

TPR PROTOCOL AND ROLES OF A TPR ATTORNEY

February 20, 2020

Appleton, WI

WHAT WAS I THINKING?



OBJECTIVES

Attorneys will be able to:

- Identify the different roles a TPR attorney has
- Understand the lifecycle of a TPR case and the basic procedures
- Be able to explain TPR court procedures to clients



HATS OF A TPR ATTORNEY

ADVOCATE

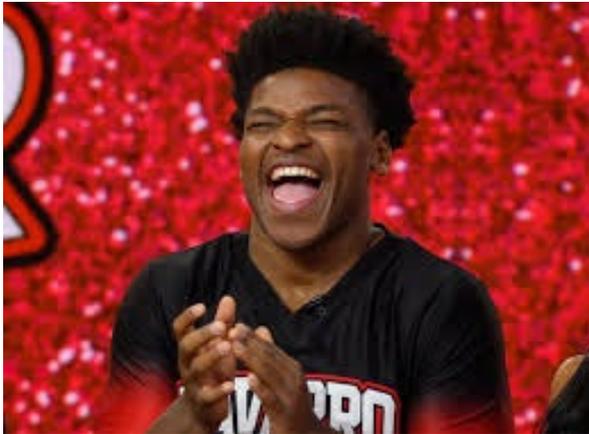
TEACHER



HATS OF A TPR ATTORNEY

CHEERLEADER

CONSOLER



HATS OF A TPR ATTORNEY

NAVIGATOR

CHILD DEVELOPMENT
EXPERT



HATS OF A TPR ATTORNEY

INTERPRETER

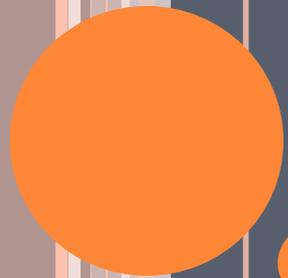
ARTIST



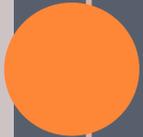
#1 ROLE TPR ATTORNEY DOESN'T PLAY

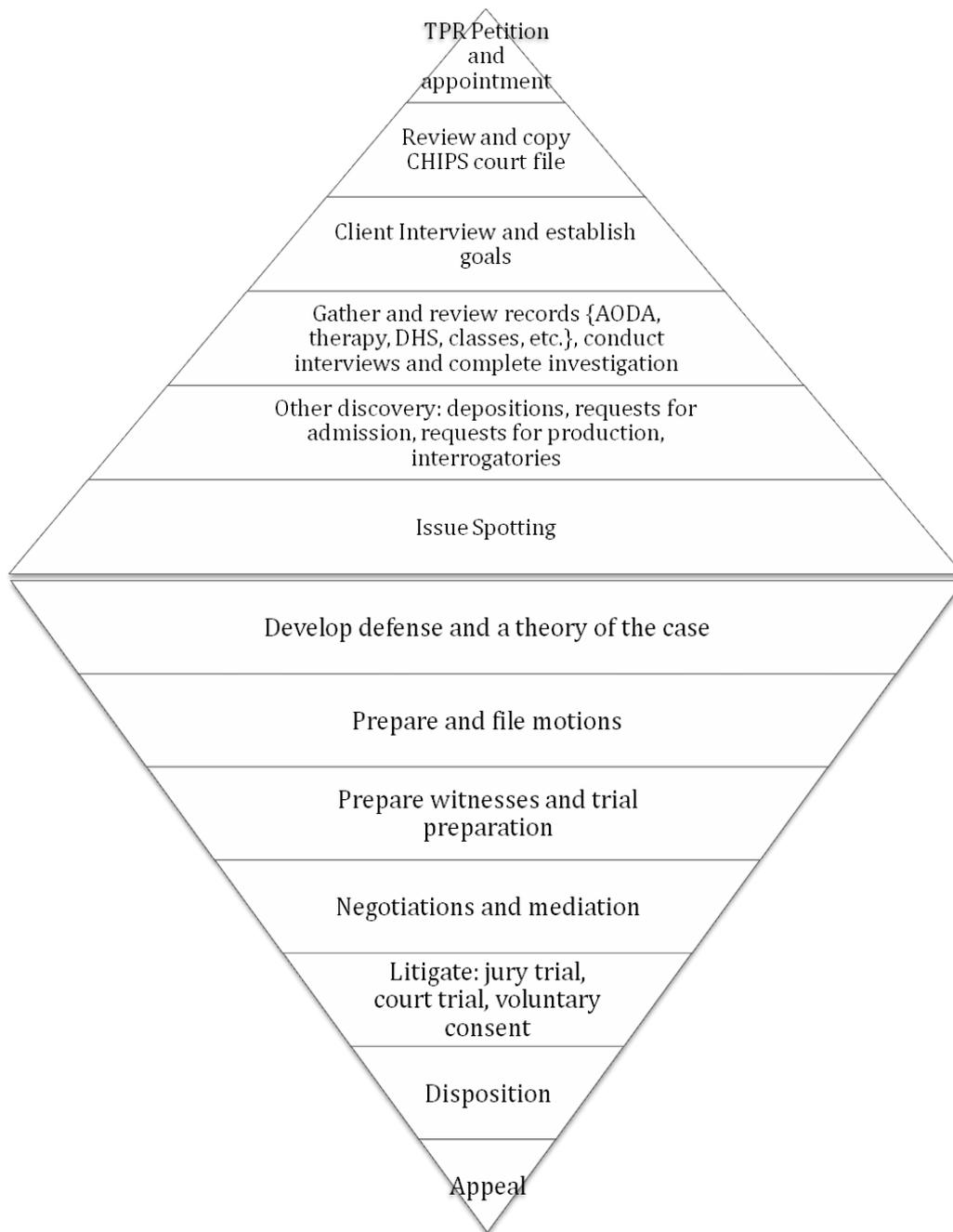
Guardian ad Litem





TPR PROTOCOL





TPR PETITION & APPOINTMENT

- Familiarize yourself with relevant TPR laws
- Review Petition for sufficiency, jurisdictional & procedural defects



REVIEW & COPY CHIPS AND OTHER COURT FILES

- Review all pertinent court records
 - CHIPS file – need permission to access
 - Family Court
 - Guardianships
 - Criminal Court
 - Injunctions



CLIENT INTERVIEW & ESTABLISH GOALS

- Meet as soon as possible
- Essential paperwork
 - Authorization to Appear
 - Intent to Pursue Postdisposition Relief
 - Sign releases
- Explain TPR Process
- Set expectations
 - Appearing for Court
- Client Interview
- Give Homework & Make Plans



GATHER & REVIEW RECORDS

- Use releases to gather records from 3rd party service providers
- Use discovery – Requests for Production of Documents – to get copy of the case file
- Get records for the child



DISCOVERY!!!

- Use all methods of civil discovery to develop your case
 - Requests for Production
 - Interrogatories
