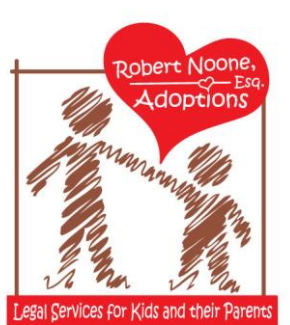


ROBERT NOONE LEGAL SERVICES

304-784-8818 BobNoone.com
Slide 1

“Implications for working with the Traumatized Child . . . And the Child’s Guardian ad Litem”

E.S.P.N. Stonewall Jackson Resort

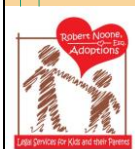


Beth Hughes Noone,
LCSW, PIP, RTP/S, CTT

Robert T. Noone, JD
Robert Noone Legal Services

FOR OVER 30 YEARS:

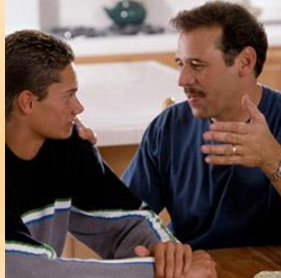
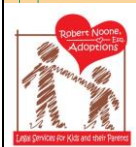
- Juvenile Delinquents
- Juvenile Status Offenders
- Abuse & Neglect clients
- “Tweeners” awaiting placement and Re-Tweeners.



Bob@BobNoone.com

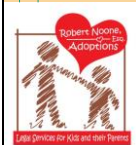
SHELTERS ADVOCATING FOR CHILDREN by:

- Helping the Child have a VOICE in the COURT SYSTEM.
- And Getting the G.A.L. . . Off of their A\$\$



The Start of a Voice - **PARTICIPATE IN THE MDT PROCESS:**

1. See 12/15/11 DHHR Commissioner's Letter:
 - Federal and State Law recognize that caregivers (here defined as foster parents, kinship care, pre-adoptive parents) have the right to notice of the court proceedings and to be haring in such proceedings involving the children in their care.
 - This **RIGHT TO NOTICE** should extend to Emergency Shelters... and WHY?
 - YOU are a source of VALUABLE INFORMATION
 - Under ASFA, you are to receive notice and be allowed input at each stage of proceeding, including MDTs.
 - My experience... Shelter advocating (school, visits, change in behavior)



- **YOUR EXPERIENCE?**



2. ADVOCATING BY GETTING THEIR GAL or
LAWYER INVOLVED EARLY and OFTEN:

**What is the Difference between a GUARDIAN
ad Litem and an ATTORNEY?**

SHOULD it matter to the child in the shelter?

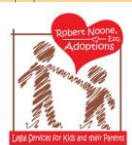
SHOULD be qualified and involved. . .



TAKING THE TRAUMATIZED CHILD CASE SERIOUSLY...

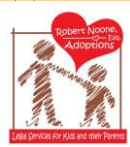
Social Workers Already Do... but your lawyers, we sometimes....

- 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...)



WHAT SHOULD YOU EXPECT IMMEDIATELY FROM THE CHILD'S GAL OR LAWYER:

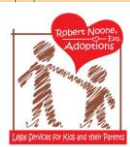
1. A CALL to the Shelter to speak with the client. (if more than 3 days, something's wrong)
2. If IGNORED, make a call for them. Ask to set up an appointment. Many reasons (excuses) a lawyer doesn't call
3. Bringing Child to LAWYER'S OFFICE versus meeting the child at the shelter.
4. Basic common sense stuff... and then there's what the **Supreme Court says you should expect.**



EXPECT From the Lawyer or GAL

IN GENERAL:

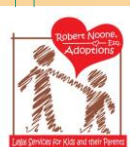
- Educated in the Law
- Protecting Best Interests of child (here's where YOU can help)!
- Avoiding Ethical Conflicts... with siblings, parents, care takers



EXPECT From the Lawyer or GAL

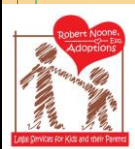
KEY DUTIES:

- Notify child and caretaker of GAL appointment or charges
- Initiate contact with YOU and social worker
- Obtain copies of school, medical, social service or other records (why not share?)
- Face to Face Meeting... and private consultation
- Update client on REASON for a GAL and court proceedings...
- INTERVIEW Caregivers, case workers, school folk, therapists.
- **ASCERTAIN the wishes of the Child!**



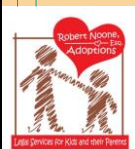
EXPECT From the Lawyer or GAL

- Interviewing of SIBLINGS, RELATIVES... Medical Providers
- Independent Investigations, including in-home visits
- MONITOR whether receiving tutoring or counseling (You can help here also with insights from the Shelter)
- Keep Child advised of Developments (don't forget about tech – Skype, Facetime, texting).
- Let child know of Parent's progress on IP, if appropriate.
- Consider parent visits, sibling visits, restrictions, etc. (get updates from you as to what works)
- REPRESENT CHILD UNTIL.... PERMANENCY ACHIEVED!



EXPECT From the Lawyer or GAL

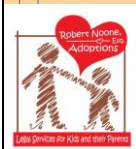
WORKING TOGETHER
SHARE REPORTS, UPDATES
COURT REPORTS
VISITATION REPORTS
SCHOOL REPORTS
THERAPIST INSIGHTS



Do FOSTER CHILDREN HAVE RIGHTS....???

