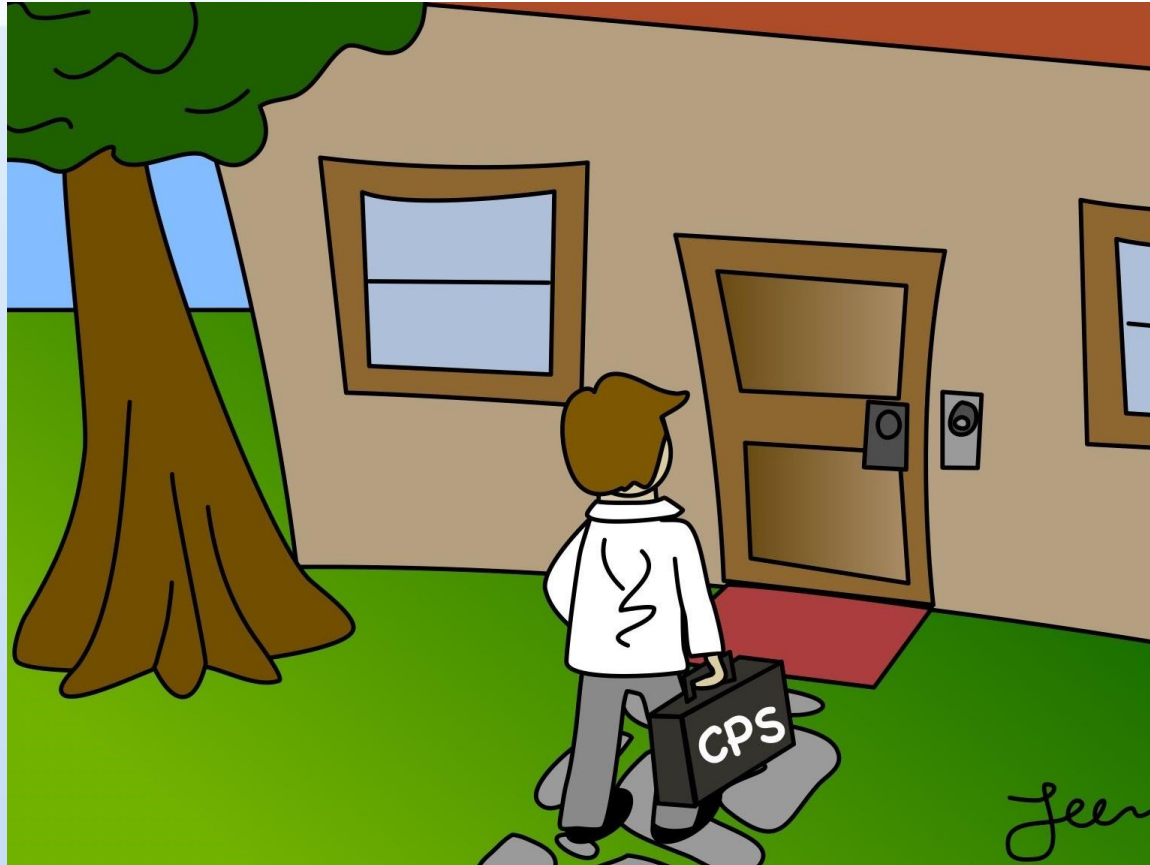


Enhancing Best Interest Representation Through the Use of Constitutional and Federal Law Arguments

Brooke Silverthorn, Esq.

We ARE Constitutional Lawyers





Knock, Knock....

State's interest v. Parental rights

14th Amendment:

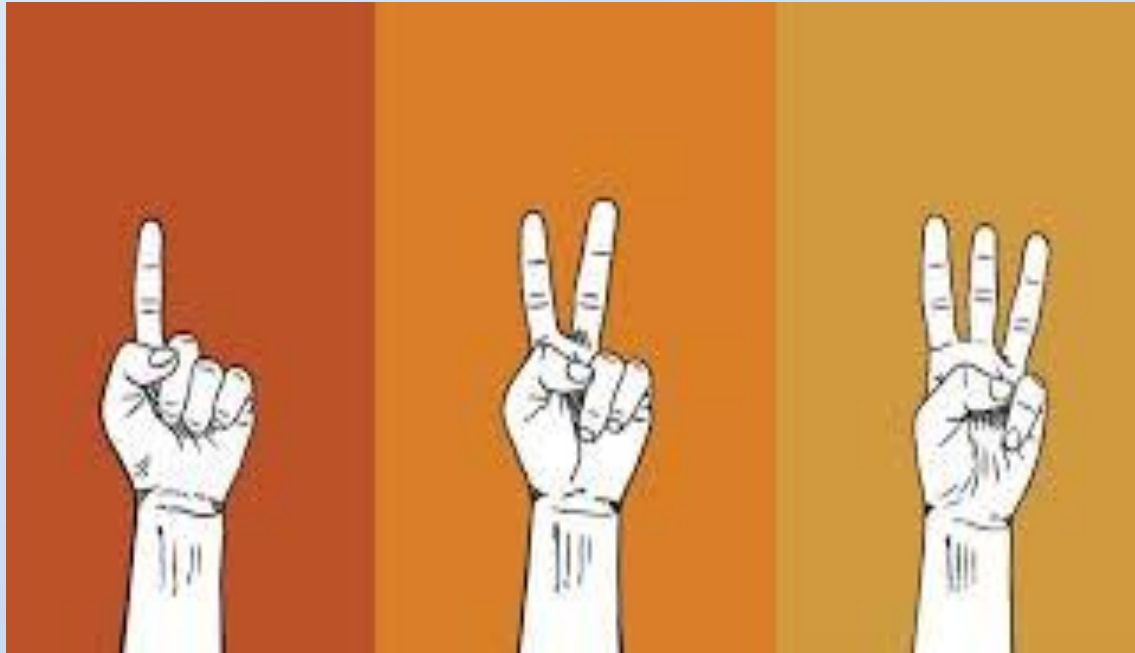
**NO STATE SHALL “DEPRIVE ANY
PERSON OF LIFE, LIBERTY OR
PROPERTY WITHOUT DUE PROCESS
OF LAW”**

Due Process Review

WHICH STANDARD OF REVIEW?

- 1 Action impairs a fundamental right → Apply strict scrutiny
- 2 Action does not impair a fundamental right → Apply rational basis review

Due Process Analysis



Reflection



Reasonable efforts
arguments:

A POWERFUL ADVOCACY TOOL

The Legal framework for reasonable efforts arguments



Reasonable Efforts Small Group Activity

3 ROUNDS

Thanks!