

Judges' Guide to CASA/GAL Program Development

2004 Edition (Revised 2013)

A National CASA Association Resource Library Publication

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Produced in partnership with:



This project was supported by Cooperative Agreement No. 2002-CH-BX-K001 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Acknowledgements

This *Judges' Guide to CASA/GAL Program Development* is a result of hard work on the part of National CASA staff members who reviewed various drafts, helped research appendices and provided editorial direction and advice. The National CASA Association would like to especially acknowledge the efforts of Janet Ward, primary author and Project Director for *The Judges Guide*.

This guide is the result of a close collaborative effort between the National CASA Association and the National Council of Juvenile & Family Court Judges (NCJFCJ). A number of NCJFCJ representatives were instrumental in the writing and publication of this *Guide*. We owe a great debt of gratitude to Judges Leonard P. Edwards, Thomas E. Hornsby and Douglas F. Johnson, who each wrote or co-wrote a chapter of this document, providing the necessary insight that can come only from the bench. We are also thankful for the tireless assistance of Judge J. Dean Lewis, who co-wrote a chapter but spent much more time serving as a thorough editor of the *Guide* and assisting us in securing a great deal of necessary information for its publication.

We sincerely appreciate the NCJFCJ Permanency Planning for Children Department and the National CASA Association-NCJFCJ Judicial Liaison Committee, both of which played an instrumental role in providing guidance for this project. Visit CASAforChildren.org for more information on the National CASA Association and learn more about the work of the NCJFCJ by visiting their website at ncjfcj.org.

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Introduction

Judges have always been essential to the success of the CASA concept of volunteer advocacy for abused and neglected children. From Judge David Soukup's founding idea in 1977, through the creation in 1982 of the National CASA Association (National CASA) with the assistance of the National Council of Juvenile and Family Court Judges (NCJFCJ), to the thousands of judges today who have replicated the model in their courts—CASA and volunteer guardian ad litem programs have benefited from the support of countless judicial leaders across the country.

This partnership between the judiciary and community volunteers has helped over a million children who are in court because they were abused or neglected. Today, both the National Council of Juvenile and Family Court Judges and the National CASA Association continue to work closely on behalf of these children, with the ultimate goal of assuring that each of them finds a safe, permanent, nurturing home.

One of the National CASA Association's roles is to produce a variety of technical assistance materials to help CASA programs expand and provide quality advocacy. The Association's *Guide to Program Development* helps communities start a CASA/GAL program. However, because of the unique role of the judiciary in creating and maintaining CASA programs, this guide was created to help courts expand volunteer advocacy consistent with national standards and best practices. The goal of this publication is to guide you in ways you can help create a CASA or GAL program of which the court can be proud.

In addition to this manual, both organizations have a variety of other resources to assist you. Staff members are available to provide technical assistance and training, and either organization can put you in touch with other judges who have successfully replicated the CASA model. In addition, state CASA organizations in most states can help provide judges with community-specific information and assistance.

For courts which are not yet served by a National CASA-member program, we encourage you to take the steps outlined in this manual to implement one in your court. We are confident that you will find it improves the flow of cases through your court, helps assure better-informed decision-making and ultimately helps the court get children into safe, permanent homes more quickly.

We thank you for your commitment to children and look forward to working with you on their behalf as you begin to build a program of high-quality volunteer advocacy for the children in your court.



Michael Piraino
Chief Executive Officer
National CASA Association



Hon. David Mitchell
Executive Director
National Council of Juvenile & Family Court Judges

Chapter 1

The Role of the Judge

Guest author: Superior Court Judge Leonard Edwards
San Jose, CA

“It is the judge who must convene the community, educate them about the value of CASA/GAL and provide the commitment and leadership to ensure that the program will thrive.... Who else speaks on behalf of abused and neglected children in the community? Who is in a better position to know what these children need?”

—Judge Edwards

The juvenile court judge and the local CASA or volunteer GAL program (hereafter referred to as CASA program)^{*} are interrelated parts of any community’s efforts to provide protection and support for their abused and neglected children. Each needs the other in order to be as effective as possible and to best serve the interests of abused and neglected children. The juvenile court judge needs strong support from the community, the kind of support that child advocates have been trained to provide over the past 25 years. The CASA program needs the juvenile court judge to help create the program, sustain its existence and assist in its growth. The success of any CASA program will be in large part due to the support of the judge.

This chapter will address the role of the judge in the creation and maintenance of a CASA program. It will discuss both why having such a program is important for judges and why judges are necessary for any CASA program to succeed. The conclusion will stress how a child protection system and a juvenile court can be strengthened immeasurably with a strong CASA program and why juvenile court judges should be prepared to take the lead in the establishment and growth of a CASA program in their jurisdictions.

The Benefits of CASA/GAL

Some judges may say that a CASA program is unnecessary in their jurisdiction. They may give several reasons: the business of the court can be accomplished without such a program; the CASA program will involve some extra effort for a judge whose schedule is already very

^{*} **Editor’s Note:** In the interests of brevity and readability, all National CASA member programs will be referred to simply as CASA throughout this *Guide*. This term includes all programs within the National CASA network, including those with the names Guardian ad Litem (GAL), Child Advocates, Voices for Children and CAJA.

busy; the program will cost money to run; and ordinary citizens will just get in the way of the professionals who are trying to get their jobs done.

The truth is that any juvenile court judge will find that his or her job will be greatly enhanced with the assistance of trained citizen volunteers. Children will be better served when they have an adult who will speak for them in court, a consistent voice to let the court know what each child wants and needs. The court will make better decisions because of the reports from the CASA volunteer which focus on the best interests of the child.

The view of the hundreds of judges who have CASA programs is that children achieve better outcomes when a CASA volunteer is there to speak on their behalf. These judges appreciate the value of CASA programs more than anyone else. They realize that the legal and social work of a juvenile court judge supervising abused and neglected children is overwhelming. They acknowledge that they need help. And the best model that has been developed to provide that help is CASA.

This is also the view of the National Council of Juvenile and Family Court Judges (NCJFCJ), the nation's oldest judicial organization. The NCJFCJ has fully supported the CASA concept from its inception in 1977. At that time, the NCJFCJ voted to endorse the volunteer CASA program as a model for safeguarding a child's right to a safe and permanent home. Today, the NCJFCJ continues to support CASA by providing technical assistance to judges desiring to start or strengthen their CASA programs.

Why CASA?

- Because juvenile court judges have found CASA volunteers to be invaluable in providing information so that the judge can make the best possible decisions in court.
- Because juvenile court judges, attorneys and social workers cannot do all that children need as they wait for a permanent home.
- Because CASA volunteers provide the consistency and the extra help that make children's lives more bearable during the crisis that brought them to the attention of the court.
- Because CASA volunteers become the most informed members of the community about what happens in the juvenile court and become invaluable allies in speaking out to others concerning the needs of abused and neglected children.
- Because CASA programs are cost-effective.

Rearing children is the most important work that any community faces. When the family cannot perform that task and children are abused or neglected, the community must respond. Judges and social workers make many important decisions about these children, but they need help. They need trained volunteers from the community to provide information about children, one by one, just as the children need the added support and continuity from those volunteers. CASA volunteers can meet both needs.

The Role of the Judge in Creating a CASA Program

The juvenile court judge is the linchpin if a CASA program is going to be created in a community. The juvenile court judge is also necessary in order to maintain a CASA program and to help it grow.

In 1977, Judge David Soukup presided over the King County (Seattle) Juvenile Court. The weight of the legal responsibility for the abused and neglected children whose cases came before his court was overwhelming. Judge Soukup asked for help. He asked members of the community to meet with him to discuss ways in which they could assist him in fulfilling his legal responsibility. As Judge Soukup recalls, over 50 citizens appeared in his courtroom and they went to work. The result was the creation of the first CASA program in the United States.

The program was a tremendous success. Trained lay volunteers became a part of the court proceedings, bringing with them enthusiasm, commitment and dedication. They proved to be effective advocates for abused and neglected children—and they greatly assisted the juvenile court by investigating each child's circumstances, making recommendations to the court about the child's needs and monitoring the case plan to ensure timely compliance with court orders.

The success has spread rapidly. Today there are more than 930 CASA programs in 49 states, the District of Columbia and the Virgin Islands with more than 73,000 CASA volunteers providing more than 10,000,000 hours of service to almost 290,000 children every year. There is a National CASA Association office in Seattle, Washington. Most states have a CASA or GAL association as well. The national and state offices have years of experience in helping new programs start up and existing programs expand.

CASA programs have been evaluated and have received high marks, one study concluding that—

CASA volunteers are excellent investigators and mediators, remain involved in the case and fight for what they think is best for the child.... We give the CASA models our highest recommendation. [*National Evaluation of Guardians ad Litem in Child Abuse or Neglect Judicial Proceedings*, CSR, Inc., (1988)]

And the CASA model of volunteer advocacy has been endorsed by numerous national organizations. They include the American Bar Association (ABA), the National Bar Association and, most recently, the Conference of State Court Administrators and the Conference of Chief Justices. See Appendix A—Resolution of Chief Justices and State Court Administrators.

A judge considering creating a CASA program will not have to reinvent the process that Judge Soukup and hundreds of other judges have used. Today, starting a CASA program is much easier. Technical assistance is available from a number of sources including the National CASA Association, state CASA programs and the NCJFCJ. This technical assistance addresses the needs of every size of community from small rural areas to the largest metropolitan center. Support topics include how a program can be structured; ways in which advocates are recruited, trained and participate in the court process; how a new program can be financed; and recommendations regarding partners in the community who

might assist in the creation of a new program. Much of this information is contained later in this guide. There are even grant opportunities that can provide seed money to help with start-up costs.

Even today, the creation of a CASA program must begin with the juvenile court judge. The role of the judge in the creation of a CASA program is critical. After all, the existence of Court Appointed Special Advocates assumes that the court is prepared to appoint advocates to speak on behalf of children. Without a willing judge, there will be no program.

But the judge must be prepared to be more than interested and willing. The judge must be ready to take the first steps and convene those in the community who are able to devote time and effort to the creation and maintenance of a CASA program. (Occasionally, the reverse happens and the judge is asked by a few concerned community members to lend support to a group interested in forming a CASA program. In either case, judicial support is key.) These community members may be representatives from organizations such as the Junior League, the National Council of Jewish Women (NCJW), YMCA/YWCA, service organizations (Rotary, Elks), retired persons groups, faith-based organizations, university associations (fraternity/sorority houses) or other interested citizens. Each community will have its own characteristics and will draw upon different groups. One thing is certain: every community has citizens who are interested in working on behalf of abused and neglected children. The rapid growth of the CASA movement over the past 25 years is testimony to that.

At the first meetings of interested persons, the judge must indicate support for the program but should also indicate that the work of the CASA program needs to come from the community. The technical assistance materials from the National CASA Association and from the NCJFCJ will assist the judge and other community leaders in understanding what steps must be taken in preparation for the start-up of the new program.

Through this formative stage, there may be some who will resist or even oppose the creation of a CASA program. While the arguments for creating a CASA program are very powerful, they may not persuade everyone. The judge must be prepared to stand firmly behind the plan to create the program. The experience of judges around the country is that if the judge is committed to creating the program, it will happen despite initial resistance. The good news is that once a program is created, it usually becomes very popular—and former critics become supporters.

The judge's role as leader is both consistent with national practice and with ethical considerations. The role of the juvenile court judge in the creation of a CASA program is strongly affirmed by the philosophy of the NCJFCJ. The National Council has taken the lead and encouraged judges to engage the community on a variety of fronts in order to improve outcomes for children under the jurisdiction of the juvenile court. After Judge Soukup created the first CASA program, the NCJFCJ took the national leadership role in encouraging judges to start programs in their communities and provided them technical assistance and support through publications, films and conferences. Not only is the role of the judge consistent with NCJFCJ philosophy, it is also ethically permissible, as Judge J. Dean Lewis, Judge Thomas Hornsby and Judge Douglas Johnson describe in greater detail in Chapter 7 of this publication.

The Role of the Judge in Maintaining and Growing a CASA Program

The role of the judge does not end with the creation of a CASA program. For the program to succeed, the judge needs to play an active role in the maintenance and expansion of the program.

Once again the experience of hundreds of judges and their relationships to their local CASA programs will be of great assistance to a newly assigned judge. Technical assistance is available from the same sources: National CASA, state CASA organizations and the NCJFCJ. One of the great strengths of the NCJFCJ is that it offers the opportunity to contact juvenile and family court judges around the country who are facing or have faced the same problems that a new judge may be addressing. Contacting those judges can provide instant technical assistance and insight. Membership in the NCJFCJ also provides publications regarding best practices and information about conferences. Attending a conference sponsored by the NCJFCJ can provide more direct contact with other judges as well as technical assistance. For a judge serving in a juvenile or family court assignment, membership in the NCJFCJ is the first step in learning what the job is all about and how practice can be improved.

