

Criminal Defense- Based Forensic Social Work

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What do we DO?



What my friends think I do.



What my significant other thinks I do.



What my mom thinks I do.



What society thinks I do.



What my supervisor thinks I do.



What my clients think I do.



What the State wants me to do.



What I think I do.



What I actually do.



What is Criminal Defense-Based Social Work?

Simply put....

Meeting a client's legal needs and social work needs

Working together

Best legal outcome

Holistic defense

SKILLS

Rapport Building

Assessment

Re-entry

Support

Advocacy

Resource
Identification

Psychoeducation

Clinical
interviewing

Crisis
intervention

Skill building

DIVO

Testifying

Research

MITIGATION!

WORK PRODUCT

Visit Notes

Records Review

Court Reports (Mitigation & Sentencing)

Bio-pyscho-social reports

Memos

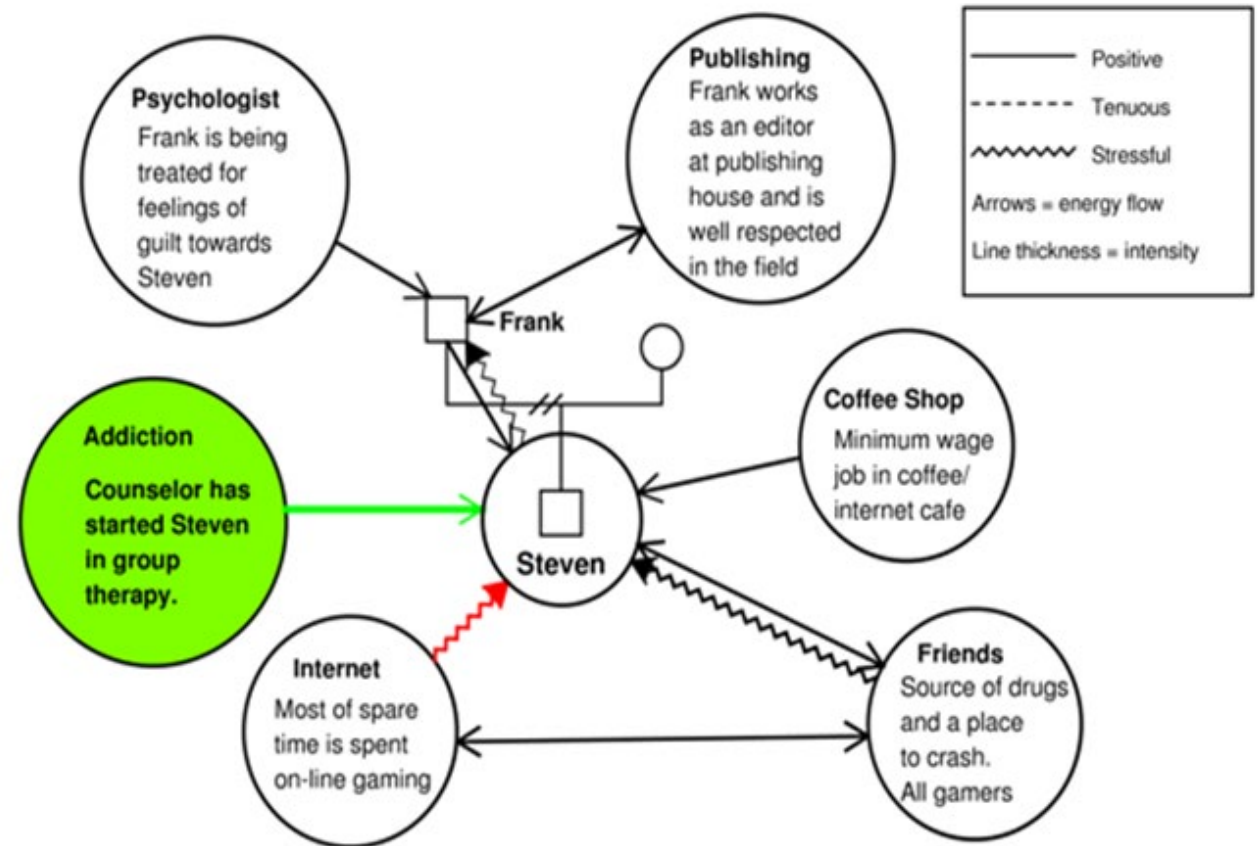
Genograms

Eco-maps

Time-lines

Testimony

Eco-map example



INCARCERATION OF PARENT (12 HOMES, 31 POLICE CONTACT)

