

The newsletter of *The Judges' Page* website – March 2009

The Judges' Page newsletter is a publication of **The National CASA Association** in partnership with **The National Council of Juvenile and Family Court Judges**. Find *The Judges' Page* newsletter at casaforchildren.org/JudgesPage

Since the founding of the first CASA program by Judge David Soukup in 1977, CASA volunteers have advocated for more than 2 million children and CASA programs have enhanced their services and expanded their reach. This issue of *The Judges' Page* is dedicated to showcasing extraordinary achievements and sharing replicable practices of programs throughout the CASA/GAL network. ~ Judge J. Dean Lewis, Editor

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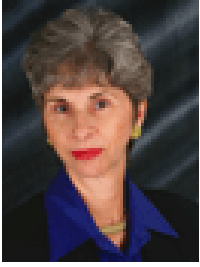
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Editor's Page— The Role of CASA/GAL Programs and Volunteers in Achieving Successful Dependency Court Outcomes



*J. Dean Lewis, Judge (retired)
Former Member, National CASA Association Board of Directors
Past President, National Council of Juvenile and Family Court Judges*

Summary

This issue of *The Judges' Page* newsletter is dedicated to sharing the extraordinary achievements and replicable best practices of CASA and guardian ad litem programs across the nation.

The first CASA program was created in 1977 by Judge David Soukup in Seattle, WA. The program was established to provide court-based advocacy for abused and neglected children through the use of trained and supervised community volunteers. The CASA model spread quickly as judges and communities around the nation learned from the Seattle program. With the assistance of the National Council of Juvenile and Family Court Judges, the National CASA Association was founded in 1982.

Today over 950 state and local CASA/GAL program offices exist in 49 states. In 2007, nearly 250,000 children were served by the 60,000 volunteers affiliated with these programs. In 2007, the number of children served since the first CASA/GAL program was created reached 2 million. Research reveals that children who have a CASA/GAL volunteer are more likely than other foster children to achieve timely permanency. (See the National CASA Association's website for a summary of independent research demonstrating the effectiveness of CASA volunteers - nationalcasa.org/about_us/studies.html)

The National CASA Association and its member programs strive to provide abused and neglected children with the best possible advocacy. Programs are governed by the *National CASA Association's Standards for Local CASA/GAL Programs* (casanet.org/program-management/standards/0605_standards_for_local_programs_0053.pdf) and are evaluated as to compliance on a regular basis. Volunteers are trained and monitored based upon the requirements of standards. Many programs have developed enhanced services and have expanded the role of the volunteers. This issue is dedicated to sharing with you, the readers, the extraordinary achievements of CASA/GAL programs across the nation and alert you to exemplary practices that can be replicated in your community.

Articles:

- [Why Do Judges Value CASA Volunteers?](#): Judges across the country share their insights about and examples of what they find most helpful about having CASA volunteers in their courtroom.
- [Commitment to Diversity Builds Stronger CASA/GAL Programs](#): National CASA Chief Program Officer Sally Erny outlines the history and highlights of the National CASA Association's diversity and inclusiveness efforts.
- [Grassroots Action Leads Louisville Program to Expand to Five New Counties](#): Dawn Lee, executive director of CASA of Jefferson County, describes the program's steps toward successfully expanding their program through community and judicial collaboration.
- [Children Benefit When Advocates Collaborate with Family Treatment Courts](#): The article provides an overview of the benefits of family drug treatment courts and CASA volunteers roles within them.
- [Zero to Three Family Drug Treatment Court](#): Judge Douglas F. Johnson and Nancy Wilson, director of CASA for Douglas County, share their experience with Nebraska Zero to Three Family Drug Treatment Court.

- [**The Judicial Community and National CASA: Working Together to Support Children in Need**](#): National CASA President Judge Ernestine Gray outlines her history of involvement with her CASA program in New Orleans CASA and the National CASA Association.
- [**Improving the Mental Health System to Improve Lives**](#): Stephen McCrea, a CASA program coordinator from Portland, OR, describes the barriers to obtaining mental health treatment for children in foster care and the ways that CASA volunteer can be leaders in improving the mental health system.
- [**Miami's Transitioning Youth Project Helps Youth Succeed**](#): Sonia Ferrer, circuit director for Miami's 11th Judicial Circuit GAL Program, shares the program's efforts to ensure that youth leaving the foster care system have supports and skills necessary to succeed.
- [**Innovative Children's Court Begins Healing Process for Children**](#): A brief article describes the first courthouse in the United States to be built from a child's perspective.
- [**The Role of Children's Attorneys in the Work of CASA Volunteers**](#): Lori Larcom Irwin, a CASA program lead attorney, and Kati Ortiz, a law student, address the issue of legal representation for children in dependency proceedings. Introduction by National CASA CEO Michael Piraino.
- [**Fostering Connections to Success Act**](#): M. Carmela Welte, deputy director of the National CASA Association, and Nancy Miller (director) and Megan Warren (training coordinator) of the Permanency Planning for Children Department of NCJFCJ describe the goals and major provisions of the Fostering Connections to Success and Increasing Adoptions Act.
- [**Role of CASA/GAL Programs in the NCJFCJ Victim's Act Model Courts**](#): Paula Campbell, Assistant Information Specialist, Permanency Planning for Children Department, NCJFCJ, provides examples of collaboration between CASA programs and NCJFCJ model courts.
- [**Toolkit for Court Performance Measures in Child Abuse and Neglect Cases**](#): Paula Campbell describes how the publication helps courts establish baseline practices and diagnose what improvements are needed.
- [**National CASA 2009 Conference, April 25-28, Denver, CO**](#): More than 70 workshops will help CASA volunteers, program staff, judges and other members of the child welfare community enhance their ability to serve abused and neglected children. (www.casanet.org/conference/index.htm)

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The Role and Responsibilities of the CASA/GAL Volunteer: What Do Judges Think?

J. Dean Lewis, Judge (retired)

Former Member, National CASA Association Board of Directors

Past President, National Council of Juvenile and Family Court Judges

Summary

Judges from CASA programs across the country share what they find to be most valuable about the role and responsibilities of the CASA/GAL volunteer and how that role affects the outcome in dependency court cases.

The first CASA program was established by a judge and judges continue to play a key role in developing new CASA/GAL programs, sustaining existing programs and expanding the CASA/GAL network. The role and responsibilities of the CASA/GAL volunteer are established by National CASA standards

(nationalcasa.org/download/Judges_Page/0806_standards_7E_0119.pdf). There are four core CASA/GAL volunteer responsibilities:

- To obtain firsthand a clear understanding of the needs and situation of the child through review of records and personal interviews documenting the information gathered in a court report that establishes the volunteer's recommendations
- To identify and advocate for the child's best interests
- To seek cooperative solutions by acting as a facilitator among the parties
- To monitor the child's situation and implementation of court orders

In 2005, the National CASA Association conducted a national survey of over 550 dependency court judges (nationalcasa.org/JudgesPage/Article/judge_value_casa_volunteers.htm). Judges surveyed indicated that the CASA/GAL volunteers' activities are very useful, that their input in informing court decisions is valued and that volunteers are very effective in supporting court processes. In fact, the survey revealed that judges frequently incorporate CASA/GAL volunteer recommendations into the court's order.

The Judges' Page recently asked key judicial leaders from diverse jurisdictions what they find to be most valuable about the role and responsibilities of the CASA/GAL volunteer and how that role affects the outcome in dependency court cases. These judges, who sit in courts across the nation, share their personal observations and experiences below.

Judge Patricia A. Macias, 388th Judicial District, El Paso, TX President, National Council of Juvenile and Family Court Judges



Independence is what judges find most critical about the CASA volunteer's role. The child's voice demands an advocate who fulfills their role and who speaks clearly and with determination about what is best for the child, even if that position stands alone.

Judges listen carefully to each word, written and spoken, by a CASA volunteer. The judge depends on them to gather all the information, to facilitate communication among all the collaborative team members, to master the skill of advocacy, and to have commitment in monitoring the case progress to permanency.

But for the judge to make a sound decision, it requires much more. While maintaining positive relationships with all individuals surrounding the child, the CASA volunteer is obliged to be self-determined and not swayed or influenced by others.

Upon taking the oath to serve, a volunteer commits to act as a principled participant in legal proceedings. This means offering a position on behalf of the child based on unbiased information and free from outside pressure or personal interests.