Membership in the National CASA Association also brings many benefits to the newly assigned judge. As with the NCFJCJ, National CASA also provides technical assistance and publications regarding best practices and new developments. National CASA sponsors an annual conference with a wide variety of speakers which judges are encouraged to attend. Many state CASA and GAL associations also hold conferences which focus on topics that promote the growth and maintenance of CASA programs within the state. Judges may contact state and local CASA leaders for further information regarding these conferences or may refer to the National CASA website, CASAforChildren.org.

Furthermore, both the NCJFCJ and National CASA are developing mentor judge programs to assist newly assigned judges as they create or expand a CASA program. These mentor judges can provide additional support and technical assistance to the local judge and are particularly useful since they are usually just a telephone call away.

The role of the judge does not include running the CASA program unless the program is court-based. In that case, it would be operated in a similar fashion to other court services. For CASA programs that are incorporated as private not-for-profit entities or which operate under the umbrella of an existing nonprofit organization in the community, the judge must maintain a professional distance. The judge should not be a member of or select members of the board of directors, choose the executive director or attempt to manage the daily operations of the program. The judge's role is to bring the CASA idea to the community, to educate the community about its value and to provide commitment and leadership to ensure its creation and continued growth.

Additionally, the judge will have ongoing responsibilities towards the program. These may include participating in CASA training, swearing in advocates, speaking at local gatherings to encourage citizens to become advocates and having regular meetings with all members of the court system (attorneys, social workers, other service providers and CASA representatives) regarding the operations of the program. By including CASA representatives in these

meetings, the judge is indicating that the CASA program is an integral part of juvenile court operations and a necessary participant in court management meetings and cross-trainings.

Finally, the judge's role includes being both the promoter and the protector of the program. The judge is in an opportune position to meet with the media to explain what the CASA program is doing in the community and to appear at service clubs and other organizations to let them know how they can participate in the program. This can be done most effectively in partnership with the CASA director. Additionally, when financial supporters of the program indicate a possible cutback in funding, the judge should be ready to speak to them about the need for the CASA program within the community. This is the same role that a judge would have towards the provision of competent legal counsel for the parties in child protection cases. Judges realizes that the quality of their decisions and the outcomes for children greatly depend upon a strong CASA program. So the judge must be ready to speak out and take action to preserve the program.

Conclusion

After 25 years of existence and the creation of almost 1,000 programs, it is no longer a question of whether CASA programs work. The CASA model improves outcomes for children and helps judges fulfill their responsibilities towards the dependent children of the juvenile court.

The question is how new CASA programs can be started and how existing programs can be maintained and expanded. It is the juvenile court judge who must take a leadership role in accomplishing these goals. It is the judge who must convene the community, educate them about the value of CASA and provide the commitment and leadership to ensure that the program will thrive.

This is a natural role for the juvenile court judge. Who else speaks on behalf of abused and neglected children in the community? Who else has the legal duty to see that their best interests are addressed? Who is in a better position to know what these children need? For a juvenile court judge to provide the best results for children, a CASA program is a necessary part.

Note: For a more extensive discussion of the role of the juvenile court judge, see Edwards, L., "The Juvenile Court and the Role of the Juvenile Court Judge," *Juvenile and Family Court Journal*, Vol. 43, No. 2, 1992.

Chapter 2

Is a CASA/GAL Program Right for This Court?

“The cases I woke up worrying about were the ones where I had to make decisions in 20 cases in one morning... and I worried after the decision, not knowing what was happening.”

*Former King County Juvenile Judge and CASA founder David Soukup
Seattle, WA*

There are a number of reasons that a judge might choose to implement a CASA or GAL program. Probably the most frequently cited is the one that compelled the CASA movement's founding judge: trained volunteers provide more and better information about the children and families who come before the juvenile court than other available sources. The research on CASA programs demonstrates that they can provide other systemic and child-specific benefits as well. However, establishing a new program makes significant demands on the presiding judge, especially in the initial stages. Time, money, planning and partners in the effort are prerequisites.

The National CASA Association has pursued several independent evaluations of the effectiveness of CASA/GAL programs. Most recently, National CASA worked with Caliber Associates to review records of CASA programs and match them with data collected through the National Survey of Child and Adolescent Wellbeing. The Packard Foundation-funded *Evaluation of CASA Representation* found that children and families in which a CASA/GAL volunteer was appointed received more services, and the services received positively impacted permanency outcomes for children in care. CASA volunteers were found to be highly effective in making recommendations to the court, and the courts accepted all or almost all of the CASA recommendations in more than four out of five cases. The study also found that the types of child welfare cases to which CASA/GAL volunteers are assigned are the most difficult cases on the court's foster care docket. Nonetheless, children for whom a CASA volunteer advocated did not spend more time in care even though their cases were more serious. The *Evaluation of CASA Representation* also found that CASA volunteers spend a large amount of their time in direct contact with the children they represent.

In September 2003, the National CASA Association received the results of a Consumer Satisfaction Survey which was independently conducted by Pat Litzelfelner, PhD of the University of Kentucky School of Social Work. The survey instrument was sent to 2,465 participants. Surveys went to stakeholders impacted by the role of CASA/GAL volunteers including biological parents, grandparents, relatives, foster parents and adoptive parents. The

greatest response rate was from judges, attorneys and social workers. Judges and attorneys expressed the highest overall satisfaction with CASA programs. Child welfare workers and parents scored most items a bit lower than judges and attorneys. Parents in general spoke highly of CASA volunteers and CASA programs.

See Appendix B for a List of Research Studies on the Effectiveness of CASA Programs, also available at CASAforChildren.org.

Before Deciding

One method of evaluating whether to invest the energy necessary to establish a CASA program is to consider how it might help achieve the goals of the juvenile court. Before making a final decision, a judge may want to ask the questions below.

- *Is lessening the incidence of child maltreatment a goal?* Assigning a CASA volunteer to a case provides a wider safety net for a child in the present. It also gives the child a new and positive pattern for adult-child relationships. That may reduce the likelihood that an abused child will grow up to be an abusing parent in the future. However, a volunteer's presence in a case cannot provide a guarantee against re-abuse and neglect nor totally erase the effects of past abuse.
- *Is making better decisions about the lives of abused and neglected children a goal?* CASA programs have been resounding successes in helping courts achieve that objective. Judges consistently praise the quality and quantity of information provided by volunteers, especially in comparison to what is presented by other sources. Both new and experienced judges report greater confidence in their decisions because the court receives more data, sooner, from specially appointed advocates whose sworn duty is to represent the best interests of the child and the child only. What the judge sees and hears has been gathered by a trained, supervised volunteer with access to legal counsel. The information is presented by a person unencumbered with competing interests or an impossible case load—a person who is acutely conscious that, for children, the only time that matters is now.
- *Is improving the lives of the abused and neglected children who come before the court a goal?* This is an area in which CASA volunteers excel. They never stop trying to find needed services for their assigned children, even though the interventions available are often limited. Volunteers maintain a focus on permanency. Abused and neglected children who have a CASA volunteer also benefit from the personal involvement of a concerned adult. A volunteer provides a measure of continuity and consistency in the life of a child who is subject to the vagaries of the foster care system. The volunteer's many conversations with the child and the information garnered from other sources over the course of an investigation can offer a child the chance to put the pieces of his or her history together. Spending that child-focused time together increases the child's sense of self-worth and the advocate's ability to present a comprehensive, convincing report to the court: to function as "a powerful voice in the life of a child." While the "business" of advocacy is going on, the child gets one-on-one attention, a positive role model and a listening ear.
- *Is shortening the average length of out-of-home placement a goal?* Moving children from foster care to permanency is a complex process. It requires hard work on the part

of parents and professionals. As a part of that process, an advocate can make the court aware of what barriers exist and how diligently parents and agency staff have attempted to overcome them. Volunteers are also skilled at discovering and suggesting alternative strategies. While even the most diligent CASA volunteer cannot rehabilitate an addicted mother or make a caseworker produce an adoptive family for a special-needs sibling group of four, sometimes just having the persistent scrutiny of a volunteer on the case produces movement.

- *Is moving cases through the system more efficiently and in compliance with ASFA timelines a goal?* The extensive information a CASA volunteer provides often accelerates case movement. Judicial decisions to return children home or proceed to termination can be made earlier and with more certainty. There may be fewer review hearings because advocates have been tracking progress or lack thereof and pushing for resolution. On the other hand, CASA participation may lengthen initial proceedings since more facts have been gathered for the court to assess than previously.
- *Is decreasing the cost of child representation a goal?* Whether a CASA program saves the court money depends on the amount currently being spent for this service. The quality of representation is inescapably bound up in this equation as well. For example, some courts assign double- or triple-digit caseloads to attorneys representing abused and neglected children. As a result, the cost per child is kept low, but the amount of time available for each case is severely limited. A volunteer program offers many benefits, but it is unlikely to produce cost savings when measured against such a system. Judges can compare the court's current spending on child representation to the estimated costs of a start-up CASA program, which is discussed further below. An additional factor to consider is that some of the revenue necessary to support the program may be raised outside the court, depending on how the CASA program is structured.

The Resource Question—Funding a CASA Program

Because CASA programs utilize volunteers, there is a popular misconception that they are essentially free. However, maintaining a corps of quality child advocates requires an infrastructure. At its most basic level, a CASA program must have ongoing volunteer recruitment, screening, training and supervision by experienced professionals, access to legal counsel and a place to do business. Such a program is certainly cost-effective but not cost-free. Committed founders, including judges, are often successful in securing donated or at-cost goods and services for start-up programs, but there is no escaping the need for ongoing financial support of program operations. See Appendix C—Sample of Start-Up CASA Program Budget. So, in addition to considering whether having a CASA program will further the goals of the court, the judge needs to evaluate the financial possibilities. What resources are available within and outside the community? Are they sufficient not only to start a program but to sustain it?

Local sources should be explored and secured first. Even programs that are looking to regional or national funders are wise to acquire some local money, in part because outside funders view locally raised dollars as gauges of community acceptance and long-term stability. Try for a broad range of revenue sources. Even if the plan is for the program to be administered directly by the court, severe cutbacks can occur in an economic downturn. The

more diverse the funding base, the more stable the program, regardless of administrative structure. For a court-based program, that may mean a combination of county and state dollars; for a nonprofit, a much wider range of funding will be needed.

There is some help available from the public and private sectors to assist with program expenses. Much of it is in the form of time-limited competitive grants. See Appendix D—Possible Funding Sources for Start-Up CASA Programs. There are many questions to be researched about any grant. Who will write it? How much time will it require, especially in comparison to the amount awarded? Is there a limited window of opportunity for applications? Is the program eligible? Is the grant renewable? How strong is the competition? Can the program deliver what the grant demands? In addition to grants, local CASA programs can raise money in several ways: individual and corporate donations, allocations from local or state government, special events, bequests, merchandise sales and others. Technical assistance with this aspect is available from the National CASA Association and other sources.

The Challenge

If a community decides (or becomes convinced by a judge) that its abused and neglected children deserve a better system, a CASA program is a great place to start. The process works. It is used in over 900 communities across the country from the Tribal Court on the Spokane Indian Reservation in Washington state to the Juvenile Court of the 13th Judicial Circuit in Tampa, Florida. The model is flexible enough to accommodate diverse legislative mandates and jurisdictional rules.

Building an effective, self-sufficient CASA program demands three basic components:

- Strong, collaborative leadership at the local level
- Careful planning
- Finding and mobilizing community resources in combination with those of the National CASA Association, the state organization and neighboring programs

Progress will be slow, especially at first. New programs are time-consuming. They grow in small steps and need lots of nurturing from founders to build a solid base and maintain quality. Recruitment may be difficult in the beginning, although some programs experience a rush of applicants for the first training class. This pent-up demand is created in part by people who have long sought a way to “do something about child abuse.” Once the program becomes known, it tends to attract dynamic volunteers who remain committed because they see themselves making a difference in the lives of individual children. Often, volunteers become catalysts for system change as well.

CASA volunteers advocated for nearly 290,000 children in 2003 alone. Unfortunately, there are nearly twice that many adrift in the child welfare system, some undoubtedly in the jurisdictions of judges reading this guide. The next step is up to you.

Chapter 3

CASA Programs—What Are They and How Do They Work?

“Most citizens do not know what goes on behind the closed doors of the juvenile and family courts of this nation—but CASA volunteers do. They see the pain and trauma of the child firsthand. They understand the law and the court process. They guide the child through the labyrinth and give the child comfort during a traumatic time. The CASA volunteer appears in court... to hold the system accountable to the best interest of each child.”

—Retired Juvenile and Domestic Relations Court Judge J. Dean Lewis
Spotsylvania, VA

CASA and GAL programs vary in both administrative structure and representational model. It is the responsibility of the program’s judge and other founders to determine which structure and model will best satisfy local needs. This flexibility is one of the reasons that the CASA movement has spread quickly and flourished in diverse environments. However, these variations make it somewhat challenging to explain briefly how a CASA program operates. This chapter begins by surveying the various types of administrative structures that exist with an eye towards helping a judge determine what might be most feasible in a given jurisdiction. It then presents the various representational models. In some states, the model may be predetermined by statute, so please refer to your state statute for role definition. The chapter concludes with the definition and duties of a volunteer advocate. These remain consistent regardless of how the program is administered or which model of representation is used.