 - Requests for Admissions
 - Depositions
- Respond timely to all requests for discovery



ISSUE SPOTTING, ORGANIZE & DEVELOP DEFENSES AND A THEORY OF THE CASE

- Continue to identify issues that arise as you review discovery and the case unfolds
- Attend permanency plan or other related CHIPS hearings
- Consider having a meeting with ongoing case worker and client, consider meeting with GAL
- Consider hiring experts



FILE AND RESPOND TO MOTIONS

- Proactively decide what motions might be helpful to your case
 - Motions to dismiss
 - Motions for summary judgment
- Anticipate motion for summary judgment and be prepared to respond



PREPARE WITNESSES & TRIAL PREP

- Meet with individual witnesses
- Prepare questions and prepare for testimony
- Identify Motions in Limine
- Prepare client for testimony
- What is your approach?



NEGOTIATIONS & MEDIATION

- Keeping your clients goals in mind, seek potential resolutions with opposing counsel



LITIGATE: COURT AND JURY TRIALS

- Decide whether court or jury trial is preferred
- Prepare for voir dire
- Daubert
- Be familiar with evidence case law and statutes
- Have materials available for impeachment (case notes, phone records, depositions, etc.)



DISPOSITION

- Don't give up!
- Get the Court to give you enough time
- Continue themes of the fact-finding trial
- Present mitigating and favorable information, including progress after the filing of the petition



APPEAL

- Be prepared to file Notice of Intent – have client sign as early as possible
- File within 30 days of the entry of Order
- Be available to discuss case with appellate attorney
- Get reliable contact information for client to be reached by appellate attorney



HOW ARE YOU FEELING NOW?