Judge Ernestine Gray, Orleans Parish Juvenile Court, New Orleans, LA
President, National CASA Association
Past President, National Council of Juvenile and Family Court Judges



What I find most critical about the role of the CASA/GAL volunteer is the fulfilling of the core responsibilities of gathering information, advocating, facilitating and monitoring. What comes to mind is the CASA volunteer who drives 5-1/2 hours to attend a twenty minute staffing (the staffing was longer because he was there) and challenges everyone in attendance to say at least one positive thing about his CASA child; who ensures that his CASA child takes his meds, which have been appropriately prescribed; and who challenges his CASA child to live up to his potential. He is not afraid to let his CASA child know that he cares and wants him to do well.

Judge Michael Nash, Presiding Judge, Los Angeles Juvenile Court, CA
2006 National CASA Judge of the Year
Secretary, National Council of Juvenile and Family Court Judges



To me, CASA volunteers are the most independent persons in our process. They are not beholden to anyone but the children each of them represents. When you combine that notion with their training, their desire to help one child at a time, and the lack of a caseload, it almost always results in information and recommendations that not only help me as the judge make better decisions, but also lead to better outcomes for each child. I have seen CASA volunteers help find services for children that I was told were not available and I have seen them find permanent placements for children when our system faltered in that regard. In many instances, the efforts of CASA volunteers were absolutely heroic.

Judge Lisa Jones, Juvenile Court Judge, Southwestern Judicial Circuit, GA



I rely on CASA volunteers to provide the court with an independent recommendation specific to each child. It is comforting to know the volunteers are meeting with these children, their families, their doctors and teachers—with all those who impact the children's lives—and compiling all of this information in a report to the court.

Judge Douglas F. Johnson, Separate Juvenile Court of Douglas County, Omaha, NE
President-Elect, National Council of Juvenile and Family Court Judges



Recently, I accepted a 12-year-old boy's admission that he pointed a pistol at his 15-year-old friend's head and pulled the trigger. Casey said he was only trying to scare his friend, Joe. Unfortunately, when the pistol fired, Joe was killed. At the dispositional hearing his advocate spoke eloquently through her tears about Joe whom she had come to know as his CASA volunteer.

The courtroom was absolutely still as Nancy spoke. She asked of Casey and I that Joe's life not be forgotten nor in vain. Being Joe's CASA volunteer, Nancy readily recounted that he was a wonderful young man, so talented, loving, caring and fun to be with. She could see the promising life Joe once had. She wanted Joe to be remembered as the victim in this case. She hoped that somehow Casey would come to understand the senselessness of his actions and the resulting needless loss of a young life.

I received a probation officer's predisposition report and an evaluation about Casey. But when the CASA volunteer spoke, I learned about the tragic loss of life and the promise of a remaining one. She gave heartfelt and personal reflections because she knew Joe so well. Trying to help yet another child, she asked that I help Casey take responsibility for his actions, improve and rehabilitate himself, make something positive out of his own life, and thereby honor Joe's life.

A CASA volunteer speaks up as a strong advocate for a child, even when he is dead. And in this case, she even had the wherewithal to speak up and help the boy who killed his friend.

**Judge Leonard Edwards (ret.), Judge in Residence, Center for Families, Children & the Courts, Santa Clara, CA
1992 National CASA Judge of the Year
Past President, National Council of Juvenile and Family Court Judges**



I have found that the most important aspect of the CASA volunteer's role is the relationship that is formed between the volunteer and the child. When a volunteer has been appointed, I know that there is a person in the child's life who will get to know that child personally, on a one-to-one basis. The advocate will be focusing on just one child and will give that child the feeling that at least one person is truly dedicated to her. When the child has an important matter to discuss or needs support, she is more likely to turn to the advocate than anyone else. In fact, children trust volunteers more than anyone else in the child protection system (our recent survey clearly demonstrated that fact) because they know that the volunteers are not paid (and everybody else is). So what courts are doing when they create, expand, and support CASA

programs, is providing a significant relationship for each child for whom an advocate is appointed. It is a gift, the gift of an important person in a child's life.

**Judge Louis A. Trosch, District Court, Mecklenburg County, NC
Board Member, National Council of Juvenile and Family Court Judges**



CASA/GAL volunteers keep judges' eyes on the prize. They make sure that abuse and neglect hearings focus upon the children, who are at the center of the proceedings and the most important people in the process. All too often the child's best interest gets lost in the shuffle of legal arguments, case plan monitoring, statutory requirements and budgetary constraints. Because CASA volunteers are the only people in the case unencumbered by county or state budget woes, bureaucratic red tape, policy restrictions or crippling caseloads, they can focus all of their energies upon the needs of the children. The resulting insights may range from a child's placement preference to a favorite toy being lost, but they always represent the voice of the child. That voice is paramount and it is also fragile. Unfortunately, without CASA volunteers, that voice is also, all too often, silent. To make sure that the needs of my children stay front and center I try to hear one last time from the CASA volunteer at the end of every hearing.

**Judge Patricia M. Martin, Circuit Court of Cook County, Child Protection Division, Chicago, IL
Treasurer, National Council of Juvenile and Family Court Judges**



I remember my first experience with a CASA volunteer. I was a new judge and my initial reaction was, "Who is this person and what is CASA?" I quickly learned how valuable these dedicated volunteers are. I came to rely on them as my eyes and ears in child protection cases. Because of CASA volunteers, I was able to see numerous abused and neglected children leave the system to permanent homes to be raised by loving families, both biological and adoptive. As presiding judge of one of the largest child protection court systems in the nation, I have expanded my reliance on the CASA program, often asking the volunteers to help develop innovative solutions to the problems that confront the child welfare system. The volunteer has always come through and has proven to be a valuable partner in numerous court programs.

**Judge Leslie Kirkland Riddle, Family Court Judge, Fifth Judicial Circuit, Columbia, SC
2008 National CASA Judge of the Year**



Be "the voice of reason" is what I enjoy telling new CASA guardians at each swearing-in ceremony. CASA guardians have the unique ability to bring a calming sense of reason in many volatile family court cases. I often share the dear lesson learned from my father: "You can catch more bees with honey!" Families who feel respected and heard are far more receptive to services and intervention resulting in expedited permanency for our children. The CASA volunteer is the child's appointed voice in court, the eyes and ears of the court, and the arms of hope to a maltreated child.

I recently received a letter from a young man who is incarcerated. After reading a newspaper article about my selection as the 2008 National CASA Judge of the Year, this young man wrote to me. In his letter of congratulations, he stated that I was the judge who had first sentenced him to incarceration at Department of Juvenile Justice. He recalled the words I said to him and shared "how much he wished he had listened." I have difficulty expressing the heartfelt emotions I experienced reading this letter. Since that time, the two of us have exchanged mail and I frequently read his letters to troubled youth and families before me. Needless to say, the message from this young man has a tremendous impact on them. I share this story to illustrate the power of CASA's voice!

My guardians provide heightened advocacy for children, and I depend on them in all child maltreatment cases. And through the CASA network, winning the 2008 Judge of the Year Award was a great honor and one that led to a reconnection with a young man whose story has since helped many troubled youth.

**Judge R. Michael Key, Juvenile Court of Troup County, LaGrange, GA
Vice President, National Council of Juvenile and Family Court Judges**



There are millions of good, caring, well-intended people in this world who never make a meaningful difference in the life of a child outside their family or circle of friends. Not so with CASA volunteers, who, on an average day, change for the good the lives of children with whom they had no previous connection and, on many extraordinary days, literally save children's lives. While the later statement might sound like an overstatement, it is fact. Not long after we started our CASA program, we had a case where we had removed a child because of physical abuse, but we were planning on returning the child at an upcoming hearing. Even after the CASA volunteer filed her report, she continued to work the case. On a hunch, she checked with the local hospital and found out the child had been taken to the emergency room within the last few days with injuries that, standing alone might not justify a mandatory report (hence, none was made), but given the history of the case, confirmed that the child would have been at risk of serious injury or even death had we not had that information and had we returned the child home, which we surely would have done without that information. There are many other perhaps less dramatic, but equally important, examples of CASA volunteers providing information that keeps children safe.