CASA Program Structure

CASA programs are administered in four different ways. The first is to be organized as an agency of state government. This choice is available only in states where it has been legislatively authorized. The other three options are to form a nonprofit corporation, to operate under the umbrella of an existing not-for-profit agency or to be administered by the unit of local government that operates the court, such as the county, city or tribe.

There is no “best” administrative structure for a CASA program. Each has its pros and cons. Some states have all three of the locally determined types operating within their borders. National and state CASA staff can help judges and other planners assess their community and select the design that most fully utilizes local resources.

State-Administered Program

In the early 1980s, about one fourth of the states chose to comply with the federal statute requiring guardian ad litem representation for abused and neglected children by instituting a statewide, governmentally supervised system. These states are: Alaska, Arizona, Delaware, Florida, Hawaii, Iowa, Maine, North Carolina, Rhode Island, South Carolina, Utah and Vermont. Some of these states have volunteer CASA programs in every jurisdiction. Others have programs only in certain jurisdictions due to limited appropriations. In all cases, the programs are staffed by state employees, who recruit, train and supervise the volunteers. Oversight is provided through a division of state government, often the administrative office of the courts. Funding is appropriated by the legislature.

Nonprofit Corporation

Of the options currently available to judges, one is for a local CASA program to incorporate as a 501(c)(3) nonprofit corporation. About 52% of local programs (as opposed to state-administered) operate this way. This administrative structure provides the most autonomy. The program creates its own bylaws and is governed by its board of directors. The board determines the shape the program will take, who will be hired to run it, how fast it can grow and how that growth will be financed.

The greatest challenge for this type of program is that it requires a high level of involvement from founders to build the organization from the ground up and a sustained level of support from board members, especially in the area of fundraising. It also demands an executive with a diverse skill set since there is generally no staff to share the load with at the outset. Initially, the director will be responsible for public awareness/recruitment, volunteer screening/training/supervision, development/maintenance of relationships with court and child welfare personnel, fiscal management of the operation and a substantial segment of the fundraising activities.

Umbrella Agency Member

A second option is for a local program to become a member agency of an already incorporated nonprofit “umbrella” organization. Approximately 21% of local programs operate this way. This administrative structure affords new CASA programs several benefits. They acquire nonprofit status without the time and effort required to incorporate and file for 501 (c)(3) tax-exempt status from the Internal Revenue Service. They become associated with a recognized name in the community that provides immediate legitimacy and increases fundraising potential. Programs have access to administrative services, office space, equipment, etc., often at a significantly lower cost than establishing a new office. Umbrella agency staff may be available to perform specialized duties such as accounting, grant-writing or mentoring new staff so that the program’s first director is somewhat less burdened.

However, the CASA program using this model is tied, for better or worse, to the dictates and fortunes of the umbrella agency. The umbrella agency’s financial picture, not the number of children in need of advocacy, determines program growth. The CASA program has little ability to control costs. Independent fundraising efforts may be restricted. Conflicts can arise regarding the level of oversight by the umbrella agency (too much or too little), the depth of its commitment to the CASA program or varying interpretations of the parties’ initial working agreement.

Local Government-Administered Program

The third choice of structure is to have the CASA program administered by whatever unit of local government operates the court. This may be the county, city or tribe. The programs are often referred to as “court-based.” About 27% of local programs operate this way. One of the most attractive benefits to judges is that the court retains control of the program so it operates in a way that best meets judicial needs. The judge may be able to secure financial support for the program from local government officials or have the ability to control the allocation of existing court funds. If the court already administers other services, the protocols are in place to make the addition of a CASA program relatively simple. With this system, the program is usually housed in the courthouse (or other local government or tribally owned property) with access to its resources. Funding is primarily the responsibility of the court and, by extension, the local governmental unit or tribe. Program staff work for these entities, sometimes under the aegis of court services, so there is an employer/employee relationship between the judge and the staff. If there are administrators for other court-related programs, they may oversee the program or help orient new staff, again making the job of the new director a little easier.

On the negative side, these court-based programs may require more time and attention from the judge than independent ones, especially if there is no existing court services staff into which the CASA program can be integrated. Administrative duties like assuring adequate funding, hiring the executive and formulating policy fall to the court instead of the governing board as in the other configurations. Having an administrative relationship with the CASA program sometimes muddies the relationship that exists in the courtroom. The dual role may create the perception on the part of the parents’ attorneys or the local social service department that the judge is unduly influenced by CASA staff and volunteers. Finally, political shifts and the competing financial interests of other court and local government programs can adversely affect the CASA program budget and stifle needed growth.

Choosing a Structure

Taking all these factors into consideration, judges and other planners should select the administrative structure that best meets court and community needs and utilizes community resources. However, planners should also be aware that their original choice need not be absolute. For example, a CASA program may start out as a small nonprofit, establish financial stability and prove itself a worthwhile contributor to the community. As part of strategic planning for the future, the board may conclude that the only way to achieve the goal of 100% representation of abused and neglected children is to actively seek a partnership with an agency that has significantly greater human and financial resources. Conversely, many CASA programs require an umbrella agency’s help to get started. But over time, one or both sides outgrow the relationship. The two entities separate, and the CASA program forms an independent nonprofit corporation. There have also been instances in which the court decides that the administration of its local CASA program would be better handled by an agency outside the court and a transition is made.

Most CASA programs have been able to accommodate change by less drastic measures than converting their organizational structure. However, such a move occasionally becomes necessary. Those programs that have done so have generally experienced positive outcomes.

Models of Volunteer Representation

There are two basic models of volunteer representation for abused and neglected children in court. These different approaches evolved, for the most part, to comply with existing statutes, policies and local rules, but there are other influences as well. The views of the bar and bench in each jurisdiction play a part in determining which system of volunteer representation is implemented. Resources are also major factors, such as attorneys available to serve a CASA program and funds with which to pay them. The volunteer does not provide legal services in either model and is trained to understand the difference between the role of a lay child advocate and an attorney.

Guardian ad Litem

In the original model, the judge appoints a volunteer to serve as guardian ad litem. With the party status conveyed by the GAL appointment, it becomes the responsibility of the advocate (referred to in some states as CASA, GAL or both) to investigate the situation and present a report and recommendations to the judge. This is done by reviewing records, interviewing the child and other individuals involved in the case and attending meetings regarding the child. The volunteer, in consultation with CASA staff, decides what recommendations are in the best interests of the child and prepares a written report to be filed with the court. The volunteer has all the rights and responsibilities of a party to the case. Volunteers have access to an attorney through the program. The attorney's role in this model is to offer information and legal advice to the volunteer.

Friend of the Court

In the second model, the judge appoints the volunteer as a “friend of the court” rather than a party to the case. This model is frequently employed when party status has already been granted to another representative. For example, statute or traditional practice in some states dictates that the guardian ad litem be an attorney. In some other states, abused or neglected juveniles are required to have legal counsel appointed as GAL to represent their wishes, regardless of whether the child's wishes and best interests are congruent. When volunteers are appointed as friends of the court, their duty to investigate, facilitate, advocate and monitor is the same as volunteers who are appointed as guardians ad litem. The attorney appointed to represent the child provides direction for the case, presents the case in court and prevails in any disagreement regarding the recommendations.

This model has different permutations in different jurisdictions, largely dependent on the bar, the bench and local rules. In some courts, the attorney GAL and the volunteer advocate view themselves as a team and operate accordingly, sharing information and planning strategy conjointly. In others, the volunteer gathers extensive data on the case and operates under the direction of the attorney. In still others, these two representatives of the same child (or sibling group) pursue separate courses of action and may even end up in court with opposing positions.

A hybrid of these two models exists in a few jurisdictions. In these courts, both a GAL attorney and a non-GAL volunteer with full party status are appointed. Both are expected to represent the child's best interests, one from a legal and one from a community perspective.

Principles of Operation for a CASA Program

Regardless of which model is chosen, quality CASA representation can exist only within an environment that expects and supports effective performance. At the core of any CASA program, a sound organizational structure which has the backing of the court and the community is required. The principles undergirding that structure should include the following:

The CASA volunteer must be independent from other parties with the sole duty of protecting the child's needs and interests.

The CASA volunteer must have knowledge of the child's cultural and ethnic heritage and sensitivity to the importance of heritage in making recommendations to the court.

The CASA volunteer should be carefully screened and thoroughly trained. Training should occur before a case is assigned and throughout the course of service.

The CASA volunteer should have competent ongoing supervision and regular evaluations by professional qualified staff. If performance is unsatisfactory, the volunteer should be held accountable.

The CASA volunteer's appointment should begin as early in the court process as possible and should continue until the case is finalized.

The CASA volunteer should carry only a number of cases that allows for thorough performance of all necessary duties. In most situations, this would be no more than one or two active cases.

The CASA volunteer must have immunity from liability when performing required duties unless an act or failure to act is willfully wrongful or grossly negligent.

The Definition of a CASA Volunteer

For the purposes of this discussion, a court appointed special advocate (CASA) or volunteer guardian ad litem (GAL) is:

CASA/GAL: a trained community volunteer, appointed by a judge, to represent the best interests of children in cases that come before the court due to alleged abuse or neglect

A "trained community volunteer" may come from any walk of life. Volunteers are not expected to have professional expertise in areas such as psychology, social work or law, and

most do not. They are required to be stable adults with the desire, ability and time to advocate for the needs of children. To assure that volunteers can fulfill these obligations, they must be rigorously screened, thoroughly trained and effectively supervised in accordance with the standards of the National CASA Association.

Being “appointed by a judge” is what gives a CASA volunteer the ability to conduct an investigation. The order of the court authorizes the child’s advocate to interview the child and the other people involved in the case. It also provides access to otherwise highly confidential records concerning the child. This permission is strictly limited to the case assigned.

Requiring volunteers “to represent the best interests of children” is a challenging assignment since the term is subject to varying interpretations. However, CASA volunteers are uniquely suited for the task of sorting out a child’s best interests. Unlike agency administrators, social workers, therapists, attorneys or foster parents, advocates are usually assigned one child (or group of siblings) at a time. They are not compelled to balance the competing interests inherent in most other roles in the system. Individual volunteers are unburdened by high caseloads, agency policies, budget limitations, staff availability, over-scheduled dockets or the possibility of an appeal. Conflicting priorities are less likely to color their thinking. They are trained not to view families through a middle-class lens but, instead, to assess whether a sufficient level of care exists. Their only allegiance is to the child, and it is with the child’s best interests in mind that CASA volunteers formulate recommendations to the court.

National CASA’s mission focuses exclusively on “cases that come before the court due to alleged abuse or neglect.” While a few local programs have been able to recruit and retain volunteers equal to the abuse/neglect case demand in their jurisdiction, nationally only about one half of children in abuse/neglect cases have volunteer representation in court. For this reason, National CASA does not encourage or support the use of CASA volunteers in other arenas, such as custody disputes, supervised visitation or criminal matters.

The Duties of a CASA Volunteer

In 1991, the National CASA Association conducted a search of the literature and convened a focus group of GAL attorneys and volunteers, judges and other professionals in the field to seek consensus about the volunteer’s responsibilities. The following list is the result of that effort and represents a best practice standard.

The court appointed special advocate or guardian ad litem volunteer should:

- 1. Conduct an independent investigation** by reviewing all pertinent documents and records and interviewing the child, parents, social workers, foster parents, teachers, therapists, daycare providers and other relevant persons to determine the facts and circumstances of the child's situation. To do this effectively, volunteers spend considerable time getting to know children and gaining their trust.
- 2. Determine the thoughts and feelings of the child about the situation**, taking into account the child's age, maturity, culture and ethnicity and degree of attachment to family members, including siblings. Also to be considered are continuity, consistency and a sense of belonging and identity.
- 3. Seek cooperative solutions** by acting as a facilitator and mediator among conflicting parties to achieve resolution of problems and to foster positive steps toward achieving permanence for the child.
- 4. Provide written reports at every hearing** which include findings and recommendations. The report documents the extent of the volunteer's investigation, lists each source of information and includes sufficient facts to justify the recommendations.
- 5. Appear at all hearings** to advocate for the child's best interests and provide testimony when necessary.
- 6. Explain the court proceedings and the role of the CASA volunteer to the child** in terms the child can understand.
- 7. Make recommendations** for specific, appropriate services for the child and the child's family and advocate for necessary services which may not be immediately available.
- 8. Monitor implementation of case plans and court orders**, checking to see that court-ordered services are implemented in a timely manner and that review hearings are held in accordance with the law.
- 9. Inform the court promptly of important developments** including any agency's failure to provide services or the family's failure to participate. The CASA volunteer should ensure that appropriate motions are filed on behalf of the child in order that the court can be made aware of the changes in the child's circumstances and can take appropriate actions.
- 10. Advocate for the child's interests in the community** by bringing concerns regarding the child's health, education and mental health, etc. to the appropriate professionals to assure that the child's needs in these areas are met.

