

SOCIAL SERVICE EXPERT NEWS

Committee for Public
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Your place for SSE news, updates, training notices and more.

Recent events have brought the issues of systemic racism and racial injustice back to the forefront of American lives. These issues are not new, but it feels like we could be on the precipice of change. As social worker/social service experts working for the public defenders, we know all too well the impact of systemic racism and social injustice on the lives of our clients, their families and communities. This is evident across all CPCS divisions and is not limited to adult and youthful offender criminal cases.

The Criminal Justice Policy Program at Harvard recently released a study exploring the persistent racial disparities in the Massachusetts criminal legal system. In announcing the commission of this report in 2016, Chief Justice Gants noted that the incarceration rate in Massachusetts for Black defendants is 7.9 times that of White defendants and the incarceration rate for Latinx defendants is 4.9 times that of Whites. "We need to learn the truth behind this troubling disparity and, once we learn it, we need the courage and the commitment to handle the truth," Gants said.

While the resulting report largely focused on the adult criminal legal system, the findings note significant disparities that impact the child welfare cases, such as disparities in incarceration rates and sentence lengths that hamper family preservation, reunification efforts and the eligibility of potential kinship placements. The full report can be found here:

<https://files.constantcontact.com/dd569f1c001/463e639c-8904-4c76-8c47-c9fa06a5fa35.pdf>

In response, CPCS chief counsel, Anthony Benedetti, noted in a statement to the press:

"When public defenders talk about the criminal justice system, we don't use the word 'justice.' We call it the criminal legal system because far too often, the

Getting Started on a Case

...

What you need when starting a case:

- The ENTIRE APPROVED Motion for Funds.
- The NAC #.
- Letter of Engagement that specifies scope of requested work and services, and your role.
- Client contact information.
- Signed releases-remember do not contact anyone without permission from the attorney.
- The context/theory/criminal charges of the case.
- Timeline for any work product.

outcomes are so disparate, that justice doesn't seem like the right word to describe the process. This report shows more of what we have known for years – that Black and Latinx men and women unfairly experience significantly worse outcomes than do their white peers. They are pushed into the criminal legal system earlier, are sucked in deeper, and they are held within its clutches longer.”

While much of the conversations across the country highlight the inequity of our criminal justice system; systemic racism can be seen in our Children and Family Law and Mental Health Litigation divisions as well. Not surprisingly black families are over-represented in the child welfare system. It was recently in a virtual conference that Americans have an appetite for separating black and brown children from their families. This was true during the time of slavery, when indigenous children were sent to “boarding schools”, when families were separated at the border, and it is true in our child welfare system. Jessica Pryce, in the following Ted Talk, suggests “Transforming Child Welfare by Taking Race out of the Equation”:

https://www.ted.com/talks/jessica_pryce_to_transform_child_welfare_take_race_out_of_the_equation?language=en

The CAFL training unit recently offered studies and data showing a disproportionate number of black children in the child welfare system, and the subsequent school to prison pipeline that impacts a higher number of black children. Shanta Trivedi, clinical teaching fellow at the Georgetown University Law Center, goes back to the beginning and writes about “a related and lesser-known police-to-foster care pipeline that is often the starting point for the destruction of families and horrific long-term outcomes for children, particularly Black children.” Professor Trivedi talks about the different, more punitive standards applied to Black families, and the higher rates of reporting, removal, continued involvement in the child welfare system, and generally poor outcomes.

You can read Professor Trivedi's article at: <https://www.nbcnews.com/think/opinion/police-feed-foster-care-prison-pipeline-reporting-black-parents-ncna1235133?fbclid=IwAR3qsmOdVjuae9LUswCYiPeeHSupiuAp9EJyhVKgyK6IszVBnPhG7wBokuI>

Within the behavioral health field, multiple studies have shown the racial and ethnic disparities in accessing and participating in mental health care. This has led to an overrepresentation of psychiatric inpatient admissions of Black patients, yet an underrepresentation in outpatient treatment. Additionally, the discrepancies in diagnostic practices show a higher rate of Black patients being misdiagnosed with schizophrenia compared with other ethnic and racial groups.

So what can you do as social work/social service vendors? Be mindful, be aware of any implicit bias you bring to the work, and be ready to challenge systems on behalf of your client. Anthony Benedetti offered the following:

“All of us working in connection with this system share responsibility for making it fair, equitable, and effective. CPCS is committed to doing our part, to provide ever better and more holistic representation and to work with the community and the other institutional stakeholders to assure true access to justice for all.”

A CALL FOR EXPERTS

In anticipation of the eviction moratorium ending; we are encouraging all of our social work/social service vendors to familiarize themselves with housing resources, regulations and laws. We expect that we will get requests for housing support (completing applications, identifying resources, etc.) across all divisions.