CASA volunteers plug gaps in the safety net that should protect the children who come into the child welfare system, specifically those children who are in foster care. Having been found to be vulnerable in their own homes, we owe these children a duty to protect and nurture them. And that cannot be left just to the foster parents with whom we place these children, however committed and capable they might be. Nor can it be left to an over-burdened child services agency where the case is passed from case worker to case worker, sometimes due to turnover and sometimes due to established protocol. Except for those fortunate courts, like ours, where we have an attorney child advocate for each child in foster care, the volunteer is the only consistent source of information and advocacy for the child.

CASA volunteers benefit the court in fulfilling its role in two ways, one in court and one out of court. The decisions judges make are only as good as the information on which the decisions are based. It is absolutely critical that the court has information that is current, complete, accurate and relevant. In my court, CASA volunteers, more than any other participants, provide that kind of information. Even the attorney child advocate, because of significant case loads, cannot generally provide that kind of information without the help of the volunteer, who helps the court fulfill its role by ensuring that the child's needs are being met. I think that CASA volunteers generally do a better job of improving child well-being than the rest of us.

Judge Elise Givhan Spainhour, Family Court Judge, Bullitt County, KY

I am so fortunate to be in a place with a CASA program. I know I can rely on the information I receive from a CASA volunteer in our program. The quality of my decision making is improved by every point of view and bit of information I know about a child and his or her situation. The quality of services received by a child is improved by the presence of a CASA volunteer. CASA participation lowers the chance I will make a mistake with a child and improves the odds I will catch the mistake if I make it. I know I am a better judge because I have CASA volunteers in my courtroom, and my county is a better place for children because of CASA volunteers.

**Judge Susan B. Carbon, Supervisory Judge, Concord Family Division, NH
Past President, National Council of Juvenile and Family Court Judges**



What do I expect from the CASA/GAL volunteer in fulfilling his/her role?

- 1. I want a CASA volunteer who really knows the child/teen. This means developing a level of trust and respect, something which isn't done easily, nor quickly.*
- 2. I want the volunteer to know what the child wants and what may be in the child's best interests; to clearly understand if there is a difference, and if so to articulate it.*
- 3. I want the volunteer to understand the parents, their limitations, their potential, and how they are progressing towards reunification (assuming the child has been removed). This helps put the child's wishes and needs in context.*
- 4. I want the volunteer to have spoken with the child protection agency, school and service providers to be able to make independent assessments of progress all around. This enables the them to identify gaps, and commend progress.*

5. *I want the volunteer to be well prepared for the hearing, meaning his/her report is filed on time, and he/she has reviewed all other reports and is prepared to comment in court.*
6. *I want the volunteer to feel free to speak her/his voice, independent of anyone else. The CASA volunteer needs to be free to, and must, voice his/her opinions.*
7. *I want the volunteer to be confident enough to compliment those who are doing well (parents, child protection agency, service providers, child), and offer constructive criticism for those who are not.*
8. *I want the volunteer to understand what needs to happen at each hearing so that reports and remarks are tailored to the decisions that must be made. Understanding the legal process is important, although the CASA volunteer certainly does not need to be an attorney.*
9. *I want the volunteer to empower the child/teen to speak for her/himself; even though the CASA volunteer is the voice of the child, the child's voice should be heard directly if the child so wishes.*
10. *I want the volunteer to be there for the child from start to finish, so that the child will know he/she is not expendable, and that reliance and consistency mean something.*
11. *I want the volunteer to hold everyone, including the judge, accountable so that every hearing has a purpose and is time well spent.*
12. *Finally, I really like it when the volunteer brings a new photo to each hearing. It reminds me that the child's life is ticking by so quickly.*

As I write and reflect, this seems to be a huge load, and yet time and again, our very well trained CASA volunteers come through. We have an amazing group here, all of whom are respectful, courteous, knowledgeable, compassionate and well-grounded. Our kids benefit from their competence and preparation. We rarely have a hearing that was not helpful in moving issues forward. To the contrary, they are purposeful and productive due in part to the CASA volunteers. They support the kids in ways some parents never have, and they never give up on the kids. They guide them, support them, and stand by them, allowing the kids to flex their wings, but they are there to make sure they won't be hurt in the process; most have suffered enough hurt already.

One of my CASA volunteers told me that the child he was assigned to told him he thought the CASA volunteer was the judge. Given all that I expect, and receive, from my CASA volunteers, I took this remark as a compliment! So did he.

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Commitment to Diversity Builds Stronger CASA/GAL Programs

Sally Erny, Chief Program Officer, National CASA Association

Summary

By creating and emphasizing adherence to program standards; providing innovative and comprehensive trainings; and rewarding programs that excel in their efforts, the National CASA Association has nurtured a culture of diversity and inclusiveness in the CASA/GAL network.

Since the inception of the first CASA program, the need for both diverse and culturally competent volunteers has been recognized as a priority. The National CASA Association has been a leader in developing standards, providing training and affirming good practice around diversity and cultural competency in our network.

For many years, the importance of diversity was recognized through our *Standards for Local CASA/GAL Programs* (casanet.org/program-management/standards/0605_standards_for_local_programs_0053.pdf). Our emphasis on diversity was woven throughout the standards around mission, board and staff development, volunteer recruitment and case acceptance.

When the local program standards were revised in 2006, we adopted an independent standard on inclusiveness and diversity. The standard states “The CASA/GAL program demonstrates that inclusiveness and diversity are essential components of quality advocacy for the children it serves.”

While CASA/GAL programs have been required to have a diversity plan since 2002, the new standard additionally requires programs to demonstrate inclusiveness and diversity and establishes a planning process for this work, as well as requirements around the way programs monitor, measure and communicate their progress.

National CASA stands with our 950-plus state organization and local program offices in our commitment to diversity. One mechanism for highlighting outstanding efforts in the areas of diversity and cultural competency is our annual National CASA Association Inclusion Award (formerly called the Diversity Leadership Award) that honors a program for pursuing diversity initiatives throughout their organization.

Our 2008 Diversity Leadership Award winner was CASA for Kids, Inc. of Barry and Eaton Counties, MI. The result of this program’s focus on creating diversity and equipping volunteers to understand and work within various cultures has been remarkable. While 10% of the members of the community served by the program are people of color, 24% of local volunteers are people of color. In addition, the program is able to provide advocacy for children in seven languages.

CASA of Richland County, SC, was not only our 2007 Diversity Award Leadership winner but has sparked momentum around the country for their efforts in creating a corps of volunteers, staff and board members who reflect the characteristics of the children they serve. They began their efforts in their own program by becoming more intentional in their hiring practices and utilizing non-traditional recruitment methods. In addition, their “CASA Quarterbacks” model of recruiting male volunteers increased the number of men serving as active volunteers in their program six-fold between 2004 and 2007.

Since 2004 National CASA has been offering Diversity Implementation Grants (casanet.org/grants/Grant-Diversity.htm). These grants, up to \$10,000 and, if awarded, renewable for a second year, help programs implement diversity plan activities that will provide more effective and culturally sensitive services to children by increasing inclusion of underrepresented communities and promoting cultural competency within programs. Grant funds may be used for two purposes. The first is to train volunteers, staff and board members with skills necessary to recognize, articulate and remove cultural biases, to improve cultural competency and to increase inclusion within the program. The second opportunity for grants funds is to support targeted outreach activities that increase the number of volunteers of color.

In 2005 the National CASA Association adopted a volunteer diversity strategy as one the five key strategies in our strategic plan. Included in the strategy was a plan to fund programs in five cities to recruit and retain African-American volunteers at levels proportionate to the children involved in court actions as a result of abuse or neglect. A total of five local programs in three cities—St. Louis, Miami and Chicago— participated in this effort. The programs received an increased level of support and training as well as two years of funding to support their efforts to increase volunteer diversity.

One of the key components of training for these five programs was participation in the Casey Family Programs’ *Knowing Who You Are* (KWYA) training. The training offers individuals an opportunity to develop a healthy sense of racial and

ethnic identity, as well as to enhance their psychological well being and social competence. CASA/GAL program staff and volunteers who are more self-aware and equipped with these skills possess a greater ability to identify and advocate the best outcomes for all children.