Chapter 4

Building Quality Into the CASA/GAL Program

“When a judge appoints a CASA/GAL volunteer to advocate for an abused or neglected child, that judge must be assured that the volunteer is well trained in the law and legal procedures; that the volunteer will fulfill all court-ordered duties in a timely and professional manner; that the volunteer will advocate effectively for the child’s best interests within the legal system; and that the volunteer and the program will abide by all standards imposed by the National CASA Association. Anything less is not acceptable.”

—Retired Juvenile and Domestic Relations Court Judge J. Dean Lewis
Spotsylvania, VA

National CASA Program Standards and Quality Assurance System

The National CASA Association believes that a commitment to quality is a commitment to the children served. The primary purpose of National CASA’s Quality Assurance (QA) system is to support the CASA mission of speaking up for abused and neglected children in the court system through quality volunteer advocacy to help assure each child a safe, permanent and nurturing home. The National CASA QA system assesses member program operations based on the *Standards for National CASA Member Programs*. The National CASA standards and QA system assure that member programs share a common mission and are consistent nationwide in upholding core standards.

As a judge who appoints CASA volunteers to represent children, the following are facets of the standards and QA system with which you should be familiar.

National CASA Standards

Standards for National CASA Association Member Programs were approved by the National CASA board of directors in March 1997 and revised in September 2002. The document contains standards, requirements and implementation guidelines for CASA member programs. A member program is required to meet National CASA standards and requirements as well as state CASA standards if they exist.

The 12 program standards encompass the following areas of program management:

- Program Mission and Purpose
- Program Governance
- Program Development and Implementation
- Graphics
- National Affiliation
- State Affiliation
- Human Resources Management
- Volunteer Management
- Financial, Facility and Risk Management
- Public Relations
- Planning and Evaluation
- Record Keeping

Of particular importance to judges involved with CASA programs are the following:

CASA Mission

The primary purpose of a CASA member program is to represent the interests of abused and neglected children in court proceedings by providing advocacy primarily with volunteers. Key points in the mission:

- The child population is clearly defined as abused/neglected children.
- The program provides trained community volunteers to advocate for the best interests of abused/neglected children.
- The program assures that volunteers have regular, in-person contact with the child sufficient to have in-depth knowledge of the case and make fact-based recommendations to the court.

Governance

The CASA member program must have legal authority to operate, whether derived from state law, executive or judicial order or court rules. Other requirements of CASA programs:

- Being recognized and supported by the court it serves.
- Having entered into a written agreement with the court that defines the working relationship between the program and the court.
- Having a legally sanctioned governing body to assure its accountability to the courts and community.
- Having access to legal counsel for advice in the governing of its operation.
- Operating within accepted fiscal guidelines and submits to audits.
- Exhibiting high standards of ethical conduct in its operations.
- Engaging in comprehensive planning for start-up and evaluation of ongoing operations.

Affiliation with National CASA and State CASA Association

A new program member completes and submits a provisional member application and self-assessment to National CASA. If provisional membership is granted, the program must take all required steps to become a full program member within one year. All program members must be affiliated with the state CASA organization if one exists in their state. Full program members are required to comply with standards, and verification by National CASA is achieved through communication with the state directors and National CASA regional specialists as well as through the self-assessment review process.

Staff/Volunteer Supervision and Training

CASA member program staff and volunteers are screened and required to pass rigorous scrutiny such as multiple references and law enforcement background checks. Volunteers and staff must meet National CASA requirements for training and supervision:

- A volunteer must be 21 years of age and must have passed all screening requirements including a written application, personal interview, references and checks of criminal and driver's license records.
- Before representing a child, the CASA volunteer must complete at least 30 hours of pre-service training using National CASA's *CASA/GAL Volunteer Training Curriculum* or its equivalent, and the volunteer must observe court proceedings. Each year thereafter, the volunteer must complete 12 hours of in-service training.
- The CASA program must provide close supervision of its volunteers. Each full-time staff member can supervise no more than 30 volunteers to assure high-quality advocacy for children.
- Each CASA volunteer receives a written job description from the local program with responsibilities outlined. CASA volunteers must not be assigned more than two cases at a time.
- A CASA member program must have a clear conflict of interest policy and guard each child's confidentiality in the handling of the case.
- The CASA member program must provide volunteers access to legal advice and representation as needed.
- In those cases in which a member program makes the decision to allow volunteers to provide transportation to children, there must be strict policies in place governing transportation as well as appropriate liability insurance, staff oversight and guardian or custodial agency consent.
- The CASA volunteer does not engage in the following activities: taking a child home; giving legal advice or therapeutic counseling; making placement arrangements for the child; or giving money or expensive gifts to the child or family.

How the Quality Assurance Process Works

Compliance with standards is assessed by National CASA in various phases. In the first phase, the focus is on program self-assessment. A local team of individuals from the CASA program will complete the self-assessment and submit it for an independent review, scoring and a report of the program's compliance. If a program demonstrates noncompliance on

items that could affect child safety, National CASA contacts the local program judge to identify areas which are out of compliance and the time frame for the program to correct the problems. Programs must complete the self-assessment every four years to maintain membership in National CASA. In the second phase of Quality Assurance, National CASA will offer programs the opportunity to participate voluntarily in an advanced assessment done on site by outside reviewers.

Once the self-assessment documents have been submitted by the local CASA program and scored by the independent reviewers, the National CASA Association will make a determination as to whether the program meets the basic requirements for membership. There are two types of program membership available. Provisional membership, for newly established CASA programs, requires compliance with only one standard: Program Development and Implementation. This standard covers the steps necessary to start a new CASA program on a solid footing. Full membership, for established CASA programs, requires compliance at the required level with all eleven remaining standards. A diagram detailing the process for both Provisional and Full National CASA membership is included in the Appendices. See Appendix E—Steps to Compliance for Provisional and Full Membership.

The intent of the Quality Assurance process is not to be exclusionary. Its purpose is to recognize programs that are operating competently across the board and to focus appropriate, intensive technical assistance on those programs experiencing difficulties so that every child is well served.

Challenges for Judges Regarding National CASA Program Standards

Juvenile and family court judges deal with complexities in the child welfare system. They face a constant tension among what needs to be done legally and holistically for each child that comes before them, the sheer volume of cases to be heard and administrative duties to be completed. There is never enough time or money to go around.

These competing priorities produce the challenges cited below. These challenges are not just about maintaining compliance with standards but about serving the best interests of children. By dealing with them proactively, judges can assure that their local program supports the core values embedded in the CASA mission: speaking up for the best interest of abused and neglected children in court through quality volunteer advocacy to help assure each child a safe, permanent and nurturing home.

Uphold the foundational principle of volunteer-based advocacy in the CASA program.

CASA programs are volunteer-driven. Volunteers are the unique element in the mix. The one-on-one contact between a child who needs a stable relationship with a caring adult and a volunteer who is doing this job without compensation and who has no competing interests is substantively different than contact between a child and an agency staff member who is carrying a drawer full of equally demanding cases. Older foster children are acutely aware of the difference and often verbalize their awareness. When a CASA program is challenged with the unreasonable expectation that it should serve every case without time to build up

the volunteer corps or that the program can only receive court funding if it takes every case, the program becomes trapped. Staff members begin taking cases. They have less time to supervise volunteers. The program then operates little differently from the local social service department: every child has an advocate assigned on paper, but there's not enough time for thorough advocacy. Even when volunteers remain, a two-tiered system begins to develop, often unintentionally. The "difficult" cases get reserved for staff because "they're too demanding for volunteers to handle." Pretty soon the undervalued volunteers begin to leave the program, and the staff contention that they cannot recruit enough volunteers becomes a self-fulfilling prophecy.

Preserve the distinction between advocacy and direct services.

CASA volunteers are trained advocates. They are neither trained for nor protected from liability when they serve in other roles. Because of their own commitment to the children they serve, advocates are often tempted to provide a direct service to a child: perhaps a task the caseworker or foster parent or school has not gotten around to or does too infrequently or too late. Judges need to support programs in keeping the distinction between advocacy and direct service clear and making sure volunteers are not pressured into performing duties outside their role as advocates. This is sometimes difficult, as similar temptations exist for the court. Cases involving the Interstate Compact on the Placement of Children are one example. Interminable delays in the receipt of reports occasionally generate requests from the court that the CASA program make an investigation, a responsibility that can only be properly executed by a licensed child-placing agency.

Keep children who have been adjudicated abused or neglected as the primary focus of the CASA program.

The mission of CASA is to advocate for neglected and abused children. These are the children who experience the greatest disruption to a normal childhood and whose parents are generally least able to speak appropriately for them. No child needs a CASA volunteer more. Because CASA volunteers are effective, comparatively inexpensive and submit reports in a timely manner, judges in some jurisdictions assign them to everything from divorce custody cases to guardianships to delinquencies. Certainly children who enter the court system through these portals may also have been abused, but the primary focus of the program should remain on the type of children it was designed to serve. While volunteer advocates can perform other duties with sufficient additional training and resources, they should be assigned elsewhere only after the program has built the capacity to serve all of its abuse/neglect cases. See Appendix F—National CASA Board Resolution Re: Private Custody Cases.

Expect in-person contact between CASA volunteers and the children assigned to them as an essential element of advocacy.

Advocating for a child's best interests requires that the volunteer get to know the child. The National CASA standards define this requirement as "volunteers have regular, in-person contact with the child, sufficient to have in-depth knowledge of the case and make fact-

based recommendations to the court.” How else can a volunteer legitimately determine which of a plethora of placement, medical, educational, therapeutic and other choices will serve the child’s best interests? How else can the volunteer’s recommendations be considered credible by the court? A paper review or a few telephone calls may provide some additional information, but the court should convey that these activities fall short of the CASA mandate to provide quality advocacy.

Assure that CASA staff and volunteers have access to legal counsel.

CASA volunteers and staff make no pretense about the fact that they are not attorneys (except in specific individual circumstances). Yet they work in the legal arena. To assure a level playing field and to offer the best quality advocacy possible for the children they serve, volunteers and staff should have access to legal counsel. This does not mean an attorney must accompany each and every volunteer to any and all hearings. It does mean that when there is a contested matter, when a question arises, when legal expertise or clarification is needed, there is an independent source available to meet the need. The informal provision of legal counsel from the bench places both the court and the CASA program in untenable positions. Judicial leadership sets the expectation that having access to counsel is basic to a quality CASA program and then assists the program in locating funding and *pro bono* legal help as available.

Maintain a reasonable supervisor-to-volunteer ratio in the CASA program.

Volunteers are a CASA program’s most precious resource and the most difficult to replace. They do not require coddling, but they do require adequate support and supervision. In fact, volunteer management literature cites lack of competent supervision as the single biggest cause of volunteer attrition. When advocates require a confidential sounding board, an answer to a question or a partner to brainstorm options with, a responsive supervisor who gets back to them promptly makes all the difference. The *Standards for National CASA Association Member Programs* specify a ratio of 1 full-time supervisor to every 30 volunteers. Generating the revenue to hire additional staff and doing so year after year is difficult. Programs that have not developed adequate resources to support growth are left with two poor choices: overburdening staff and losing volunteers or limiting recruitment and leaving children in their jurisdiction unserved.

Maintain a realistic volunteer-to-case ratio in the CASA program.

One of the most well known benefits of volunteer advocacy is continuity—in the life of the child and in the information transmitted to the court. If volunteer resources are stretched too thin, attrition rises, the child loses that one stable adult and the court loses that valuable historical perspective. There are a few volunteers for whom child advocacy is a full-time calling. However, most CASA volunteers work outside the home—50% of them in full-time jobs and another 13% part-time—according to National CASA’s 2003 Annual Program Survey. National CASA standards set a limit of no more than two cases per volunteer. To expect a volunteer to take on more than two cases at a time, each of which may involve several children, is courting burnout or settling for less than vigorous advocacy.

Resources for Program Development

A number of organizations and tools have been developed to assist judges and other planners with the start-up and maintenance of a healthy CASA program. These include the National CASA Association, the National Council of Juvenile and Family Court Judges, the National CASA/NCJFCJ Judicial Liaison Committee and state CASA associations. All of these “partners” are anxious to share their knowledge about CASA programs with those just starting out. In addition, a list of web-based resources is included in the appendices. See Appendix G—Website Resources for Judges Involved With CASA.