30 days jail (8/06)

30 days EHM (2/11)

27 days jail (7/12)

Grandma has guardianship (2014)

3 years DOC (1/05)

120 days jail (8/12)

10 days jail (2/17)

20 days jail (4/02)

3 years DOC (3/05)

90 days jail (9/12)

30 days jail (8/15)

4 days jail (7/17)

2 years + 18-mos Comm Cor (2007-2009)

120 days jail + 90 days + 10 days (2014-2015)

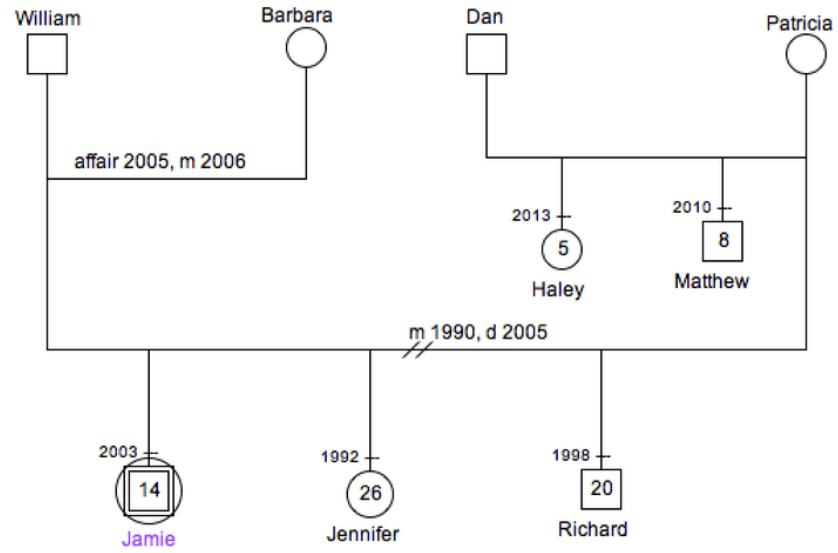
1999	2001	2003	2005	2007	2009	2011	2013	2015	2017
Birth	2	4	6	8	10	12	14	16	18

CLIENT

MOM, GRMA, DAD, GRPA

Transgender Man to Woman

Jamie's Family



GENOGRAM

ROLES

- Advocacy
- Service referral & navigator
- Assessment
- Mitigation specialist
- Expert
- Researcher
- Re-entry planner
- Therapeutic supporter
- Liaison
- Consultant

If you ever wanna know
what a social worker's
mind feels
like...imagine a
browser with 2, 857
tabs open. All. The.
Time.



someecards
user card

History of CDBFSW

- *-Social Work has always served vulnerable populations*
 - 1963 - *Gideon v. Wainwright* – prompted the systematic creation of public defense systems to serve indigent individuals
 - 1967 – Right to counsel for juveniles
 - 1990 – Fear of the “super predator”, summer of violence
 - 2005 – *Roper v Simmons* - developmental factors, peer influence, identity
 - 2011 – *Miller v Alabama* – *critical differences b/w adult and juvenile brain*
 - 2016 – *Graham v Florida* – *JLWop unconstitutional*
 - Steinberg* – *a leading researcher on adolescence*
 - Colorado model (JLWop, juveniles, direct-file, reverse-transfer)... all CDBFSW clients*
- 2019 - Criminal Defense-Based Forensic Social Work (Ratliff & Willins)

Communication is KEY!!!