Our five volunteer diversity sites were some of the first to participate in the KWYA training. In addition, National CASA's staff and board of trustees have participated in this training. KWYA training participants reported having a higher level of comfort describing their racial and ethnic identity and being better able to describe how stereotypes, prejudice, discrimination and racism are interrelated.

Over the past year we have been fortunate to broaden the delivery of the KWYA training as a result of a generous grant from Casey Family Programs. This grant has allowed us to train KWYA facilitators in four states (California, Florida, North Carolina and Texas) who are now delivering the training to volunteers and staff in their states. During the final quarter of 2008 approximately 100 individuals were trained. In early 2009 approximately 20 state CASA/GAL organization directors will participate in the KWYA training.

If you have questions or would like additional information about National CASA's diversity and inclusion initiatives please contact staff@nationalcasa.org and your inquiry will be directed to the appropriate person.

Editor's Note: For further information regarding the role of the judge see NCJFCJ *TODAY* magazine article "NCJFCJ Board of Trustees Passes Resolution Supporting Recruitment of CASA Volunteers of Color" nationalcasa.org/download/Judges_Page/0506_judicial_role_0036.pdf and NCJFCJ Resolution in Support of Recruiting Volunteers of Color nationalcasa.org/download/Judges_Page/0510_resolution_in_support_of_recruiting_casa_volunteers_of_color_0036.pdf

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Grassroots Action Leads Louisville Program to Expand to Five New Counties

Dawn Lee, Executive Director, CASA of Jefferson County, Louisville, KY

Summary

Through the collaborative efforts of community members and judicial leaders, the Louisville CASA program expanded to meet the needs of children in counties that were previously not served by volunteer advocates.

“Jessica” and “Jennifer” were pre-teen adolescents who suffered from neglect. The sisters were behind a grade in school because of excessive absences, and they continued to miss school. They often came to school wearing the same clothes as the previous day, and many times they had not eaten. As the problem worsened, Child Protective Services got involved. In court, the judge decided to appoint Carolyn, a new CASA volunteer, to the case.

A year later, the sisters are doing well in school, they are still at home, and their mom is sober, having worked hard to stop abusing drugs. At the last court hearing, the judge praised Carolyn for helping this family turn around. While Carolyn’s focus remained on the girls, the by-product was their mom getting clean. The mother gave Carolyn an emotional thank you, grateful to have someone involved in her girls’ lives when she was unable to be a good parent. This happy ending would not have been possible two years ago, when there was no CASA program in the area.

In 2004, Claudia Brewer, Elizabeth Senn-Alvey and Heather Simpson wanted a CASA program in their community. They realized that children in neighboring Jefferson County, KY, had hardworking advocates who made a big difference in their lives. These women wanted to bring volunteer advocacy to Henry, Oldham and Trimble counties, which are served by one family court judge. They approached our CASA program for help. Our board of directors was immediately interested in exploring ways to serve children in neighboring counties, but members were also determined to make sure the venture would be successful. They created a board advisory committee to conduct a feasibility study to establish need and gauge community interest.

The first step for the advisory committee was meeting with National CASA Chief Program Officer Sally Erny, who happens to have been the founder of our program. She was an ideal resource, combining National CASA experience with local history. The advisory committee also met with our state director, Alex Blevins, to ensure every possibility was considered as the plan evolved. These meetings helped our board create an effective strategic plan for the first year of operation in the three new counties.

Our biggest lesson was the importance of creating a collaborative venture through grassroots interest and involvement. With an advisory committee representing the three counties, the board became more confident as members realized how much the community wanted a CASA program. The advisory committee elects a representative from each county to sit on our board of directors. Everyone involved has been thrilled to exceed our expectations and have 26 volunteers serve 75 children from the three counties in our first full year of expanded service.

The success of the expanded program caught the attention of another family court judge, the Hon. John David Myles, who presides in nearby Shelby and Spencer counties. According to Judge Myles, “Being familiar with the CASA program in Louisville, my goal was to have it in place in the 53rd Circuit from the beginning. With the generosity of the Shelby County Community Foundation and others, the tenacity of our advisory committee and its co-chairs Leon Mooneyhan and Pam Ray, and the eager cooperation of Jefferson County CASA, we were able to meet that goal within the first year of family court, serving children beginning on January 1, 2008.”

While it has been rewarding to see our success replicated, we know that it would not be possible without the desire of the community and the cooperation of the judges. The two local advisory boards are also crucial in generating ideas, raising funds and recruiting volunteers. Judge Myles refers to these volunteers as “extra eyes and ears.” He says, “CASA volunteers can provide more accurate and unbiased information to the court than any other participants in the judicial process. They are able to concentrate on one or two cases. This leads to familiarity, which leads to in-depth knowledge, which when reported to the court, leads to more informed decisions. Regular contact with CASA volunteers can be as helpful to the children and parents as to the court. In some instances, relationships are established which exert positive influences within the community for years to come.”

A program firmly rooted in the community has the best opportunity for growth. The Jefferson County CASA program is fortunate to have a system in place to help nurture the growth. The board of directors, under the leadership of Barbara Grosso, continues to look for ways to serve more children. Another asset is Program Manager Shari Christoff, who has been doing this work for over 12 years. Her experience has brought a wealth of knowledge to these newly served counties. While this support system is incredibly valuable, we know the true heroes are the individuals willing to become CASA volunteers and help children like Jennifer and Jessica.

Editor's Note: For additional information about how to start a CASA/GAL program in your community, see:

The Judges' Guide To CASA/GAL Program Development

(casanet.org/download/guides-manuals/0709_judges_guide_0119.pdf)

Technical Assistance Bulletin: Strengths and Challenges for CASA/GAL Programs Serving Multiple Counties or Jurisdictions

([casanet.org/download/technical-assistance-](http://casanet.org/download/technical-assistance-bulletin/0512_CASA_programs_serving_multiple_counties_jurisdictions_0041.pdf)

[bulletin/0512_CASA_programs_serving_multiple_counties_jurisdictions_0041.pdf](http://casanet.org/download/technical-assistance-bulletin/0512_CASA_programs_serving_multiple_counties_jurisdictions_0041.pdf))

National CASA Guide to Program Development

(casanet.org/program-services/guides/guide-program-development/index.htm)

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Children Benefit When Advocates Collaborate with Family Treatment Courts

Article excerpted from the Fall 2007 issue of National CASA's Connection magazine.

Original article written and researched by Harvey Meyer

Summary

For CASA volunteers, working on family treatment court cases is different—more intense, more collaborative, more time-consuming and, often, more rewarding.

Family treatment courts have been tremendously successful in helping substance abusing parents reach recovery so that their children can safely remain in their care. Hundreds of these courts have sprouted in recent years to address the substance-abuse issues that destroy many families. In the family treatment court model, the parents maintain regular contact with their children, a key incentive for the parent's commitment to recovery. The children are also closely observed as they receive the education, therapy and mental health services they require.

The best thing about these courts: they work, according to early indications. A recent large-scale study funded by the US Department of Health and Human Services showed that family treatment courts are more successful than traditional dependency courts in helping substance-abusing parents complete treatment and reunify with their children. Several other regional studies also indicate successes or promising early results.

"These courts are absolutely a breakthrough" for effectively treating substance-abusing parents, says Meghan Wheeler, project director of the National Drug Court Institute. "The courts not only support parents in their substance-abuse recovery but also comprehensively address barriers to providing a safe, nurturing home for their children, who also get the services they need."

CASA volunteers often join a multidisciplinary family treatment court team that monitors and oversees the progress of substance-abusing parents. At the same time, the volunteers' primary role remains intact: to advance the best interests of children.

"CASA volunteers should be an integral part of this team," says Wheeler, a former volunteer herself. "They may spend more time with the child than anybody and know firsthand what the child is experiencing. The volunteers can see what services are most needed so the child can successfully reunify with the parent."

Judge Charles McGree spearheaded the nation's first family treatment drug court, in Reno, NV, in 1994. Since then, judges have often served as catalysts for establishing such courts. As of September 2007, more than 250 family treatment courts were operating nationally.

CASA Work With Family Treatment Courts

"Substance abuse is prevalent in almost every case we deal with. It is a growing problem," says Simone Jones, executive director of CASA of Adams and Broomfield Counties in Colorado.