National CASA Association

Created to offer technical assistance and support, the National CASA Association employs regionally based program specialists to provide telephone, email and onsite consultation about program issues. See Appendix H—Directory of National CASA Regional Program Specialists. Judges can get help by contacting National CASA headquarters: National CASA Association, 100 West Harrison Street, North Tower, Suite 500, Seattle, WA 98119. (800) 628-3233 or email staff@nationalcasa.org. Finally, National CASA also produces guides and manuals like this one to give detailed instruction on all facets of program management. All of these materials are available from the Seattle office. Two that judges may find especially helpful are *Achieving Our Mission: A Management Guide for CASA/GAL Programs* and the *Guide to Program Development*. Many National CASA publications, including the volunteer training curriculum, can be downloaded from CASAforChildren.org.

The National Council of Juvenile and Family Court Judges

The NCJFCJ represents judges from all 50 states, the District of Columbia and U.S. territories as well as several foreign nations. The NCJFCJ provides assistance to juvenile and family court systems nationwide through various departments including the Continuing Judicial Education Department, which is responsible for education in such areas as delinquency, juvenile alcohol and substance abuse, child support and unified family courts. The National Center for Juvenile Justice focuses its efforts on juvenile justice research. The Permanency Planning for Children Department is focused on improving court and systems practice in child abuse and neglect cases through provision of training and technical assistance and research as well as its nationally recognized Model Court Project. The Family Violence Department assists courts in improving services to victims of domestic violence through training judges at the National Judicial Institute; serving as the National Resource Center on Domestic Violence: Child Protection and Custody; assisting states in enacting the Model Code on Domestic and Family Violence; and other projects. To learn more about the work of the NCJFCJ, visit ncjfcj.org.

Since 1972, the NCJFCJ Permanency Planning for Children Department (PPCD) has played an essential role in helping judges make sure each child’s case is handled expeditiously and that safety, permanency and well-being are paramount. In addition to working with judges, the PPCD offers training and technical assistance designed to help social workers, attorneys, CASA volunteers, treatment providers, community members and other court professionals improve the effectiveness of court permanency planning efforts. In 1995, the PPCD released a major publication to help courts better respond to child victims entitled *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases*, which has served as a national blueprint

for court improvement projects. The PPCD's Research Division conducts research in individual jurisdictions and in states based on a wide variety of issues and practices. The PPCD continues to publish *Technical Assistance Briefs* and *Technical Assistance Bulletins* to provide system professionals with practical tools for improving practice. The publications focus on various research and topical issues of interest to juvenile and family courts such as adoption, judicial leadership, cultural considerations, representation, educational outcomes for foster youth and infant and toddler mental health. They are currently available upon request or through pppncjfcj.org.

To learn more about the PPCD and its various projects, to receive information about publications including the *Resource Guidelines* or for technical assistance or training program dates, contact NCJFCJ's Permanency Planning for Children Department, Training and Technical Assistance Resource Division, University of Nevada, Reno, P.O. Box 8970, Reno, Nevada 89507, telephone (775) 327-5300, fax (775) 327-2393, pppncjfcj.org.

The Judicial Liaison Committee of the National CASA Association/National Council of Juvenile and Family Court Judges

National CASA and NCJFCJ have formed a partnership to reach out to all judges who hear child welfare cases in an effort to educate them about the mission of National CASA; the mission of NCJFCJ; the improved outcomes for foster children when a CASA volunteer advocates for a child; the “best practices” in child welfare cases established by NCJFCJ Model Courts; important legal issues in child welfare cases; and the resources and technical assistance available to judges through both national organizations.

Both organizations are fully committed to giving technical assistance to judges undertaking the establishment of a new CASA program. To this end, the committee has recruited the support of a group of “mentor judges” who have successfully participated in the development of a CASA program. If you are interested in starting a CASA program and would like to have a mentor judge assigned, please advise National CASA at staff@nationalcasa.org.

A web-based newsletter for judges is published quarterly and is available at CASAforChildren.org. Go to the *Judges* section to access the newsletter and to subscribe for quarterly emails notifying you of the latest issue's publication. The newsletter is written for judges who hear child welfare cases and is intended to keep judges up to date with cutting-edge issues in the field as well as case law trends and new legislation. It also provides numerous links to myriad online resources for additional reference and research.

State CASA Associations

State associations have been formed in 46 states to offer technical assistance and support in partnership with National CASA. See Appendix I—State CASA Association Contact Information. These organizations vary greatly in size and resources. Some are small, one-person not-for-profit agencies. Others are much larger offices, sometimes under the aegis of a government agency such as the Administrative Office of the Court. These organizations are charged with helping local programs develop, maintain quality operations and continue to increase the number of children being served by volunteer advocates across their state.

State associations offer a wide range of expertise and services. They have substantial experience with program start-up. Many have a work plan that targets certain areas of the state for CASA development, based on need and the association's resources. State association staff can assist judges in their role as conveners. In addition, state associations are a good source of state-specific information for judges, such as:

- Potential funding sources within the state and those being used by other programs.
- How the various existing programs within the state operate.
- Names of judges using various program models.

Chapter 5

Judge's Role in Planning a CASA Program

“It is not enough for us to move children from at risk to survival. They must move from survival to thriving. This cannot be accomplished without effective volunteer advocacy for each child subject to state action based on maltreatment. It cannot be left to others. Protection of children and families is the duty of the entire community, not just the court and agencies.”

—Retired Family Court Judge Richard J. FitzGerald
Louisville, KY

The mechanics of putting together a CASA or GAL program remain fairly constant whether the effort is judge-driven or originates elsewhere in the community. Once a judge determines that the necessary time and assistance are available, there is a series of tasks to be accomplished in each phase of program development. They are detailed in general terms below, with additional commentary on the judge's role. This series of tasks is covered in greater detail in the National CASA *Guide to New Program Development*.

There are three tasks in the planning phase. The first is building a team. This requires uniting often divergent professional groups in support of a new program to help children. The second is collecting local child welfare statistics and assessing the level of interest from the community. If community support is lacking, use the data that has been collected to make the needs of abused and neglected children widely known and felt in the community at large. This is critical since the community will be the source of volunteers and, in most cases, financial support. The third task is to assure that all the stakeholders have a clear understanding of the rationale for the program and their respective roles.

Enlisting Help

A strong CASA program starts with able people committed to a cause. This collection of people may be called a planning group, a steering committee or a task force. This group achieves the best results when all relevant community factions are represented. There are two reasons for this: disparate perspectives and experience reduce the likelihood of design flaws in the program, and involving a variety of people in the early planning of a project generates widespread investment in its success. Reaching consensus within such a group is a challenge, but it is offset by future gains. The judge should expect to mediate opposing viewpoints from time to time.

The team should be knowledgeable, representative of the community and professionally diverse. Most judges have a good idea of whom to enlist. Some likely candidates for membership include individuals who have expressed an interest in starting a CASA program, child welfare staff and attorneys, counselors, private social service providers and representatives from the broader community. Members should be chosen because their skills or contacts match the needs of the program. Those with an interest in children's issues and leaders of organizations that could provide financial support or a cadre of volunteers are logical choices.

Some of these people will become the nucleus of the organization. Others will have an ongoing working relationship with the program. Still others will do a job in the planning stage and move on to other responsibilities. It is up to the judge to make that expectation clear from the outset.

Observe the strengths and weaknesses of team members. Who is the mediator, the advocate, the analyst, the writer, the organizer? Who is the monopolizer, the naysayer, the critic, the member with no follow-through? Keep these observations in mind as the project moves toward implementation. They can be helpful in deciding who might be a good choice for a governing or advisory board position or who might be helpful in the staff selection process.

Cooperation from the bar and social services is essential. As part of the team-recruiting process, speak with the attorneys who practice in juvenile court, sharing the reasoning behind the establishment of a CASA program. Make the level of judicial support clear. Assuage fears. Help attorneys understand how trained volunteers can function as partners and extend their reach by doing time-consuming investigatory work. Discuss how the program will be managed and what mechanisms will be in place to handle complaints or disagreements. Do the same with the department of social services.

Set a tone of cooperation. Build bridges. A judge who was about to establish a court-based CASA program knew that the local social services director was apprehensive at the prospect. When recruiting staff for the new program, the judge sought suggestions from the social services director. He allayed some of her anxiety by saying that he was looking for a director with a certain skill set, but equally important, a person with a collaborative work style.

Reassure social services personnel that the institution of a CASA program is neither a reflection on their competency nor an attempt to establish judicial oversight of the agency. It is a way to get an independent perspective, to provide more complete information to the court and to advocate for one child at a time, a luxury the department will never have. Start with the director, but make sure that the message of judicial support is understood by line supervisors and field staff as well since that is where real implementation takes place. If the court has had concerns about departmental performance in the past, be open about how the use of CASA volunteers will impact practice.

Model commitment to the project and secure it from others. The judge might call or attend the first meeting only and then turn it over to the planning committee. The tasks listed here can be effectively delegated if help is available:

- Gather and share some basic information: a roster of participants, goals and possible activities prior to the first meeting.
- Spend a little time setting the stage. Introduce the participants and make a brief comment about why each was invited and what value they bring.

- Have nametags for the first few meetings.
- Calendar meetings carefully. Attend them consistently and urge others to do likewise.
- Plan the agenda thoughtfully and send it out before the meeting (to capture the best input from reflective thinkers).
- End on time.

Simple procedures like these will help the program get off to a fast, strong start.

If additional information is needed prior to the first meeting, getting in touch with resource people may be helpful. Judges can call the director of their state CASA organization, if one exists. The director can provide consultation, written information and names and phone numbers of other programs around the state. Talking to judges and program directors from other successful CASA programs, especially those using the structure the community is contemplating, is highly recommended. Ask about start-up strategy, common pitfalls and funding availability. The information gathered can be collected in a fact sheet for the task force, if desired. Similar information on a national scale can be provided by National CASA's regionally based program specialists.

Gathering Data

Regardless of how familiar a judge is with the effects of neglect and abuse that are observed daily in the courtroom, that information must be translated into forceful, attention-grabbing data to generate concern in the community. Facts like how many children are in care, how long they stay and what happens to them when they leave should be publicized. Terms like *permanency planning*, *foster care drift* and *special-needs adoption* should be explained. Information about the local juvenile court system should be highlighted, such as how many cases are heard, how much time is allotted to each case, how abused/neglected children are currently represented and how a CASA program could help. The statutes regarding a child's right to be represented in such proceedings are also helpful.

Gathering information is one of the first responsibilities of the steering committee. Although the court may have substantial raw data, having the planners assemble the facts and analyze their implications has several benefits. Team members all operate from the same knowledge base. They gain information which enables them to speak credibly on the needs of children. The judge is no longer the only authority on this topic. Public awareness spreads more quickly to the broader community while, at the same time, the judge is freed up for other duties. Most importantly, this kind of one-on-one research initiates collaborative relationships with other agencies that will be important to the future work of the program.

Obtaining child welfare information from court and social services records is often more problematic than anticipated. Although both keep extensive documentation on individual cases, they often have difficulty producing the aggregate figures necessary to respond to the questions below. Judges should give the agency and the court staff some lead time to research answers. Providing reasonable advance notice and the rationale for the search is likely to secure their cooperation. It is also wise to prepare the planning committee for less than total success. Sometimes, the very lack of evaluative data can help convince the community of the need for a local program.

Questions to start with:

1. How many reports of abuse and neglect were made to child protective services last year in your jurisdiction?
2. Of the reports received, how many were substantiated?
3. How many new abuse and neglect cases were filed in juvenile/family court last year?
4. How many children in your county are currently in foster care placements?
5. What cultural and ethnic groups are represented in the child welfare population in your community?
6. How does the percentage of minority children in foster care compare to the percentage of minority population as a whole?
7. What is the average length of time children remain in foster care placement before a permanent plan is achieved?
8. How many children were terminated from court involvement last year?
 - a. Of that number, how many were returned home?
 - b. How many were placed with relatives?
 - c. How many were placed for adoption?
9. How many children in your county are currently waiting for adoption?
10. Is every child involved in an abuse or neglect proceeding appointed a guardian ad litem? If not, which cases do receive appointment? How many children were represented by a guardian ad litem last year?
11. Who currently provides guardian ad litem services?
12. What was the total cost of the current system of guardian ad litem services last year?
13. Do either court rules or state statute define the role of the guardian ad litem? If yes, what is it?
14. Does your state statute specify who can serve as the guardian ad litem? If yes, who can serve?
15. What is the average number of cases carried by a protective services social worker?
16. What is the average number of foster care placements for each child in foster care?

In addition to drawing conclusions about the child welfare system from the statistics, the task force and eventually the community need to hear “the perspective from the bench.” Seeing the judge involved in the planning work, community members assume that the court is dissatisfied with the present system but may know nothing more than that. Judges should share specific concerns in writing, including the rationale for seeking change and what they would like to see implemented. Avoid language that could be construed as blaming others. Focus on children’s needs and judicial limitations. For example, does the court take issue with the quality of representation children currently receive, the amount of money being spent, the lack of information provided or all of the above?

