tr>
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<td><strong>Scott D. Colbert, Esq.</strong></td>
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<td>Panel Member, Rensselaer County</td>
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<td>Troy</td>
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<tr>
<td>3:00 - 3:15</td>
<td>Break</td>
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</tbody>
</table>
DOMESTIC VIOLENCE ISSUES IN FAMILY COURT

3:15 - 4:15  Representing Children in Cases Involving Domestic Violence
Professor Melissa L. Breger
Albany Law School

FRIDAY - October 20, 2017

8:30 - 9:00  Registration

CUSTODY AND VISITATION PROCEEDINGS

9:00 - 10:15  Considerations for the Attorney for the Child
in Custody and Visitation Cases
Lawrence T. Dahlke, Esq.
Schenectady County Panel Attorney

10:15 - 11:30  Child Psychological Development:
Interviewing Children and the Custody Evaluation
Elizabeth C. Schockmel, Psy. D.
Capital Psychological Associates
Albany

11:30 - 11:45  Break

CHILD WELFARE PROCEEDINGS

11:45 - 1:00  Overview and Representation Prior to Fact-Finding
Jacqueline Sands, Esq.
Legal Aid Society of Rockland County
New City

1:00 - 2:00  Lunch

CHILD WELFARE PROCEEDINGS (continued)

2:00 - 3:00  Representation at Fact-Finding and Thereafter
Hon. Mark L. Powers
Schenectady County Supreme Court

3:00 - 3:15  Break

3:15 - 4:45  Termination of Parental Rights and Foster Care Review
Margaret A. Burt, Esq.
Consultant/Private Practitioner
Pittsford
To register for this seminar your email registration must be received on or before October 13, 2017*

THE APPELLATE DIVISION, FOURTH DEPARTMENT presents:

ATTORNEYS FOR CHILDREN PROGRAM UPDATE - GENESEO

Tuesday, October 31, 2017
Quality Inn Geneseo/Valley Oak Event Center
Geneseo, New York

8:30 a.m.  Registration and Continental Breakfast

9:00 a.m.  Welcome
• Hon. Robert B. Wiggins
  Family Court, Livingston County
  Geneseo, NY
• Linda J. Kostin, Esq.
  Assistant Director, Attorneys for Children Program
  Rochester, NY

9:10 a.m.  Panel Presentation: Responding to the Opposing Party's Strategies and Aggressive Behavior of Parents
• Santo W. Bentivegna, Ph.D.
  Clinical Psychologist and Certified Forensic Consultant
  Rochester, NY
• Mary Kay Yanik, Esq.
  Panel Attorney for the Child, AFC Liaison, Livingston County
  Geneseo, NY
• Susan Gray Jones, Esq.
  Panel Attorney for the Child, AFC Liaison, Ontario County
  Canandaigua, NY
• John M. Lockhart, III, Esq.
  Panel Attorney for the Child, Livingston County
  Avon, NY

10:10 a.m.  Break

10:25 a.m.  Equitable Estoppel
  Michele Brown, Esq.
  Chief Attorney
  Children's Legal Center
  Buffalo

11:15 a.m.  Break
Legislative Update - Child Welfare and Child Marriage Bill
Margaret Burt, Esq.
Attorney in Private Practice, Specializing in Child Welfare Matters
Rochester

1:00 p.m. Conclusion

The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2014 to March 1, 2017 (recertification pending). This program has been approved for a total of four (4.0) credit hours, of which one and a half (1.5) hours can be applied toward the skills requirement, one and a half (1.5) hours can be applied toward professional practice (family law) requirement, and one (1.0) hour can be applied to the ethics and professionalism requirement. This program is suitable for experienced or newly-admitted attorneys.
THE OFFICE OF COURT ADMINISTRATION
IN COLLABORATION WITH
THE APPELLATE DIVISION, FIRST, SECOND, THIRD AND FOURTH DEPARTMENTS

presents:

LEGAL AID ATTORNEYS FOR CHILDREN UPDATE - ROCHESTER

Thursday, March 8, 2018
DoubleTree Rochester
1111 Jefferson Road
Rochester, New York

9:00 a.m. Registration and Continental Breakfast

9:30 a.m. Welcome
Frank Woods, M.S.W.
Chief Management Analyst
Office of Court Administration
Division of Professional and Court Services
Albany, NY

9:40 a.m. Raise the Age Legislation Overview
Hon. Brenda Freedman
Erie County Family Court
Buffalo, NY

10:30 a.m. Break

10:45 a.m. JD Case Law Update, and Ethical & Practical Implications of
Raise the Age
Gary Solomon, Esq.
Director of Legal Support
The Legal Aid Society, Juvenile Rights Practice
New York, NY

12:00 p.m. Implicit Bias and the Ten Commandments of Cultural
Competence
Lillian M. Moy, Esq.
Executive Director
Legal Aid Society of Northeastern New York
Albany, NY

12:50 p.m. Lunch (Provided)

1:50 p.m. From ACES to Trauma-Informed Advocacy: Information, Tools
and Cautionary Cases
Susan Vivian Mangold, Esq.
Executive Director
Juvenile Law Center
Philadelphia, PA
3:05 p.m. Break

3:20 p.m. It’s Complicated: Best Practices & Ethical Considerations in Identifying & Understanding Teen Dating Abuse
          Caitlin Prior, Esq.
          Training Supervisor & Staff Attorney
          Day One
          New York, NY

4:20 p.m. Conclusion

This project was partially supported by subgrant No. SV14-1117-E07 awarded by the state administering office for the STOP Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this program are those of the authors and do not necessarily reflect the views of the state or the U.S. Department of Justice, Office on Violence Against Women.

This course has been approved in accordance with the requirements of the Continuing Legal Education Board for a maximum of six (6.0) credit hours, of which two (2.0) hours can be applied toward the professional practice (family law) requirement, two (2.0) hours can be applied toward the skills requirement, one (1.0) hour can be applied toward the ethics and professionalism requirement, and one (1.0) hour can be applied toward the diversity, inclusion and elimination of bias requirement. This is a transitional program suitable for both experienced and newly-admitted attorneys.
To register for this seminar
your email registration must be received on or before February 15, 2018*

THE APPELLATE DIVISION, FOURTH DEPARTMENT

presents:

ATTORNEYS FOR CHILDREN TOPICAL SEMINAR:
CHILD WELFARE

Thursday, March 29, 2018
DoubleTree Rochester
1111 Jefferson Road
Rochester, New York

8:30 a.m.  Registration and Continental Breakfast

9:00 a.m.  Welcome
  •  Hon. Joseph G. Nesser
    Family Court, Monroe County
  •  Linda J. Kostin, Esq.
    Assistant Director, Attorneys for Children Program

9:10 a.m.  Quality Matters: Enhancing the Quality of Permanency Hearings Throughout New York State
  Christine Kiesel, Esq.
  Coordinator
  New York State Child Welfare Court Improvement Project
  Utica

10:10 a.m.  Break

10:25 a.m.  Adverse Immigration Consequences of Family Court Dispositions
  •  Joanne Macri, Esq.
    Statewide Chief Implementation Attorney
    New York State Office of Indigent Legal Services
    Albany
  •  Sharon L. Ames, Esq.
    Regional Immigration Assistance Center - Region 2
    Rome

11:15 a.m.  Break

11:30 a.m.  The Attorney for the Child's Role in Termination of Parental Rights Cases
  Margaret Burt, Esq.
1:00 p.m.  Conclusion

The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2014 to March 1, 2017 (re-certification pending). This program has been approved for a total of four (4.0) credit hours, of which one (1) hour can be applied toward the skills requirement, two-and-a-half (2.5) hours can be applied toward professional practice (family law) requirement, and one-half (.5) hour can be applied to the ethics and professionalism requirement. This program is suitable for experienced or newly-admitted attorneys.