- You are a team
- Attorney as the lead
- Set expectations at the beginning
- FSW as an arm of the attorney
- Client a member of the team
- Team meetings
- Check-ins (meet, email, phone)
- Re-visit expectations

Trauma- informed Care

- **Five Guiding Principals**

- Safety
- Trustworthiness
- Choice
- Collaboration
- Empowerment

How to?

- **What to DO:**
- -follow your client's pace
- -set clear goals (trustworthiness)
- -accept some resistance
- -strength's based (empowerment)
- -safety (physical, emotional, psychological)
- **What NOT to do:**
- -do not push
- -do not ignore client goals (choice)
- -do not touch
- -do not re-traumatize

Developmental & Trauma Research

- Dr. Laurence Steinberg <https://www.laurencesteinberg.com/> “Age of Opportunity” & “Adolescence”
- The Gault Center - <https://www.defendyouthrights.org/>
- Hayward-Burns Institute - <https://burnsinstitute.org/who-we-are/#mission>
- Abigail Baird <https://www.vassar.edu/faculty/abbaird> (watch her videos)
- 2011 National Geographic article – <https://www.linkedin.com/pulse/teenage-brain-survival-guide-raise-young-adults-shravan-shetty/>
- Marty Beyers - <https://www.martybeyer.com/content/biography-marty-beyer-phd>
- Bessel Van der Kolk – The Body Keeps the Score
- Center on the Developing Child: Harvard University <https://developingchild.harvard.edu/>
- Traumatic Stress - <https://www.nctsn.org/what-is-child-trauma>

WHY??????

“Each of us is more than
the worst thing that
we’ve ever done.”

-Bryan Stevenson



POLICIES



Federal Guidelines (NASW/NOFSW)



State Guidelines



Agency Guidelines

Requesting records

- A tedious task, but SO important and worth it
- Integral tool for developing and backing up your mitigation/themes
- Can be used as a visual aid in reports
- Experts typically require comprehensive records