Decision-makers who are less knowledgeable about the system can be swayed by a judge’s opinion if it contains a clear explanation of the issue. Pull together a brief synopsis to accompany the other data being gathered. Include charts and examples from court experience that can be shared without violating confidentiality. This summary (or applicable parts of it) can be used repeatedly in articles and presentations to raise awareness. Having the information at hand enables the judge and other team members to more easily disseminate the facts about the community’s abused and neglected children and make the case for a CASA program.

Assessing Community Support

The next step is to determine whether the level of community support for a local CASA program is sufficient for survival. Polling a cross-section of people with whom the program would interact is one way to find the answer. While surveying community members is a task to be split among the planners, judges can be especially helpful in accessing individuals who might otherwise be unapproachable. Judges also know the attorneys who practice in their courtrooms: which ones are influential with their peers, which ones are familiar with juvenile law. These critical-to-the-process individuals can be targeted by the planning group.

The questions below should be asked of child advocacy groups, bar association members, civic/social clubs, communities of faith, funders such as United Way and local foundations, service providers to children in the system, volunteer organizations and leaders from the business community. The local bar should be approached early in the process; likewise, child advocacy organizations in the area. Their opinions have considerable influence on others. Begin by describing a CASA program in general terms (to those unfamiliar with the concept) and asking if their organization would support the development of such a program. Depending upon who is being asked, the question can be framed to seek a general endorsement, financial or in-kind assistance or all of the above.

Further questions to ask include:

1. Does this community have a history of successful volunteer programs?
2. Is there potential for local funding?
3. What are the strengths of the community which will facilitate the development of a CASA program?
4. What are the barriers? What are the strategies for overcoming them?

In addition to factual information, intangibles such as the local political climate, mood of the community and history of children’s services leading to the current system can be gleaned from some of these interviews.

If initial inquiries indicate a pressing need for CASA services but a weak support system, it will be necessary to shift the focus to eliminating barriers before proceeding. Use the facts amassed in the assessment process to inform and convince the community. Designated members of the steering committee, as well as the judge, can contact local media, solicit speaking engagements and make personal contacts to communicate the need for and the plan to start a CASA program. The larger community has to learn about and champion the cause if there are to be adequate volunteers and financial help in the future. In most communities, adequate support exists, especially once the facts about the children in the system and the “remedy” are publicized.

Selecting an Administrative Structure

Even before reviewing the options for program structure listed in Chapter 3, most judges have a sense of which one will serve the needs of the jurisdiction best. If the decision rests solely in judicial hands, the judge can help the planning team understand the rationale for the choice and share its advantages and disadvantages. If the team is involved in the decision, make sure adequate information about each model is provided beforehand. Whether a governing board or an advisory council is set up, some members of the steering committee will probably form the nucleus. It is important to work toward consensus on the administrative structure among those who will have a continuing role within the organization.

Nonprofit Corporation

If the decision is made to form a nonprofit corporation, the board becomes a full-fledged governing body. It is charged with all the attendant obligations: fundraising (after federal and/or state tax-exempt status is achieved), policy setting, financial monitoring, program evaluation and the hiring of an executive director. Board members take real and legal responsibility for the actions of the organization. Even though judicial input will continue to be sought, judges are excluded as voting board members since the governance responsibility creates a conflict of interest.

Board composition is a key to program success. Help those who are recruiting board members to assess the skills needed to run the program. Encourage them to choose people from the original planning team whose talent and dedication fit program needs and to fill in the ranks with other individuals who bring missing skills and fresh energy. Look for people of diverse perspective and background. Fundraising skills, visibility in the community, commitment to the organization and time available to serve are also important characteristics. Avoid those whose commitment to their own agencies would cause programmatic or financial conflicts of interest.

Umbrella Agency

If the CASA program is going to operate under the umbrella of a larger 501(c)(3) agency, a number of board-related issues should be explored. Governance remains in the hands of the umbrella organization, but how will it be handled? What is the role of the umbrella agency’s board in relation to the CASA program? Will the CASA program have one or more designated representatives on the umbrella agency board? Will the program have an auxiliary group or advisory council that advises, heightens public awareness and sets some programmatic goals—perhaps even raises additional funds? What is the financial relationship

between the CASA program and the umbrella agency? How will the future of the CASA program be decided?

How these questions are answered helps determine what role any auxiliary group might assume. A group can be formed to manage whatever elements of CASA operations are outside the control or expertise of the umbrella. For example, if no other agencies within the umbrella organization use volunteers, a CASA auxiliary might help with recruitment.

Those responsible for the program should insist on the safeguard of a written agreement between the umbrella agency and the CASA program, detailing the decisions reached. The agreement should contain a provision for periodic reevaluation of the relationship, perhaps every two years.

Court- or Government-Administered

If the CASA program is operated by the state or the court, governance is the function of the administering agency and a board of directors is not necessary. CASA program staff will operate under the same provisions and receive the same benefits as all other employees of the governing entity such as a county, city or tribe. However, National CASA standards and sound practice advise the formation of a group of program supporters to serve as an auxiliary or advisory council. Its members participate in various activities such as public awareness campaigns, volunteer recruitment, fundraising (if they have secured tax-exempt status) or all of the above. When money is raised, it is usually designated for program needs or children's needs that are not covered by administrative funds. Within the program, for example, funds may be used to send staff or volunteers to in-service training or upgrade computer equipment. As a part of child advocacy, monies can be spent to provide tutoring, extracurricular activity fees and the like.

Although not a governing body, an advisory group is important in the life of the organization. Since the duties of such a group can vary widely, it is helpful to decide beforehand and put in writing:

- The purpose of the group
- The duration of its activities
- The criteria for member selection and the length of terms
- Its specific responsibilities and expectations
- Its relationship with the administering body and staff

Establishing a Board of Directors or Advisory Council

When building a board of directors or advisory council, it is important for the planning committee to know both who should be included and whom to avoid. For either type of organization, make sure diverse ethnicities and perspectives are represented. Recruit people with the necessary skill sets. For a nonprofit board, these include technical, human resources, public relations and marketing, business, finance, legal and fundraising expertise. Many of these areas of knowledge could be the same for an advisory council, depending on its functions (see previous section). It is equally vital that founding board members have the time and the commitment to get the job done.

Since boards of directors have governance and fiscal responsibility, the planning committee should consider any possible conflicts of interest before extending invitations to prospective

board members. For example, social service employees and foster parents are often proposed as board candidates because of their extensive experience with the child welfare system. However, when a difference of opinion between the CASA program and the department occurs, as it inevitably will, these individuals may find their duty as employees/contractors at odds with their responsibility as board members. Being placed in a no-win situation or having one's position viewed as suspect because of divided loyalties is not fair to the individual or the board. Similar conflicts can occur with attorneys who regularly represent any of the parties in abuse/neglect cases, so it is wise to avoid choosing from that group as well.

Judges who have been instrumental in bringing CASA to the attention of the public are often asked or expected to sit on the program's founding board. It is more effective for a sitting judge to serve as an information resource to the board than a member. Judicial input can be contributed informally without the time-consuming duties and conflicts of interest of full board membership. Including a retired judge on the board is another way to provide a perspective from the bench.

In addition to programmatic conflicts, financial conflicts of interest can also exist in a nonprofit board. While examples such as board members receiving preferential treatment as contractors to the organization are familiar, there is a more subtle type that founders would be wise to avoid. In their desire to attract board members with program expertise, some CASA programs fill numerous board slots with the leaders of other community agencies. While these people often have desirable skills, their primary allegiance is (and should be) to their own organization. They cannot easily approach funders or be seen publicly fundraising for the CASA program at the real or perceived expense of their own agency. Consequently, board capacity for resource development is severely depleted.

Board size is always a consideration. Unfortunately, there is no magic number. The ideal board is large enough to carry out its responsibilities but small enough to act as a deliberative body. Boards that are too small burn members out. Boards that are too large dilute a member's sense of personal responsibility for the activities of the organization. In both cases, the individual loses interest, and the organization loses that person's contribution. While one or two "figurehead" board members may be needed to attract public attention initially, there should be an adequate number of "doers" to accomplish the mission.

Securing Funds

Most of the tasks associated with founding a CASA program are made easier by virtue of judicial involvement. Not so with fundraising, which involves numerous ethical considerations. The rule "forbidding any direct fundraising solicitations by judges, while allowing judges to support specific projects or programs under consideration by public or private funders" seems clear (*A Judge's Guide to Improving the Legal Representation of Children*, edited by Kathi L. Grasso, May 1998). However, advisory opinions are less so. Please refer to Chapter 7, "Ethical Considerations for Judges Involved with CASA Programs."

Developing a Mission Statement

Every CASA program should have a mission statement. If the program is a not-for-profit, developing the mission is one of the first functions of the board. If one of the other administrative structures is used, the statement becomes the responsibility of the court or the

advisory council. Regardless of who formulates it, a mission statement should briefly describe the ultimate aim of the program. Input from the bench can keep the group from straying toward vague ideals like “helping abused children” or utilitarian activity lists that omit any vision for the future. The key is to define the mission in realistic, achievable terms so that progress can be measured over time by both participants and funders. See Appendix J—Sample Mission Statements.

Coming to an agreement on the mission statement is an important step in team-building because it gives the group direction for the future. The statement also provides information to share with the community as support is being sought.

Creating a Charter and Bylaws

The preparation and adoption of a charter (if required by state law) and bylaws will be among the first duties of the board of directors. See Appendix K—Sample Bylaws. Boards are so diverse in their make-up that it is difficult to compile a master list of the items that should be present in a set of bylaws. One shortcut is to examine the bylaws of other nonprofit organizations in the community that are willing to share. The local United Way and library are also possible sources of information. A review of the proposed documents by the judge can assist the board in determining whether changes or additions are needed.

Choosing a Name and Organizational Image

Another task for the new board is to choose a name and visual image for the program. The National CASA Association encourages the use of the trademarked CASA name for several reasons. It links the local program with the identity of the entire CASA movement. When ABC News does a story on “CASA” or Congress endorses and funds CASA, people in the community begin to understand that their program is part of a national organization. This kind of identification is invaluable in familiarizing the public with a newly established local organization.

The concept of using CASA volunteers began at the local level in most regions of the country. Programs were established in one community at a time and named as founders saw fit or as state legislation mandated. One of the few downsides of this grassroots development is that the CASA movement does not have what marketers call “brand identity.” While more than half the programs call themselves CASA, there are scores of programs with names like *Volunteers for Youth Justice*, *Voices for Children* and *ProKids*. Another 25% are known as guardian ad litem (GAL) programs.

Unfortunately, this diversity of designations is confusing. It dilutes the strength of the movement, especially when it comes to national recognition. The lack of a universally accepted name makes it difficult to compete with agencies like the American Red Cross or the American Cancer Society for dollars, volunteers and national prominence. The National CASA Association continues to research ways to improve this situation, such as the new logo that debuted in 2004 and works with various program names. In the meantime, judges who are aware of this dynamic can educate board members to see the value of incorporating “CASA” in whatever name is chosen for the local program.

Devising the Court/CASA Program Agreement

One of the most important responsibilities a judge assumes in instituting a CASA program is formulating a written agreement between the court and the program that specifies the responsibilities of each. See Appendix L—Sample Court and CASA Agreement. This document, sometimes referred to as a “Memorandum of Understanding,” is basic to a well run CASA organization and benefits the court in several ways. Performance expectations are explicit, so volunteers and staff can be held accountable. The agreement reduces the likelihood of conflict with social services, attorneys, care providers, etc. by clearly defining the role of the CASA volunteer. Because the agreement is a written document, it is easily shared with new personnel and can be referred to when a practice or incident is called into question. The potential for future misunderstandings and credibility damage is greatly reduced. Even if the program is court-based, such an agreement makes the expectations of the court and the logistics necessary to accomplish them transparent to the other people in the system.

Because the work of the CASA program is so closely tied to that of the social service agency, a document defining the relationship between the two organizations is necessary as well. It may be combined with the court agreement, if desired. See Appendix M—Sample Court, CASA and Social Services Agreement. The goal of either a two- or three-party agreement is to provide a clear, mutual understanding of how the parties function in relation to each other.

A good way to begin is with the program’s mission statement. Everything that follows is a means to that end. The remainder of the agreement:

- Sets out a system for prioritizing cases
- Defines the roles and duties of volunteers, staff and judge
- Delineates notice procedures
- Establishes formal lines of communication and may include a grievance procedure
- Reaffirms confidentiality requirements

Case Prioritization

Judges are rarely able to refer every case to the CASA program. In most jurisdictions, the number of cases far exceeds the number of volunteers, especially in the start-up phase. Volunteer availability is also constrained by supervisory capacity. One full-time supervisor is required for every 30 volunteers according to the standards of the National CASA Association.