Most CASA volunteers are educated about substance abuse because the National CASA volunteer training curriculum requires that some of the initial 30 hours of training cover the subject. In fact, about 10% of the curriculum discusses the nature of addiction, the impact of alcohol and illicit substance abuse on parenting and children, various addiction treatments available and related subjects, says Brian Washburn, National CASA training director.

At some CASA programs, ongoing annual training on substance abuse is largely aimed at bolstering volunteers' effectiveness working with family treatment courts. Dianne Scoggins, who heads the CASA program in Eljay, GA, about 100 miles north of Atlanta, says the additional substance abuse training her program offers is open to all 55 CASA volunteers. But the 30 or so working with family drug court reap immediate benefit from the instruction.

As volunteers soon discover, working on these court cases is different—more intense, more collaborative and more time-consuming. At the King County Dependency CASA Program in Seattle, about 15 volunteers work on cases that appear before a family treatment court, says Melissa Hartley, an assistant program manager. A volunteer is a member of a team that typically includes a judge, defense attorney, social worker, assistant attorney general, treatment liaison and treatment provider. Parents themselves participate on the team, agreeing to undergo mandatory drug testing and treatment. Participating King County parents must be at least 18, and they cannot have severe mental health problems nor have committed violent felonies.

Jess Levine, a King County CASA volunteer who estimates spending 50 hours monthly working on family treatment court cases, says that it is a challenge to work with families involved in treatment. This is partly because of the intense learning required. But the cases are also more rewarding.

"I feel I'm a very respected member of a team," says Levine. "They really listen to what I have to say, and they know I have no agenda other than to serve the best interests of the child."

CASA volunteers who can dedicate the time to family treatment court say it is worthwhile. "This," he says, "is the best volunteer job I've ever had."

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CASA for Douglas County and Zero to Three Family Drug Treatment Court

Judge Douglas F. Johnson, President-Elect of the National Council of Juvenile and Family Court Judges

Nancy Wilson, Director of CASA for Douglas County

Summary

CASA volunteers play an important role in a Zero to Three Family Drug Treatment Court's attempts to break the cycle of generational mental health and substance abuse, prolonged foster placement of their children, and lack of permanency.

Our family drug treatment court helps children placed in foster care from birth to three years old due to parental mental health and substance use. We started on May 3, 2005, through approval of the Nebraska Supreme Court. It was a first for Nebraska courts and we believe in the country (Please see Judge Johnson's article, "Zero to Three Family Drug Treatment Court" in the October 2005 *Judges' Page* newsletter.

nationalcasa.org/download/Judges_Page/0510_child_development_and_parenting_issue_0036.pdf

We continue to focus on permanency for our most vulnerable children by concurrently planning for reunification and adoption from the first day they are placed into foster care. We respond to infant trauma through early childhood therapeutic evaluations and treatment. The first placement is the last one with few exceptions. Each infant and toddler needs and deserves a consistent, willing, able and loving caregiver in order to thrive. A child's ability to form close personal relationships, to be school ready, to have a healthy sense of self and mutual respect for others does not occur when the infant suffers developmental delays and damage from parental neglect and abuse, multiple foster caregivers, and shifting placements. It's all about a consistent caregiver in a nurturing and loving relationship with the baby.

Simultaneously, we attend to the parent's rehabilitative needs with meaningful, timely hearings and by front-loading reasonable efforts services according to the *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases* (NCJFCJ 1995). A variety of co-occurring morbidities accompany mental health and substance use: chaotic lifestyle, multiple failed partner relationships, domestic violence, inadequate housing, unemployment/underemployment, poor physical health and, of course, the inability to properly care for their baby. These parents often have suffered childhood trauma: sexual abuse, neglect, mental and physical abuse, and often were in foster care as children themselves. Our Zero to Three Family Drug Treatment Court attempts to break the cycle of generational mental health and substance abuse, prolonged foster placement of their children and lack of permanency.

To this day, we struggle to survive and I think we always will. We experience, like other courts, personnel turnover, lack of funding for needed services, changes in partners and time constraints. Thank goodness for the willingness of committed persons who donate their time and passion.

One of the constants in this project has been the CASA program. Nancy Wilson, our CASA for Douglas County director, has been active since the beginning. She and her CASA volunteers commit to the infants and toddlers in care and provide consistent oversight. A baby's vulnerability means total helplessness when placed in the hands of adult caregivers. And so, our CASA volunteers will not allow a change of foster placement without exceptional good cause: for example, changing placement because a special needs foster-adopt parent has been found.

Also, our CASA volunteers devote extraordinary time to be with the babies to ensure their physical and emotional well-being and safety. This takes an even greater commitment because these children cannot call the CASA volunteer to chat or to speak up for themselves. Our CASA volunteers are involved in mediating permanency through voluntary relinquishment of parental rights and ongoing contacts with the biological parent when appropriate. If that does not work, our CASA volunteers will speak up for a baby's right to permanency and support termination of parental rights when a parent has had a fair opportunity to get better but did not meet that responsibility.

We, and the infants and toddlers in our court, are blessed to have such wonderful and dedicated CASA volunteers.

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Working Together to Support Children in Need

*Hon. Ernestine Gray, Orleans Parish Juvenile Court, New Orleans, LA
President, National CASA Association Board of Trustees*

Summary

My involvement with CASA has grown over the years because I believe in what CASA and guardian ad litem volunteers do: serve as the voice of children, making a positive, lasting difference in their lives.

Shortly after I became a judge in New Orleans 24 years ago, one of my colleagues asked for the support of the other judges in establishing a new CASA program. From that point on, I have been involved with CASA New Orleans: doing public service announcements to recruit volunteers, participating in training and swearing in new advocates.

I became involved with the National CASA Association in 2001 when I was president of the National Council of Juvenile and Family Court Judges (NCJFCJ). As you may know, the NCJFCJ president also serves on the National CASA board. After my year as president of the Council, I was happy to be asked to stay on as a National CASA trustee. Since that time, I have been proud to contribute as an active member of the Standards Committee, the Education and Public Awareness Committee and the Inclusion and Outreach Committee. In June 2008 I assumed the presidency of the National CASA Association.

My involvement with CASA has grown over the years because I believe in what CASA and guardian ad litem volunteers do: serve as the voice of children, making a positive, lasting difference in their lives. I think our advocates' work with children is critically important. Advocates speak on behalf of children when others cannot or do not. They bring their recommendations for what is in the child's best interest. And they are able to focus on supporting an individual child because they normally have one case or a maximum of two, in stark contrast to social workers or attorneys.

I will give just one example of a case where I saw a CASA volunteer make a difference. We have a pilot program in my court working with infants and toddlers. One case involved a mother who was initially a bit hostile. I told her on the first day she came into court: "It is very important for you to show me by your actions that you want to have your children back. And you do that best by working your case plan. What we ask you to do, you try to do it." In the beginning, she was not willing to cooperate. I assigned a CASA volunteer to her case, and the volunteer was able to establish a rapport with the mother. I imagine the volunteer said to her something like: "If you care about your children, which I don't doubt that you do, these are the things you need to do. And while you're being upset with the agency and not complying, not going to visit, it is your children who are suffering." Talking that through with her, the volunteer was able to get the mother to turn around and start working the case plan. She is making good progress now and is on her way to reuniting with her children.

Over the last few years, the National CASA Board of Trustees has focused on creating an ambitious strategic plan. In this roadmap, we set out a few important goals for ourselves. I think the two most important are *increasing the number of volunteers* to serve more children and being *more inclusive* by developing the diversity of our network—program staff, volunteers and board members—and our National CASA staff and board. These are not activities that can succeed in just one or two years. So I want to make sure we do everything we can to push our strategic plan further along. I hope that you, as judges, volunteers, attorneys and child advocates, are willing to help me fulfill these two important objectives to improve advocacy for children in our courtrooms.

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Improving the Mental Health System to Improve Lives

Stephen McCrea, CASA Program Coordinator, CASA for Children, Portland, OR

Summary

A number of barriers—from financial to cultural— make it difficult to obtain appropriate mental health services for children in foster care. CASA volunteers, staff members and supporters can be leaders in advocating for systemic changes that will benefit the children we serve.