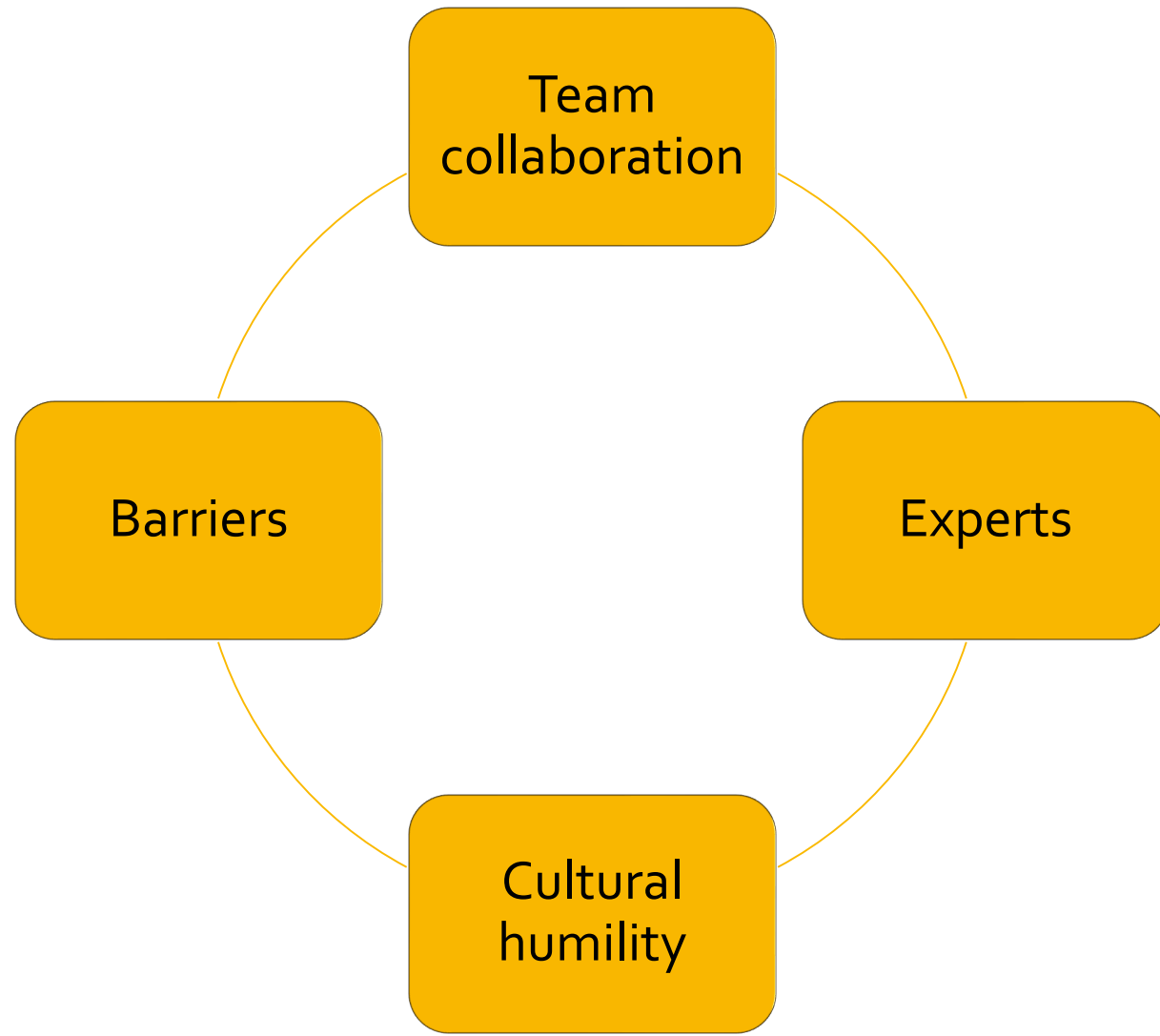
Common Sources of Records

- Birth records
 - These typically require the mother's consent
- Medical: pediatrician, psychiatric hospitals, emergency room, etc.
- Child Welfare
- Education
 - Request the student file from the last school attended
 - Special education: IEP and 504 documents come from the district
- DSHS
 - Department of Developmental Disabilities (DDA)
 - State children's psych hospitals (ex: CSTC)
- Mental Health records
- Juvenile Justice related
 - Youth detention records
 - Juvenile probation

Washington Practice Tips

- Health Care authority: if your client is not a good historian, you can request a “health care ledger” that will give you a list of places state Medicaid was billed. For example, hospitals, ERs, community mental health agencies, etc.
- Department of Children Youth & Families (DCYF): statewide system (also how you request records from Juvenile Rehabilitation). These records are extremely slow and take 6+ months to receive
- Practice tips:
 - DCYF requires a client ID be submitted along with the ROI. In lieu of ID, DCYF will take alternative forms. - You can let them know your client is in custody and unable to provide ID, and write a declaration, submit a jail booking photo, or write a letter of representation and attach the notice of appearance.
 - Try to be specific as possible. The narrower the request, the quicker you will get records
 - If you do not need the complete CPS file, you can ask for a “prior involvement report.” This will give an overview of involvement and investigations, but is no where a complete record. Best used in time crunch scenarios

Past, Present,
Future
approach to
each case



Ethical Conflicts



1.) Anticipate that they WILL happen



2.) Know/Develop a Protocol



3.) Consultation

Protocol Example

- 1.) Team Meeting & Consultation
- 2.) Agency Handbook
- 3.) Supervision
- 4.) Workshop (peer review)



Common Ethical Dilemmas

Harm to self

Harm to others

Child Abuse

Triangulation

Manipulation

Unprofessionalism

Sexual misconduct

Client's free will

Involving the media

Questions?

Thank you! –Maren Willins,
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