Because of these limitations, decisions must be made regarding case priorities. One important consideration is that early case assignment of CASA volunteers results in greater benefits to the child and less volunteer attrition. Any decisions regarding a system of prioritization should be preceded by candid discussions among the presiding judge, CASA staff and the social service agency. Once each perspective is explored, standards can be instituted with a mutual understanding of the rationale behind the final choices. Categories may have to be drawn more narrowly than those below (or expanded over time) to keep the number of cases roughly equivalent to the number of volunteers. Some options to consider when ranking cases for referral are listed below. The first priority should always be children

who have newly entered foster care. The remaining factors below are not in any order of priority:

- Children who are part of a sibling group
- Children for whom the plan is termination of parental rights/adoption
- Children for whom the plan is to return home within 3-6 months
- Children who have been in care for more than a specified period of time
- Children under a certain age (often zero to 3, in response to the research on irremediable brain damage that neglect or abuse causes at this developmental stage)
- Children who are victims of specific types of maltreatment such as failure to thrive, sexual abuse or in utero drug exposure
- Children who require specialized placement such as those with suicidal behavior, HIV positive status or dependent teen mothers with infants

Volunteer's Role and Duties

The agreement details what a CASA volunteer is and is not. The agreement also lists or describes:

- The minimum qualifications, screening procedures and confidentiality obligation of volunteers
- Whether the CASA volunteer operates as a party to the case or a friend of the court
- The advocate's function using a definition similar to the one in Chapter 3 or quoting the state statute if an applicable one exists
- How the CASA volunteer's recommendations are in no way determinative of the court's decision in a case

This section also affirms the volunteer's responsibility to report suspected abuse or neglect to the appropriate authorities but not to provide casework services.

Supervisor's Role and Duties

The agreement covers supervisor/volunteer interactions and frequency of contact. It stipulates that all areas of volunteer management are the responsibility of the program staff: recruitment, screening, training and supervision. This includes certifying when volunteers are ready to begin service, assigning them to individual cases, developing a plan of work and terminating their involvement.

Describing the administrative structure in the agreement reinforces the identity of the CASA program as separate from the court itself. The description makes clear that the appropriate channel for complaints is the director or volunteer supervisor, not the judge. It also confirms that case assignments are made by CASA staff that possess the necessary information to match the needs of each child with the volunteer who has the skill, experience and availability to handle them. The judge is distanced from any appearance of manipulation.

Judge's Role And Duties

The agreement specifies the judge's court-related duties: swearing in volunteers, referring cases to the CASA program at the earliest possible stage (according to the predetermined

priorities), ordering the appointment of a specific volunteer after assignment, informing social services of these case developments, providing CASA volunteers with access to court records, maintaining a regular schedule of management meetings with the CASA director and terminating the appointment of a CASA volunteer when a case closes.

In most jurisdictions, the judge uses a standard order to refer a case to the CASA program and another one to appoint a specific volunteer. See Appendix N—Sample Court Referral to CASA Program and Appendix O—Sample Court Appointment of CASA Volunteer. Copies of these forms may be used to notify social services and all other parties of a CASA volunteer’s involvement in a case, or specialized forms can be developed. The appointment order should include a description of the volunteer’s legal role and a statement that the volunteer is to be given access to all records involving the child and family.

In some areas, medical providers were reluctant to release information to CASA programs after the Health Insurance Portability and Accountability Act (HIPAA) became effective in 2003. To assure continued access to health care records and avoid potential objections by covered entities in the post-HIPAA environment, judges should assure that the wording of any court order appointing volunteers expressly authorizes access to “protected health information.” The order should also acknowledge the volunteer’s responsibility to maintain the confidentiality of the information received. These provisions help convince agencies unfamiliar with CASA programs that it is legal for them to share confidential information with volunteers.

The requirement for judge/director meetings is included in the agreement as a way of emphasizing the importance of regular contact. Discussions are strictly confined to general program issues, never case specifics. A new director needs a significant amount of feedback, especially in the early stages of the program. Maintaining this connection is the surest way to prevent or defuse problems. Confering once a month is helpful. Meetings need not be lengthy: a brown bag lunch or a half-hour conference is sufficient. Some meetings may include other agency personnel as well. Frequency generally declines as the program gains momentum, but regular contact should continue.

Information Flow

The agreement identifies how case information will be accessed and transmitted, beginning with the referral of a case to the CASA program. Case assignment procedures should be spelled out. In some jurisdictions, the court sends all cases to CASA program staff with the understanding that they will choose the ones they have volunteers available for and the remainder will be returned to the court and assigned another form of representation. In other jurisdictions, the court designates a person or agency to choose which cases are referred. Most courts simply limit the number of cases referred to the number of volunteers that the program director has indicated are available at any given time. Whatever process is used, the focus should be on early and consistent assignment of available volunteers to children in need.

In addition to describing the referral process, the document specifies how the program is to receive information from the court and vice versa, the process for accessing court and social service records, the need to keep social services informed and who in each agency is responsible for each task. Finally, the agreement delineates the requirements for court reports, both written and verbal, and reinforces the expectation of confidentiality.

Overcoming Resistance

Significant changes in most local child welfare systems are necessary to accommodate a CASA program. While the court views these changes as improvements, other participants, especially professionals, may be less certain or may even perceive them as losses. Opposition, overt or covert, should not come as a surprise.

If opposition surfaces, one approach is to determine the basis of the individual or group's resistance and reassure them on that point, if possible. What negative effect do they anticipate as a result of the proposed program? Is it personal (loss of face), financial (reduced income potential), employment related (reprimand, loss of job, impossibly heightened standards) or some other outcome?

From Social Services

Sometimes opposition is based on misinformation. For example, social service personnel may view the CASA program as some sort of judicially mandated watchdog agency. They may wonder what behavior or omission on their part warranted oversight of their work by people without social work education or experience. If that is their frame of reference, the presence of CASA volunteers is easily perceived as a criticism of their performance, an affront to their professionalism and a threat to their job security. The implied reproach is all the more stinging to staff who cannot fully utilize their skills due to overwhelming caseloads.

Social service involvement in the development of a CASA program can only partially allay these fears. The personal reassurance of the judge that the program is neither intended nor empowered to oversee social services is a necessary companion piece. The judge can reiterate that the CASA volunteer's only function is to advocate for the best interest of the child, a goal shared by all the parties. Judges can point out that although the two agencies will undoubtedly have occasional disagreements, social service departments in many communities have become the CASA program's biggest supporters after seeing the information and resources that volunteers can bring to a case. Social service professionals should be encouraged to talk to colleagues in their field who have had experience with volunteer advocates.

Judges can also point out that many CASA volunteers are willing and able to advocate outside the courtroom for needed changes. By virtue of their role, their strength as a group and the time they have available, volunteers often influence legislators and funders. Because of their experiences as advocates, they can speak credibly regarding the unmet needs of children in the system. While complaints from child welfare staff are often dismissed as self-serving, those originating from volunteers are not as easily rejected. Lastly, judges can remind agency staff of previously established channels of communication and grievance procedures that have been incorporated in interagency agreements to provide a forum for conflict resolution.

One way for judges to assure a broad-based understanding of the CASA program's role is to propose and participate in an orientation or introductory training on this topic for social workers and line supervisors. A short session clarifying the rationale for the program and reviewing the contents of the agreement can be helpful.

From the Bar

Opposition to a volunteer advocacy program can also come from the bar. Some attorneys may have the misperception that CASA volunteers are untrained lay people attempting to provide legal services to abused and neglected children. Judges must demonstrate to skeptics that the necessary foundation is in place to operate a quality program in their jurisdiction. Strong provisions for volunteer screening, training, supervision, access to counsel and grievance resolution are helpful in reassuring doubters.

Attorneys may view the institution of a CASA program as a negative reflection on their work. They may be unprepared or unwilling to work in tandem with volunteers. They may worry that the already limited funds available to pay for attorney GAL representation will be stretched even further. All of these are legitimate concerns that can be answered by the presiding judge. Knowledge of the local bar, especially those who practice in the child welfare area, will dictate whether matters should be handled formally or informally, individually or in a group, in writing or in person or both.

Cross training can sometimes be used to lessen resistance. Exposure to topics outside the boundaries of the legal profession can alter attitudes. A presentation on the developmental stages of children or permanency planning considerations can help attorneys see the need for CASA volunteers. Sometimes advanced training sessions can be offered jointly to attorneys and volunteers. Participating in a workshop together breaks down barriers and makes a shared perspective more likely in the future. Another variation is to ask attorneys to develop a curriculum or deliver training to volunteers on issues about which they have expressed concern or in their areas of expertise, such as gathering evidence or testifying.

From the Court System

Other judges may be apprehensive about the impact of a CASA program operating in the next courtroom. If so, take time to seek them out. Discuss their concerns and answer questions. Share the reasoning behind this approach and encourage further conversations in the future.

Responding to Common Objections Regarding a CASA Program

Another way to overcome resistance is to anticipate and prepare for likely objections. Here are some of the specific issues often raised when the concept of a volunteer child advocacy program is first introduced to professionals and citizens in a community. The responses are drawn from real program experience. While the responses provided will not resolve all concerns, they can be used to steer the dialogue in a positive, helpful direction.

Objection: “Adding one more person to the process is unnecessary and will further complicate the handling of the case.”

Response: Children are already involved in the process, and their interests must be considered by a number of persons under the present system. Yet when so many people and so many institutions are involved on the child’s behalf, sometimes the focus on the child gets lost. The CASA

volunteer can be the thread that pulls all of these resources and caring people together. Designating one specially trained advocate to speak for the child is more efficient and may actually save time since programs train volunteers in negotiating skills that can sometimes facilitate the progress of difficult cases (cases otherwise stalemated or polarized).

Objection: “The caseworker is a trained professional and does not need an untrained lay person interfering in case planning and management. The volunteer would be practicing social work without the training.”

Response: Social workers are indeed trained professionals hired for their knowledge of child development, the dynamics of abuse and neglect and skills in helping families solve problems. The CASA volunteer does not practice social work and has no decision-making authority. When volunteers testify in court, they are not considered expert witnesses. However, the volunteer does receive extensive training and has been selected because of the ability to be thorough and objective. CASA volunteers can help social workers who have high caseloads by giving the kind of focused attention to children that social workers would if they had more time.

Objection: “The system is working fine; we do not need anyone else checking on us.”

Response: The use of CASA volunteers is not limited to courts and social service systems that are experiencing problems. Children are entitled to representation of their best interests as specified in the Child Abuse Prevention and Treatment Act. The use of trained volunteers in that role has proven a cost-effective model for meeting that requirement. The CASA volunteer serves as an adjunct to the system, ensuring that the system works well for the child.

Objection: “If a new program is developed, funding will likely be cut from some other program to support this one because there is no new money in this community to support new programs.”

Response: The impact of all permanency planning efforts is felt in the long term with a reduction in the costs of foster care and reduced workload of court and social service personnel. By utilizing attorneys in an efficient manner, volunteers have actually saved money while offering greater representation for children. They can provide the background information necessary for the attorney’s legal case.

Objection: “CASA volunteers are practicing law without legal training or a license.”

Response: CASA volunteers receive extensive training in the substance of child welfare laws and local court rules in addition to the workings of the court system. However, CASA volunteers do not practice law. They have access to legal counsel to advise and represent them in legal matters and procedures beyond the scope of their training.

Objection: “Volunteers cannot be trusted to work in the court system, carrying so much responsibility.”

Response: One of the foundations of the judicial system in the United States is the use of citizens as jurors. They are charged with the very serious responsibility of deciding the outcome of cases based on evidence presented. The CASA concept also assumes citizens are capable of responsible participation in the court process and provides specialized training, clear role definition and professional supervision to guide and support the volunteer.

Objection: “What about the potential for liability when volunteers are used in the court?”

Response: Some states have specific legislation addressing the issue of liability of volunteers in general or specifically CASA volunteers. Some nonprofit agencies have purchased liability insurance coverage for their volunteers. Whether or not a volunteer is covered under the state’s liability protection or through a county risk maintenance plan will depend entirely upon the jurisdiction.

Objection: “The information in cases of alleged child abuse and neglect is confidential and very sensitive. No one from the community should have access to that information about families and children in the community.”

Response: The CASA program emphasizes the importance of confidentiality when training its volunteers. The role as the child’s representative makes the CASA volunteer a recognized part of the proceeding, with the need to know the information available to the other parties and the same obligation to handle that information confidentially. The success of the existing CASA programs indicates that the confidentiality issue can be adequately addressed, and most programs state explicitly that violation of confidentiality is grounds for dismissal of a volunteer. In many programs, volunteers are required to sign an oath of confidentiality.

Turning Over the Reins

Once the policy pieces are in place, the major task remaining is to hire the executive director. Whether program governance will be done by a judge, an umbrella organization or a nonprofit board, the challenges are similar. Clear boundaries must be drawn and understood by all parties. In a court-administered program, things like employee benefits, supervisory relationships, revenue sources and workplace procedures will already be established. In the other two administrative structures, the governing bodies will make policy in those areas and many others, set future goals and raise the money to achieve them. All these things happen with the input and assistance of the executive director, but they are the ultimate responsibility of the board. The director, on the other hand, must determine how to implement the policies on a day-to-day basis and reach the goals the board has set. Trust and communication are essential.