Another area we expect to see an increase in requests for social workers/social service experts is in school related issues. We will continue to forward you information on trainings offered by the EdLaw program as they are available. The Federation for Children with Special Needs also offers trainings that may be of interest.

Please email ssvendors@publiccounsel.net if you think you can help with either (or both) of these issues.

The Mental Health Litigation Division (MHL D) is currently providing the Civil Commitment Certification training. As part of that training there are mock trial sessions which are the culmination of all that the new MHL D lawyers are learning in the course. This year the mock trials are by Zoom. The MHL D is seeking volunteers to play different roles in the mock trials, including the client, the IME and the defense expert. Each role has background information provided, and some of the roles are scripted.

Volunteers are needed for the following days/times for the Zoom mock trials:

November 16, November 17, November 19 and November 20

AM session: 9am-12:30p

PM session: 1:30p-5pm

Please contact Beau Kealy at akealy@publiccounsel.net with any questions or to sign up for a role!

Check out the vendor webpage!

<https://www.publiccounsel.net/soc/>

Make sure to spend some time exploring the CPCS website where you can find links and resources to helpful information.

<https://www.publiccounsel.net/>

Who are Social Work/Social Work Expert Vendors and Who Do They Work For?

Social Work/Social Service Expert Vendors are independent contractors with CPCS. There are several reasons why CPCS categorizes vendors as independent contractors. First, there is never a guarantee of work. While it is our hope that everyone is as busy as they want to be, we know that there is an ebb and flow of available work. Can anyone say “Pandemic”? Second, it leaves the tax work to the vendor. Everyone gets a 1099 and manages their tax responsibilities. Finally, and probably most important, it reduces the appearance of bias or influence in any opinions our vendors may render to the court.

While the independent contractor/vendor classification allows you to bill the state for your services; **you are not considered an employee of CPCS, and you cannot identify yourself as such.**

All CPCS vendors are independent contractors hired by a defense attorney to assist them in their representation of a client. While a judge approves the motion for funds, any information, opinions, and reports are considered the property of the defense attorney. Different from a GAL and/or a Court Investigator, you have not been hired by the courts and should not make any such representations.



What Do I Do With All These Records?!

There are a few schools of thought about this, but first you should familiarize yourself with both state and licensing regulations regarding record keeping. If you are overwhelmed with “paper” you could seek to return any records provided to you by the attorney. In fact, in some cases an attorney may request that you return any and all reports they have provided you at the end of a case. Of course you should keep copies of any documents in which you are the original source including notes and reports.

Our Work, Works!

Success by Reframing the Narrative

By a CPCS SSE

I have had the privilege of working with a very special family for the last 20 months. When I first came onto the case, the client had been separated from his children for five years and the children were young adolescents. Dad is disabled with a significant traumatic brain injury and has a worker from the Statewide Head Injury program who despite being highly involved, struggled with time constraints and the limitations of her role. Dad's relationship with DCF was noted by many to be contentious and they were tightly locked in a toxic and unhelpful dynamic. Additionally, the CASA worker struggled to see Dad's strengths as a parent and thought that should he regain custody of his children, he was destined to fail.

At the onset of the case, it was clear that Dad was extremely dedicated to his children. He struggled with transportation issues and would frequently bicycle 25 miles for his visits. His main goal and focus was to regain custody of his children and be a family again. He kept detailed notes of his interactions with the Department and he spent many hours writing letters of appeal to anyone that would listen.

A difficult hurdle that Dad faced was the fact that his physical and verbal presentation were often misconstrued. Dad is a very fit, muscular man with his own unique style of dress which people often found intimidating. Furthermore, his speech is somewhat slurred due to his brain injury, which led to frequent false accusations of being intoxicated. This combined with his communication difficulty and a tendency towards impulsive responses when provoked made it difficult to see the soft, loving, devoted father beneath the tough exterior.

This advocate began by highlighting Dad's arduous efforts to complete his action plan and see his children. During meetings with department supervisors, attorneys, and CASA, I firmly opposed the negative narrative about Dad presented by his worker. I highlighted the ways in which Dad's strengths had been chronically overlooked and that his disabilities did not preclude his ability or worthiness to parent his children. Dad subsequently felt supported during the meetings and was more able express himself clearly and in a calm manner.