Familiarize yourself with the WV Foster Advocacy Movement (WV FAM) and their proposed legislation for 2016

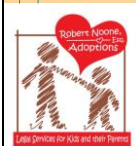
- Protection is guaranteed for you in residential settings
- Nurturing foster providers who pass intensive background and re-evaluation...and demonstrate foster children are their first priority.
- Your placement is FREE of violence, abuse, danger,
- SIBLING relationships are maintained as a TOP PRIORITY
- Being able to call their lawyer and have call returned within 3 days.



ALL I WANT IS NORMAL. . . .

Those Rights continue to include:

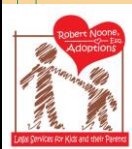
- Documents provided to them by age 16, and before they leave foster care (social security card, birth certificate, etc.
- Meaningful transition plans for kids aging out of foster care
- As normal a life as possible...
- **WHAT ABOUT;**
- All my friends have earrings, tattoos, HAIR Dye, Prom, etc.
- Class rings, grad gowns, invitations
- GET YOUR GAL to get a court order.



Listening to OUR Clients: CHILDREN OF TRAUMA ...



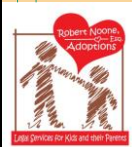
- TRAUMA affects Attorney-Client Relationship
- The Ebola lesson
- Not All kids are Traumatized. . . Look at what lead them to your door! (severe neglect, drug exposure, physical – sexual abuse?)
- As as Shelter workers, often we are not Mental Heath Specialists, but , to effectively serve our clients,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



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.

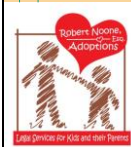


- **So how do we build relationships with our kids of trauma?**

BUILDING RELATIONSHIPS:

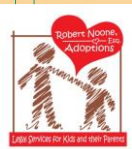
Know they have an impaired sense of safety!

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. (“Where did you go just now?”)
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 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.

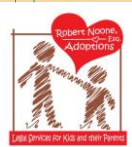


**COMMUNICATION WITH YOUR CLIENT –
KNOW BECAUSE OF TRAUMA YOUR CHILD MAY :**

- 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.

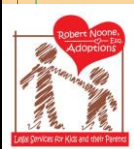


- Be unable to make DECISIONS in their case – a cognitive impact from trauma. “Cause and Effect” thinking is impaired. Remember they suffered harm without any apparent cause... the reality – they can't count on adults to follow a linear pattern.



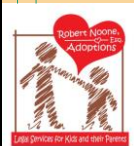
GUARDIAN AD LITEMS – TIPS FOR OUR CLIENT RELATIONSHIPS IN TRAUMA CASES?

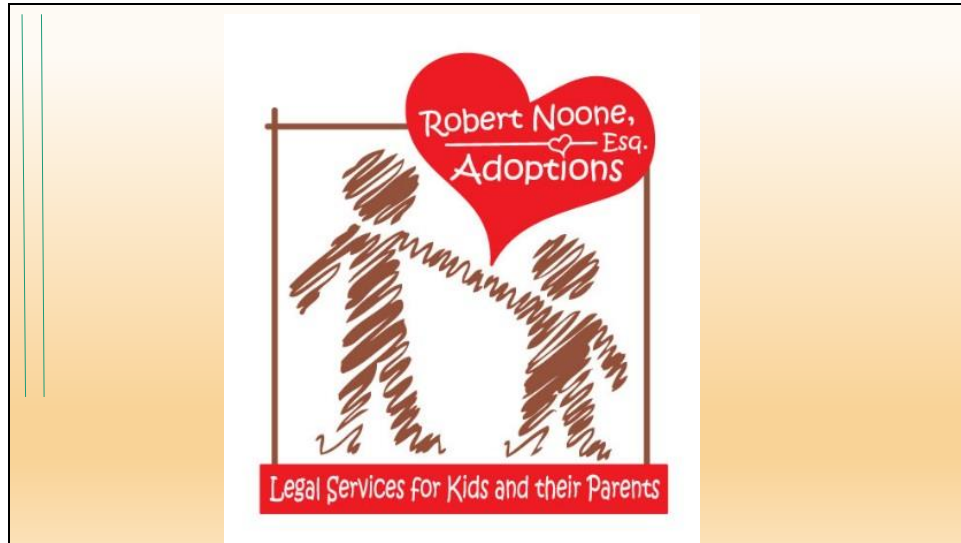
- Get a **STRONG** working relationship - valuable in the life of the client.
- No formula, but don't make their unsafe feelings worse. Don't worsen ability to trust. . . Don't encourage negative self beliefs.
- **TRANSPARENCY** – in age appropriate terms. Promotes **TRUST** and helps negate the feeling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



UNDERSTANDING THE TREATMENT OPTIONS ONCE YOU 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.





For more info,
BOB NOONE
304-784-8818
BOB@BOBNOONE.COM

Resources:

Teens - Not relying on Psychotropic Medications: Making Health Choices.... Teens and taking Psychotropic Medications <https://www.childwelfare.gov/pubs/makinghealthychoices/>

For Foster Caregivers: <https://www.childwelfare.gov/pubs/mhc-caregivers/>

The latest KIDS COUNT from the Annie E. Casey Foundation ranking West Virginia 43rd in the nation for children's well-being <http://www.wvkidscount.org/2015-national-kids-count-data-book-13000-more-wv-children-live-poverty-now-2008-or-one-every-four-kj>;

- The Department of Justice letter to West Virginia regarding deficiencies in the children's mental health system http://www.ada.gov/olmstead/documents/west_va_findings_ltr.pdf;