

7 Habits of Highly Effective ~~Wizards~~ TPR Attorneys

Objectives

- ▶ Attorneys will be able to:
 - Identify resources to increase knowledge and troubleshoot problems with TPR cases
 - Understand the key duties of practicing TPRs

Ways to be effective

1. Review the CHIPS record.
 2. Use the rules of civil procedure to your advantage.
 3. Recognize the constitutional due process implications of TPR cases.
 4. Object to improper evidence.
 5. Prepare your client for trial; fully advise them of their rights.
 6. Question the law.
 7. Work with others and use the resources you have!
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Review the CHIPS record

- ▶ Huge defenses that can be missed if you don't.
- ▶ Need to have understanding of the life of the case.
- ▶ Getting transcripts also will help you understand what frustrations your client has had.



Use the Rules of Civil Procedure

- ▶ This is not a criminal case! You must go after specific information to help you develop a defense.
- ▶ Robust civil discovery practice will help your client.



Recognize Constitutional Implications

- ▶ This is not a standard civil case.
- ▶ The Constitution protects your client's fundamental right to parent her or his child. If the Court or petitioner are trampling on your client's rights, speak up!



Object to Improper Evidence

- ▶ Other acts before the CHIPS order – keep it out
- ▶ Court documents with inadmissible hearsay
 - Permanency plans
 - Other documents with prejudicial information
- ▶ Daubert any social work “experts”



Prepare your client for trial

- ▶ Warn your client of possibility of prior involuntary termination as grounds for subsequent children
- ▶ Talk to GAL
- ▶ Talk to other parent's counsel about trial/disposition
- ▶ Fight for contact until the appeal is over



Question the Law

- ▶ These cases are all or nothing...Think creatively about challenges to the law
- ▶ If something doesn't sit right with you, question it! Raise it!
- ▶ Think of the law as it should be, not as it is.



Remember you are not alone!

- ▶ State Public Defender Practice Coordinator
 - Resources – TPR motions and briefs, discovery demands, etc.
 - Questions & feedback on trial approach
 - ABA Parent Representation listserv
- ▶ We have each other! Talk through your cases with colleagues.