Challenges Facing Youth in Care

In relation to mental health care, the most obvious challenge facing children in care and the individuals advocating for their best interests is a lack of funding. Children in care are generally on Medicaid, and welfare agencies usually contract with specific providers who may employ new graduates just starting their careers. Youth in the dependency system are arguably those with the most complex mental health needs. The providers who deal with our children—at least in our Oregon service area of Multnomah and Washington counties—sometimes find the issues our children bring to therapy require highly advanced skills that they are still working to develop. A related challenge is that services for foster children tend to be limited to traditional models—in-office individual therapy and medication—when often there is a need for in-home family therapy.

Treatment can be further complicated by class barriers and cultures. Families of color face additional challenges in our mental health system, which was designed by European-Americans for European-Americans. There is a lack of practitioners of color, and there are language and cultural barriers. Additionally, the way in which mental and behavioral issues are conceptualized by our society differs from many other cultures. It is common for members of non-dominant groups to bump up against our mental health system and find that it just does not make sense to them. People from a working-class background sometimes have trouble with the idea of therapy because it seems impractical.

Over-Prescription of Psychotropic Drugs

The judges in the two counties our program serves raised concerns about the over-use of psychotropic medications with children in care several years ago. They were noticing a number of trends, one being that very young children were being prescribed medication—even those under four. They also noticed that the number of medications per child was going up, sometimes to four or more. With some additional research, they discovered that the local foster care population has a much higher rate of psychotropic medication use than the general public—perhaps five or six times higher.

Role of CASA Programs and Volunteers

CASA volunteers and staff members are uniquely positioned to call attention to the way that the mental health system currently treats children in foster care. Mental health concerns are addressed in National CASA's volunteer training curriculum. Our CASA program took the information contained in the curriculum one step further and developed a new mental health lesson plan to supplement the National CASA training curriculum.

We try to stay away from having volunteers worry too much about diagnoses and technical issues but rather to develop their ability to ask helpful questions. We demystify the clinical diagnoses and help volunteers see that these are primarily descriptions of common behavior patterns that children engage in, for a variety of reasons, and that there is a wide range of options available to help.

It is important that the volunteers are not intimidated by experts. Sometimes it is easy for volunteers to feel, "Who am I to question the wisdom of a psychiatrist or a therapist?" But we encourage volunteers to think, "If I were this child's parent, what are the kinds of questions I would ask?" As individuals, that is what volunteers can do better than anybody else in the system—ask the hard questions.

In addition to enhancing the training provided to our volunteers, as an organization, our program has worked to address the over-prescription of drugs and other mental health issues related to children in care. We helped form a multi-disciplinary work group in the two counties we serve, with attorneys, case workers, psychiatrists, state policy makers, the attorney general and CASA program representation. The group made recommendations to the local and state Department of Human Services offices based on our discussions. To a large extent, these recommendations have been taken seriously, and a number have been implemented both locally and statewide.

Perhaps as importantly, we saw a cultural change begin to develop very quickly after the work group began meeting. When we first started talking about this issue, medication was rarely a topic of discussion during court hearings. That has changed significantly. Caseworkers are feeling more empowered to ask more questions about doctors' prescriptions because they have more information and more support from the courts and their own agency to do so. Certainly CASA volunteers have been recognized as leaders in raising these issues before the courts and in the community.

Creating a collaborative mental health work group like we did in our service area is an effective way to examine child welfare systems and recommend needed changes. If a CASA program gathers the support of its courts, local child welfare agency and the local bar, a great deal can be accomplished. If this has not happened yet in your community, I strongly encourage you to start now.

System change can start small. Fortunately, CASA programs are uniquely positioned to build on those small changes and help new ideas become an integral part of the child welfare system.

Editor's Note: Stephen McCrea has worked for CASA programs in Oregon for the past 12 years. With a master's degree in education and a bachelor's in chemistry, most of his post-university training and experience have been in the field of mental health.

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Miami's Transitioning Youth Project Helps Youth Succeed

Sonia L. Ferrer, Circuit Director, Guardian Ad Litem Program— 11th Judicial Circuit, Miami, FL*

Summary

Miami's Transitioning Youth Project helps ensure that youth who are leaving the system have the adult relationships, education, housing, jobs and life skills they need to be successful on their own.

Could you imagine making it entirely on your own at age 18? Each year more than 20,000 youth age out of the foster care system in this country, many without family or economic support. Without connection to a caring adult and support to plan and prepare, these youth face extreme challenges, including higher rates of unemployment, poor educational achievement, health issues, incarceration and homelessness. (See the Spring 2008 issue of National CASA's *Connection* for more information. casanet.org/download/ncasa_publications/0806_connection_0036.pdf) But these are the problems, the statistics—what about the potential of these teens and their desire to succeed?

In 2004, Florida's 11th Judicial Circuit Guardian Ad Litem Program in Miami made a commitment to ensure that these youth reach their potential by creating the Transitioning Youth Project (TYP). Supported by our Voices for Children Foundation, this project expands volunteer guardian ad litem representation to older youth who are under the supervision of the Department of Children and Families/Community-Based Care. The goal is to ensure that youth who are leaving the system have the adult relationships, education, housing, jobs and life skills they need to be successful on their own. Advocacy for these youth ensures that planning for successful independence begins early and that it builds on the positive relationships in the child's life. The project includes the following components:

- Education: Support the youth's completion of his or her high school education as well as higher education or vocational education when appropriate.
- Job skills: Facilitate assessment of aptitudes and preferences for employment. Provide access to vocational training and internship opportunities.
- Life skills: Provide access to everyday living skills (money management, banking, cooking, housekeeping, parenting skills, leadership development, etc.).
- Relationship building: Assist in identifying permanent, positive, committed adult relationships whenever possible. Alternatively, identify mentoring or other significant relationship-building support.
- Housing: Assist in identifying housing resources and provide education in apartment leasing and tenant responsibilities.
- Health care: Ensure access to appropriate health care and family planning.
- Mental health care: Assist in seeking and accessing mental health and substance abuse resources.
- Legal services: Provide legal advocacy by attorneys to ensure access to entitled services or funding. Ensure that permanent legal status is obtained for immigrant youth.
- Community linkages: Provide access to resources and institutions (churches, neighborhood centers, youth groups, etc.) in the community to provide support and assistance.

As of July 2005, Florida law allows for extended care for youth who turn 18 but are not receiving necessary services. The TYP helps such youth to understand their rights and provides legal representation that assists them in filing for extended jurisdiction.

Our project serves youth ages 16–21. Once they have emancipated out of the juvenile courts, TYP young adults have the option of continuing to receive services on a voluntary basis. In its first six months of existence in 2004, the Transitioning Youth Project served 55 teens. In 2008, we served 340.

The success of the program can be seen in the success of our youth. One example can be found in the story of Willie. Willie graduated from Norland Sr. High in the top 15% of his class. He not only exceeded academic expectations but was also involved in a number of clubs and community events. As a result of his academic accomplishments, Willie was accepted to a number of the country's most prestigious Ivy League universities. He is determined to pursue a degree in business and become an entrepreneur. Willie is a dedicated, responsible and charismatic young adult who serves as a perfect example of why we do what we do every day for the nation's most vulnerable children.

***Editor's Note:** In Florida and some other states, CASA programs are called guardian ad litem programs.

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Children's Court of Los Angeles County Begins Healing Process for Children

Originally published in the Spring 2008 issue of National CASA's Connection magazine

Summary

Edelman Children's Court was built from a child's perspective.

Judge Michael Nash, presiding judge of Los Angeles Superior Court, Juvenile Division, and recipient of the 2006 National CASA Judge of the Year Award, presides over a child-friendly and welcoming courthouse in Los Angeles County. The Edelman Children's Court is the first courthouse in the US dedicated exclusively to child abuse hearings. Unique in both its design and its specialized programs, it is also the first courthouse to be built from a child's perspective. The children's court is a state-of-the-art example of a child-friendly building. An awareness of the needs of children is evident throughout, from the cloud-shaped light fixtures to the teddy bear clocks on the walls of every courtroom.



The courthouse was designed to nurture children and begin the healing process for them and their families. The facility design reminds the court staff, parents and programs housed within that children are important. Judge Nash is justifiably proud of the facility, stating "We are all very fortunate to work in a courthouse that recognizes the importance of the presence of children, the most important parties in dependency proceedings."