At the onset, Dad's needs for assistance were too much for any one person to manage, and working together was critical. Furthermore, the CASA worker began to be more focused on Dad's strengths and saw that he was getting the support he needed from a referral to an Intensive Care Coordinator and a parent partner. From that time forward, she became an extremely strong advocate for Dad and devoted many volunteer hours to the case. The work di

I found that creating and working with an excellent team made an unmanageable amount of work manageable and enjoyable. Certainly, the role of an advocate can be fraught with many challenging and stressful tasks and situations. However, the rewards of being a part of reuniting a loving family far outweigh the stressors and challenges of this wonderful career.

What are Attorneys Saying?

“(SSE) has always worked very zealously on my matters. She’s been very helpful.” -Attorney Conway

“I always have a handful of cases open with her. She's tremendous!” – Attorney Thompson

“I wanted to let you know that I have a great social worker who found a place for one of my clients who was held pre-trial. The court ordered him released provided he found housing where he could stay 24/7 (and for free) with GPS. My social worker found a placement!” - Attorney Kovner

“I just want to say that (SSE) has been a pleasure to work with. She is smart, resourceful, persistent and patient. I highly recommend her. Thank you for recommending her to me.” – Attorney Petersen

Upcoming Trainings & Conferences

The Charles Hamilton Houston Institute at Harvard is a great resource for all of us and their newsletter lists various webinars, meetings, etc. that are directly related to our work and to anti-racist practices. Check out current events [HERE](#) or by going to their webpage: <https://charleshamiltonhouston.org/events/>.

Recovery Centers of America: Evidence Based Practices for Treating Stimulant Disorders

Date: 11/10/2020

Time: 9am-11am EST

Cost: FREE

Register [HERE](#) or by going to their webpage: https://help.recoverycentersofamerica.com/CEU2020-11-10TreatingStimulantDisorders_registration.html

The Advanced Forensic Social Work Certificate

Dates & Times: December 2, 2020 1:00-5:15 to December 3, 2020 1:00-4:30 Central Time

Cost: \$195 members/\$245 non-members

For more information, click [HERE](#) or go to their webpage: <https://www.nofsw.org/advanced-fsw-certificate-program>

Helpful Resources and Links

One Can Help: <https://onecanhelp.org/>

“We work with court-appointed attorneys and social workers to provide clients at risk with essential resources when no other aid is available, to help them break the cycle of deprivation and hopelessness.” Resources available in juvenile court case (Primarily CAFL & YAD).

National Association of Forensic Counselors: (<http://www.forensiccounselor.org/>)

The National Board of Forensic Evaluators: (<https://www.nbfe.net/>)

William James College Continuing Ed/Life Long Learning:
<https://www.williamjames.edu/academics/lifelong/index.cfm>

Massachusetts General Hospital: Center for Law, Brain & Behavior: <http://clbb.mgh.harvard.edu/>
“The Massachusetts General Hospital Center for Law, Brain, and Behavior is an academic and professional resource for the education, research, and understanding of neuroscience and the law.”

National Alliance on Mental Illness, Massachusetts: <https://namimass.org/>

Bureau of Substance Addiction Services (BSAS):

Helpline: <https://helplinema.org/>

Search for Treatment: https://mahelplineonline.custhelp.com/app/account/opa_interview

Sentencing Project: <https://www.sentencingproject.org/>

Family Resource Centers: <https://www.frcma.org/>

Re-Entry Services

Coming Home Directory Greater Boston:

http://www.cominghomedirectory.org/assets/2019/02/CHD_Print_Final_With-cover-2019.pdf

Office of Returning Citizens, Boston: <https://www.boston.gov/departments/returning-citizens>

All-Inclusive Support Systems (AISS), Hampden: <http://hcsdma.org/aiss-3/>

Worcester Initiatives for Supported Reentry (WISR): <https://www.advocates.org/services/worcester-initiative-supported-reentry-wisr>

BILLING

While we can help with some billing questions, your best resource for answers is the Vbill User Manual or you can email vendorbills@publiccounsel.net with any questions. That being said, here are a few quick reminders.

- Travel time is billable. The rate is lower than the hourly rate for other services and is prepopulated by VBill.
- Remember if you make a billable phone call during your travel time, you cannot bill for both services.
- Reminder FY2021 is from 7/1/20-6/30/21
- Billable hours per FY are capped at 1,650, and you can only bill up to 12 hours/day. Anything over those hours requires a waiver.
- There are timelines for submitting Vbills. Make sure you know what they are.

Don't forget to keep us updated on new licenses, additional certifications or potential conflicts. If you have not done so already, please update the attached vendor information questionnaire.

Your Social Service Expert Contacts

If you have any questions or need guidance, please contact the person who oversees the Social Services Experts for that division.

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Children and Family Law Division

The Committee for Public Counsel Services

- We Defend the Accused
- We Demand Justice
- We fight for the Rights of Parents and Children

