

## Child Welfare Practice in Massachusetts § 17.1

### Child Welfare Practice in Massachusetts (MCLE) > VOLUME II > Chapter 17 POSTJUDGMENT REPRESENTATION \*

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#### § 17.1 INTRODUCTION

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*Many child welfare cases continue even after judgment enters. This chapter addresses **postjudgment** issues, including review and redetermination under [G.L. c. 119, § 26](#), permanency planning hearings, foster care reviews, abuse of discretion hearings, posttrial challenges to findings of fact and conclusions of law, and preservation of appellate rights. Please note that the name of the Department of Social Services (DSS) was changed to the Department of Children and Families (DCF) in 2008. Both designations may appear in this chapter; they are interchangeable.*

In some cases, the entry of judgment represents the conclusion of the proceedings and of trial counsel's appointment. However, in many cases, much work remains after judgment enters. As long as the child remains in DCF custody, the case remains open and child's counsel must continue to represent the child in all aspects of the proceeding. See [Adoption of Daisy, 77 Mass. App. Ct. 768, 783 \(2010\)](#) (child's counsel has ongoing obligations to his client during the period between termination and adoption). Parents also continue to participate in all **postjudgment** proceedings, unless their parental rights have been terminated. CAFL Performance Standard No. 7 outlines the **postjudgment** responsibilities of trial counsel for parents and children. Standard 1.3 explains when counsel's appointment ends. The CAFL Performance Standards are available online at [http://www.publiccounsel.net/private\\_counsel\\_manual/CURRENT\\_MANUAL\\_2010/Ch.4%20Civil.pdf](http://www.publiccounsel.net/private_counsel_manual/CURRENT_MANUAL_2010/Ch.4%20Civil.pdf).

If a client is dissatisfied with the court's decision, counsel might challenge the judgment through an appeal, a motion to vacate or modify the judgment, or a motion for a new trial. If parental rights have not been terminated, counsel might also seek relief for the client through a review and redetermination proceeding or a permanency hearing. In addition, issues involving the child's placement, parent and sibling visitation, medical treatment, services, reunification, and even termination of parental rights may arise **postjudgment**. This chapter addresses these and other subjects in the context of the continuing role of trial counsel after judgment enters. Some of these areas are discussed more fully in other chapters.

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