*Los Angeles Superior Court Referee
Jacqueline Lewis, National CASA CEO
Michael Piraino and Judge Michael Nash in
the child-friendly courtroom.*

Editor's Note: The Los Angeles Superior Court, Juvenile Division is a part of the Victim's Act Model Courts Project in the Permanency Planning for Children Department of the National Council of Juvenile and Family Court Judges (NCJFCJ). Read more about the court at the Superior Court of California's website (lasuperiorcourt.org/juvenile/dependency.htm).

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Advocating for America's Most Vulnerable: CASA Volunteers and Children's Attorneys Working Together on Behalf of Abused and Neglected Children

*Lori Larcom Irwin, JD, Lead Attorney, King County (Seattle) Superior Court CASA Program
Kati Ortiz, BA, Law Student, Seattle University School of Law, January 2009*

Summary Introduction by National CASA CEO Michael Piraino

Lori Irwin describes a powerful model of advocacy on behalf of abused and neglected children—teaming trained and supervised lay volunteers with lawyers. This is a model used by several National CASA member programs. Even where lawyers and volunteers are not formally part of a team, collaboration among them is most apt to contribute to the child's well-being and protection of the child's legal rights.

Whatever the model, all CASA and guardian ad litem programs focus on providing high quality volunteer advocacy focused on the child's best interests. Through our system of careful screening, detailed training, and professional supervision of volunteers, we seek to assure each court that our volunteers will be effective partners in helping the court make decisions that promote the child's safety and well-being.

Juvenile and family courts across the nation struggle to keep up with the overwhelming numbers of abused and neglected children filling their courtrooms. Federal and state laws mandate timelines for services and timelines for permanence, but to the waiting child time passes much too slowly. National studies demonstrate that child advocacy accelerates case resolution.¹ Both federal and state law require that all abused and neglected children have someone to represent their best interests in court, as distinguished from someone to represent the child's expressed wishes. As of July 2007, just 27 states and the District of Columbia require the appointment of an attorney for the child in abuse and neglect proceedings (includes appointment of legal counsel and attorneys appointed as guardians ad litem (GALs)).

The Child Abuse Prevention and Treatment Act (CAPTA) of 1974 provides federal funding to states in support of prevention, assessment and treatment activities. CAPTA also required the appointment of a GAL in every child abuse and neglect case. Different models of representation have evolved in response to judicial demands, sometimes limited by budgetary constraints. An amended CAPTA now requires that all children in dependency cases be appointed a "guardian ad litem, who has received training appropriate to the role, and who may be an attorney or a court appointed special advocate who has received training appropriate to the role."

There is widespread disagreement in the child advocacy field over what form children's representation should take. Child dependency proceedings are unique and often involve legal issues that challenge the ethical categories articulated by the *American Bar Association Model Rules of Professional Conduct* and state ethics rules for best practices and minimum standards of representation. This has caused confusion and frustration for many child advocates.

Models of Child Representation

Dependency courts are charged with ensuring that the state is acting in the best interest of every dependent child. Representation and advocacy for these children varies from state to state and even between courts within the same state. One jurisdiction may fund attorney GAL appointment for each child, while another court may provide attorneys, professional GALs, CASA volunteers or nothing at all.

The American Bar Association (ABA) promotes legal representation in court proceedings for all children at risk of abuse and neglect. The National Association of Counsel for Children (NACC) has also adopted standards of practice for attorneys for children and suggests attorneys serve as client-directed advocates by zealously representing each child's expressed wishes.

For children old enough to have developed the ability to make rational decisions, take and synthesize advice, and express themselves meaningfully, the attorney model works well. The model is, however, inappropriate for children who are pre-verbal or who cannot meaningfully direct their attorney, and it gives attorneys additional responsibilities for counseling based on the child's age, level of education, and degree of language acquisition. Many attorneys cannot find time to visit or speak in person with the child they represent and must rely on the CASA volunteer's report (if available) for much of their information.

Attorney guardians ad litem (GALs) represent the best interests of many children. Rather than taking direction from the client, the attorney GAL must use his or her own judgment in determining what is in the child's best interest. Many jurisdictions rely on non-attorney professional or staff GALs to represent the child's best interests. Concerns are similar about the adequacy of both attorney and professional GALs; high case loads, minimal interaction with the children, lack of independent investigation.

The CASA model provides abused and neglected children with high-quality, responsive and timely advocacy. In cases where dependent children are *not* advocated for by a CASA volunteer or GAL, the children are more likely to re-enter the child welfare system and are less likely to have appropriate services ordered. Critics note that under this model both the child and the lay volunteer move through the system without legal representation. The National CASA Association specifies that non-attorney CASA volunteers do not provide legal representation.

Some CASA programs include attorney representation for the CASA volunteer. The ABA endorses this model of representation of the child's best interests and the NACC recognizes the important role CASA volunteers can play in working with children's attorneys. Trained lay volunteers, under lawyer supervision, perform at least as well as trained attorneys in representing children at risk of abuse and neglect. Trained CASA volunteers outperform untrained attorneys.

Conclusion

Teaming CASA/GAL volunteers and children's attorneys builds on the strengths of each. Today, there are over 950 CASA program offices across the country and more than 59,000 volunteers. Combining the tenacity and commitment of CASA volunteers with the legal acumen of experienced children's attorneys will create stronger, more powerful voices for our children.

Footnote:

[1.](#) Lucy Berliner & Monica Fitzgerald, *Court Appointed Special Advocates for Washington State: A Review of Effectiveness* (Washington State Institute for Public Policy, November 1998) pg. 10-11.

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Implications of the Fostering Connections to Success and Increasing Adoptions Act Legislation

Nancy B. Miller, Director, Permanency Planning for Children Department, NCJFCJ

M. Carmela Welte, Deputy CEO, National CASA

Megan Warren, Training Coordinator, Permanency Planning for Children Department, NCJFCJ

Summary

Provisions of the recently enacted Fostering Connections to Success and Increasing Adoptions Act will improve outcomes for many children in the child welfare system.

The Fostering Connections to Success and Increasing Adoptions Act is now law. The legislation includes many significant improvements and opportunities for children in the child welfare system. Most provisions took effect October 7, 2008, unless noted below. The legislation can be reviewed at <http://thomas.loc.gov/>, search 110th Congress, enter "HR 6893.ENR" in the search line, then check "search bill number."

The goals and major provisions of the legislation follow.

- **Permanent Placement with Relatives.** Grandparents and other relatives who are willing to become legal guardians for their relative children may be eligible to receive federal assistance at a rate similar to that provided for foster parents. This will result in more permanent, loving homes for children whose family members wish to care for them but are not financially able to do so without facing financial hardship.
- **Maintain Connections with Siblings and Family.** If it is in the child's best interest, states must make reasonable efforts to keep sibling groups together in foster, family or adoptive placements. If a child has been approved for permanent placement with a family member, the other siblings may also be placed with the family, and federal assistance may be provided for each child, as described above. A new Family Connection grants program was established, offering funding for programs that provide information and resources to kinship families, intensive family-finding efforts, family group decision-making, and family substance abuse programs.
- **Increase the Number of Adoptions for Waiting Children.** An estimated 127,000 children are waiting for adoptive families. The legislation provides incentive payments to states for every child that is adopted above the baseline of 2007 adoption numbers. The incentive is doubled for special needs and older children, to \$4,000 and \$8,000 respectively.
- **Improve Outcomes and Transitions for Older Youth.** Research demonstrates that outcomes for youth who remain in care to age 21 are significantly improved over youth who leave the system at age 18. Beginning October 1, 2010, federal funding will become available to reimburse states that choose to support foster youth beyond the age of 18, provided that the youth is involved in school, vocational training or employed at least 80 hours per month.
- **Improve Outcomes for American Indian/Alaska Native Children.** Federal foster care assistance has not been available to support foster care services for children on tribal lands, unless the tribe had a special agreement with the state. Now federally recognized tribes may elect to directly access Title IV-E funding—as well as a proportionate amount of Chafee Foster Care Independence Program funds—to support children in care on tribal lands. One-time grants will be available to tribes to develop their foster care plan, which may include data collection, agency and tribal court procedures for case review, and cost allocations. This option is effective October 1, 2009.
- **Improve Competencies of Individuals Working with Children Involved in the Child Welfare System.** Title IV-E funding will be extended to states to support training of court personnel, attorneys, guardians *ad litem* and court appointed special advocates. The reimbursement rates start at 55% in FY 2009, 60% in FY 2010, 70% in FY 2011, and finally at 75% in FY 2012 and thereafter.
- **Improve Education Stability and Coordination of Medical Needs.** The child welfare agency should ensure that a child remains in the same school at the time of his placement in foster care, if it is in the child's best interest. The state may utilize Title IV-E funding for transportation costs to assure the child is able to remain in the school of origin. States must also develop a plan for ongoing oversight and coordination of health care services for every child in foster care, in collaboration with pediatricians and other experts.

While the Fostering Connections Act does not include specific requirements for courts, effective judicial oversight of the agency requirements under the act can help improve permanency and child well-being outcomes.

Editor's Note: For additional information, please refer to the comprehensive outline, including issues for judges to consider as they implement the act.

casaforchildren.org/download/Judges_Page/notes-0309/0903-JP11-FosteringConnectionsAnalysis-0019.pdf

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Effective CASA/GAL Programs in the NCJFCJ Victim's Act Model Courts

Paula Campbell, Assistant Information Specialist, Permanency Planning for Children Department, NCJFCJ

Summary

CASA program participation in NCJFCJ model courts can promote better outcomes for children in the dependency system.

CASA volunteers are an integral part of court-agency collaboration and very effective in considering the best interests of a child. The National Council of Juvenile and Family Court Judges' (NCJFCJ) model courts have developed programs to facilitate system reform efforts in coordination with local CASA or GAL volunteers. In keeping with the best practice recommendations of NCJFCJ's *RESOURCE GUIDELINES* and *ADOPTION AND PERMANENCY GUIDELINES*, model courts have created collaborative programs that promote better outcomes for children in the dependency system.

Collaborative Programs

In an effort to increase the number of children and families served by special advocates, the **District of Columbia Model Court** collaborates with CASA for Children of DC. The court appoints advocates when requested, utilizing CASA volunteers as advocates, investigators and data-collectors. Volunteers also act as mentors and case monitors. In 2006, the court entered into a memorandum of understanding with the CASA program to provide advocacy services in cases where children have an open neglect and delinquency case. In addition, the family court division developed a mentoring/advocacy project focused on the needs of youth aging-out of the system, collaborating with the CASA program to provide more intensive monitoring and advocacy for young people ages 17–19.

In Santa Clara County, the **San Jose Model Court** and the CASA program work closely together to improve educational outcomes for children. Every three months, the juvenile court judge convenes a meeting of educational leaders in the community—including school principals, children's attorneys, CASA volunteers, children's services representatives and other interested parties. The meetings address issues that affect educational outcomes for foster children such as transportation, special education and new legislation. The local CASA program has an educational specialist to consult with the volunteers concerning educational issues facing the children, and to provide guidance on such issues as Individualized Education Program meetings, transfer of school records and advocacy within the school system.

The San Jose Model Court also implemented a CASA Education Advocate Program in 2006. This program trains volunteers to focus specifically on the educational progress of foster youth to ensure that they have the opportunity and resources to succeed academically. Education advocates monitor a child's progress in school through regular contact with teachers, counselors, tutors and other adults involved in the child's education to ensure that the child is receiving the services he is entitled to under state and federal laws.

The **Indianapolis Model Court** engaged CASA volunteers from Child Advocates as the entity representing the best interests of children in Termination of Parental Rights (TPR) cases since they had a unique perspective on how TPR was affecting children; how the TPR process was needlessly delaying permanency for children; and how challenging the process was for children and other stakeholders. Child Advocates' volunteers and staff typically viewed the case from the child's perspective and frequently communicated and facilitated the discussion from that perspective. CASA volunteers, by virtue of their role in the case as the monitor and advocate of the child's best interests, served as a bridge in connecting the prospective adoptive parents to the biological parents in a way that was respectful of each set of parent's needs.

In 2005 the model court lead judge, Hon. Marilyn Moores, requested that Child Advocates continue its role in alternative dispute resolutions by providing facilitations immediately following the filing of the TPR petition. The Child Advocates' Mediation Project laid the foundation for their court to consider alternative dispute resolution as an effective and child-focused approach to permanency.

Court Reports

Merrimack County New Hampshire CASA volunteers have a specific format they use in their court reports. Volunteers in New Hampshire submit court reports for the following child protection related hearings: dispositional, review, permanency and final review (in cases where the child has not been in an out-of-home placement). When the court's permanency plan order calls for termination/adoption, they submit preliminary and final reports. The volunteers file a brief report when termination cases are settled via mediation. Reports are also submitted in fitness proceedings (custody requests filed by nonresidential parents against whom no petition for abuse or neglect has been filed).

In order to consider the valuable information that CASAs and GALs provide in a dependency case in a timely manner, the **Charlotte Model Court** requires written reports from GALs three days in advance of hearings. They include the court history, their contacts with the children, the wishes of the child, their responses to DSS actions, and their own recommendations. This ensures that there is a continual record and representation for the child. See *Sample "How To" Court Report* from the Raleigh, NC, Administrative Office of the Courts (casaforchildren.org/download/Judges_Page/notes-0309/0903-JP12-NorthCarolina-0019.pdf) and *Sample Guardian ad Litem Termination of Parental Rights Report* used by the Guardian ad Litem office in District 26, Mecklenburg, NC. (casaforchildren.org/download/Judges_Page/notes-0309/0903-JP12-MecklenburgCounty-0019.pdf)

The **El Paso Model Court** requires a CASA report form that not only incorporates the standard areas, but a section to identify the "strengths" of the parents. See *Report of the CASA/Guardian ad Litem* from the 65th Judicial District in El Paso County, TX. (casaforchildren.org/download/Judges_Page/notes-0309/0903-JP12-EIPaso-0019.pdf)

More detailed information on the various programs of Victim's Act Model Courts can be found in the *Status Report 2006/2007: A Snapshot of the Victims Act Model Courts Project*, available for purchase through the NCJFCJ store (ncjfcj.org/store/product_info.php?cPath=21_22_35&products_id=182&osCsid=o818e3lptsi1r4t791cb111680).

Chapter 9 of the National CASA Association *Volunteer Manual* offers volunteers guidance in writing an effective court report. The chapter includes a volunteer court report outline. (casaforchildren.org/download/Judges_Page/notes-0309/0903-CourtReportfromVolunteerManual-0019.pdf)

References

1. *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases* (1995), NCJFCJ, Reno, NV.
2. *ADOPTION and PERMANENCY GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases* (2002), NCJFCJ, Reno, NV.

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New National Performance Measure Resource Guides

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Summary

The *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases* helps courts establish baseline practices and diagnose what improvements are needed.

The Permanency Planning for Children Department of the National Council of Juvenile and Family Court Judges (NCJFCJ) has just released the *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases* (ojjdp.ncjrs.gov/publications/courttoolkit.html). This publication is the result of years of collaborative work between the American Bar Association Center on Children and the Law, the National Center for State Courts and NCJFCJ. Performance measures developed by the partnership were examined to see how they fit with the child welfare outcome measures used in Child and Family Service Reviews (CFSRs); this effort resulted in the joint publication, *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases* (July 2004) (casaforchildren.org/download/Judges_Page/notes-0309/0903-JP13-BetterCourt-0019.pdf).

This work culminated in the production of the *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases*. The publication incorporates dependency court best-practice performance measure resource guides for courts, judges, CASA/GAL volunteers and other stakeholders. The purpose of the measures in the toolkit is to help courts establish baseline practices and diagnose what improvements are needed. The resulting information is used to track efforts, and identify, document, and replicate positive results. By capturing data for the measures in the toolkit, courts will be able to evaluate four areas of operation: child safety, child permanency, due process or fairness, and timeliness.

The toolkit contains five volumes: 1) Key Measures; 2) Implementation Guide; 3) Technical Guide; 4) Users' Guide; and 5) Assessment Guide. Although each volume focuses on a particular audience, everyone involved in court performance measurement should consult all of the volumes for instruction and guidance to achieve safe and timely permanency for children and families. For additional information about the measures and to stream instructional videos, please visit, courtsandchildren.org.

The toolkit is available for download and purchase through the Office of Juvenile Justice and Delinquency Prevention (ojjdp.ncjrs.gov/publications/courttoolkit.html). Hard copies will also be available from the PPCD by request at caninfo@ncjfcj.org

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