A Glance at Volunteer Training

Beyond administrative functions, the executive director is usually responsible for volunteer management until the program grows large enough to hire additional staff. This includes recruitment, screening, training, supervision and evaluation. National CASA has various tools and procedures to assist with this segment of the job. Most of them are beyond the scope of this publication since they are not the responsibility of the judge. The exception is the *Volunteer Training Curriculum*, one segment of which judges are asked to present. To familiarize judges with the curriculum content, a brief summary is provided here.

The National CASA standards require at least 30 hours of pre-service volunteer training covering material such as the role of the CASA volunteer, juvenile court process, confidentiality, the dynamics of abuse and neglect, relevant laws, child development, community resources, cultural awareness, interview techniques and report writing. National CASA has designed a comprehensive, interactive training curriculum that covers the mandated topics. See Appendix P—*National CASA Volunteer Training Curriculum* Table of Contents. It is free to member programs and available for download from the National CASA website at CASAforChildren.org.

The curriculum transmits general information about the court and child welfare systems and enlightens volunteers about how these systems operate in their particular community. It is intended to develop advocates who are competent, reasonably autonomous and able to exercise good judgment in their role as CASA volunteers. Because of the curriculum's interactive nature, it also provides an additional opportunity for the staff and, to a lesser extent, the judge to assess participants' skills.

In addition to their pre-service training, active volunteers must complete 12 hours of in-service training annually. Classes on relevant topics are offered throughout the year. Some are more in-depth treatments of topics touched upon in pre-service sessions; others are new and might include an orientation to a newly developed placement or service for children in the community.

Chapter 6

Judge's Role in Maintaining a Quality CASA Program

“My tenure as a general jurisdiction trial judge has been inextricably tied to our local CASA. When I was in the process of applying to be a judge, our CASA was coming into existence. We have progressed, matured and endured now for over a decade. Those volunteers keep standing up in my courtroom providing fresh, detailed insight and suggestions to help improve children’s lives. I would be lost without CASA’s input and support.”

—District Court Judge John W. Larson
Missoula, MT

After staff has been hired and the CASA or GAL program is under way, the work of the judge in relation to the program becomes much lighter. Duties that will occur about two to three times a year include teaching the segment of the volunteer training curriculum that deals with the court and commissioning new volunteers. The judge may be called on to assume other roles on an as-needed basis. These roles are detailed below.

Teaching Courtroom Basics

The judge in whose court the CASA program operates generally presents the segment of the curriculum that covers juvenile law, the child protection system and the courts (some material on these topics is woven into other parts of the curriculum as well). Having the judge participate in training provides three benefits simultaneously. Because of the judge’s role in court and familiarity with local practices and relevant law, the judge speaks with the ultimate authority in this area. Second, pre-service training gives judges the perfect opportunity to unravel some of the mystery and alleviate some of the fear associated with the courtroom. Judges can talk frankly and informally to prospective volunteers about their needs and expectations. Finally, the presence of the judge, who has taken time from a crowded docket and a busy personal schedule, sends an unmistakable message to the volunteers that the court values their contribution.

While CASA staff will communicate specific training needs to the judge and share the relevant section of the *Volunteer Curriculum Facilitator’s Guide*, there are fairly standard areas to be covered. These include:

- How the CASA program serves the needs of the court.
- How the court functions on a day-to-day basis, focusing on abuse/neglect cases.

- Procedure and protocol—how volunteers are expected to dress, talk and conduct themselves in the courtroom and nearby areas.
- How information gathered by CASA volunteers is to be presented.
- The role of a witness and the view of testimony from the bench—i.e., why CASA volunteers should expect to experience some uncomfortable moments on the stand.
- The definition of *ex parte* communication and how to avoid it.

Participation in a training session will require approximately 1½ to 3 hours on the part of a judge. The total amount of a judge’s time necessary is determined by how many new classes are trained each year. Volunteer training, while critically important, is also very labor-intensive. The challenge for staff is to recruit enough people for a training class so that personnel is used effectively while not waiting so long between classes that potential recruits lose interest. Many programs have found that conducting training twice a year produces a reasonable balance. Of course, frequency varies with program size and the effectiveness of recruitment efforts. Sessions are often scheduled during evening or weekend hours to avoid conflict with participants’ employment. Judges should be made aware of plans for upcoming training during their regular conferences with the program director, when available dates can be shared. Once the schedule is finalized, judges and other presenters are notified.

Even though judges are intimately acquainted with the material they are covering, educating volunteers on these topics generally requires a little preparation—especially the first time. Going beyond a lecture format by using interactive techniques, illustrating points with anecdotes or examples and leaving time for questions allow adult learners to get a better grasp of the material. The payoff for expending precious time in volunteer training is having CASA volunteers who truly satisfy the needs of the court.

There is an additional component of pre-service training that does not require judicial participation but does require judicial sanction. That is allowing members of the training class to observe a juvenile court hearing. Court observation can be done by a few volunteers at a time or by an entire class, depending on judicial preference. Confidentiality concerns may be dealt with by having volunteers sign a confidentiality statement prior to attending a session of court. Seeing first-hand how the court operates and especially how a CASA volunteer contributes to the process (when possible) significantly enhances the learning and self-confidence of the prospective volunteer.

Swearing In New Volunteers

CASA volunteers function as an extension of the court. They understand that, regardless of who supervises them on a daily basis, the authority to perform their duties comes from the judge. One way judges can reinforce the nature and seriousness of the advocate’s role is to conduct a swearing-in ceremony to “commission” or “certify” new volunteers.

This event, planned jointly by the CASA program director and the judge, occurs shortly after training concludes and before cases are assigned. It generally takes place in the courtroom. Staff and occasionally another speaker may say a few words. The judge recognizes the hard work and commitment of the volunteers in successfully completing their training. The judge administers to the group the oath of office, which usually contains a confidentiality statement. See Appendix Q—Sample Oath of Office. The occasion may also be used to thank class members for their willingness to serve and to reiterate judicial expectations. It is

an excellent opportunity to reinforce the importance of confidentiality. Families of volunteers may be invited, and the court may choose to acknowledge their contribution in freeing the volunteers to attend training and perform their duties in the future. Often a small reception is held afterwards.

A swearing-in ceremony can also be used as an effective volunteer recruitment and retention tool. CASA staff may invite the press beforehand and then take pictures during the event. They may then send a photo to the local newspaper along with a press release. A photo of the training class and judge in the paper or program newsletter provides exposure for the program and public recognition for the current class. Pictures and accompanying stories about local volunteers let the public know what a difference one person can make and spread the word about the continued need. Seeing a picture of a friend or acquaintance involved in child advocacy makes it seem less forbidding to potential applicants. This is especially important since being a CASA volunteer is considerably more demanding than many volunteer commitments.

Consultant to the Program Director

As the CASA program becomes a reality, the agenda of judge and program director shifts from planning to problem-solving. Once volunteers begin working on cases, issues are bound to emerge. Concerns might range from communication with the court staff to accessing mental health records to the quality of court reports to the conduct of a particular volunteer. Regularly scheduled meetings between the judge and the program director are the appropriate setting in which to discuss such issues. Some will be resolved merely by bringing them to the table. Others will require more complicated interventions and some pre-meeting preparation.

While some meetings will be spent sorting out immediate problems or questions, the judge and director should reserve time periodically to focus on the future of the program. Planning sessions are helpful in all types of programs but especially important in a court-administered one since the judge is largely responsible for the direction of the organization. Both parties should share their views on the current status of the program, short- and long-term goals and any changes anticipated. For example, the judge might want to suggest which in-service training topics would most improve volunteer performance from the perspective of the bench. For nonprofit CASA programs, judges may also suggest a potential candidate for an upcoming board vacancy or offer strategies to increase staff and funding.

Dispute Mediator/Arbitrator

Even in jurisdictions where a good working relationship exists between the CASA program and the professionals in the child welfare system, disputes will arise. In most cases, the formal agreements among the CASA program, court and social service department provide adequate guidance for the parties to work out their differences without judicial intervention. When the parties are unable to agree or when the presenting problem has been resolved but the working relationship has been seriously damaged in the process, the judge must sometimes take on the temporary role of either mediator or arbitrator.

This kind of involvement is rare. It should occur outside the courtroom and only if the judge believes that the situation is severe enough to compromise the program in some way. A judge may decide to bring the parties together to mediate their differences. This is especially

helpful if the dispute is ongoing or likely to reoccur. Another approach is to share the court's interpretation of the issue with both sides, separately or jointly, identify the changes that are expected and get a commitment from each to respond accordingly.

Evaluator

Ongoing assessment is a key ingredient in sustaining a quality CASA program. Only by holding a mirror up to performance can leaders see where improvement is needed and plan for the future accordingly. Program evaluation is an integral component of the National CASA standards.

Although the primary responsibility for soliciting and assembling information falls to program staff, the court has two roles in the evaluation process. One is to provide input regarding what court-related characteristics of the program should be measured. The other is to transmit the observations of the judge.

As far as court-related performance is concerned, judges and staff are generally looking at the same basic concerns. Is the depth of case investigation sufficient? Is the report format/content helpful? Is objectivity maintained? Is courtroom conduct appropriate? What is the quality of interagency relationships? In a program evaluation, these kinds of questions should be answered as they apply to the program as a whole. Any performance issues with a specific volunteer should be resolved by dealing directly with program staff as concerns arise. If the judge has additional ideas, they should be integrated into the assessment.

The presiding judge is a reservoir of evaluative data. The judge reads reports and hears testimony from different volunteers on a regular basis. Having gained a full understanding of the role of the advocate, especially after being involved in volunteer training and preparation, the judge can measure accomplishment accordingly. As time passes, the judge begins to formulate opinions regarding individual and aggregate volunteer performance. In addition to personal observation, the judge is the frequent recipient of comments about the efficacy of the CASA program from members of the bar, social service agencies and others. Transmitting this information in a format that can be quantified requires the use of a tool. One option is for the judge to periodically complete a survey regarding program/volunteer performance. See Appendix R—Judge and Attorney Survey Regarding CASA Volunteers.

As difficult as setting aside a regular time for evaluation can be, it can save time and headaches in the long run. One judge and GAL program learned that lesson the hard way. Because the presiding judge wanted evidence presented in his courtroom in a particular way, the program had conscientiously trained its volunteers over a period of years to write minimal reports while, at the same time, being prepared to testify at length. When a new judge was appointed, he was immediately distressed by what he perceived as inadequate reports in the first few cases. He had no way to know whether what he had seen was representative of the program as a whole; but if so, the program was useless to him. He was also puzzled since the program enjoyed a reputation in the community for good work. Since this new judge had a number of equally pressing concerns and no conference schedule had ever been established between court and the program director, communication lapsed. Insufficient reports continued to be the norm. The judge was even considering abandoning the use of GAL volunteers. A chance conversation with the director finally revealed the problem. She went to work on it immediately, but it took several months to remedy and several more for the discomfort produced by the initial misstep to subside.

The kind of evaluation techniques discussed above measure only process, not outcomes. While that is a necessary starting point, some judges have also indicated a need for more in-depth evaluation. They want the program to measure outcomes for the children in their CASA program such as the length of time in care or the incidence of re-abuse. This kind of evaluation is extremely valuable but significantly more complex. While the topic of outcome measurements is beyond the scope of this publication, National CASA has an evaluation specialist on staff and has produced a manual to help programs perform this type of evaluation. See Appendix S— *Measuring Child Outcomes: A Guide to CASA Effectiveness* Table of Contents.

Program Champion

For judges who have successfully met all the previous challenges discussed, this can be the most rewarding role of all. Judges may worry that championing the concept of CASA could be construed as running afoul of the judicial code of ethics. Chapters 1 and 7 of this guide, written by distinguished jurists, provide substantial guidance regarding this issue. And of course, in the final analysis, such decisions rest with each individual judge. The scenarios below are offered merely as examples.

Opportunities to be a program champion arise fairly regularly if one is looking for them. Has an egregious abuse case in the news generated a newspaper or radio request for a comment from the presiding juvenile judge? Reference the CASA program as a way that local citizens can be involved as part of the solution. Is a luncheon being held to honor the CASA volunteer of the year? Join in the celebration. Is a candlelight vigil being sponsored by the local child abuse prevention coalition? Agree to say a few words. Keep a supply of CASA brochures visible in the court offices, available in chambers, inside a briefcase, etc. Mention the possibility of volunteering to law students holding moot court in the courtroom or to community college students on a field trip to the courthouse. One judge, anxious to have more trained advocates available, informs each new jury pool of the opportunity to volunteer as they sit waiting in the courtroom. There are a number of creative ways to use the visibility of the bench to give voices to the abused and neglected children of the community who cannot speak for themselves.

Chapter 7

Ethical Considerations for Judges Involved with CASA Programs

“This is no life of cloistered ease to which you dedicated your powers. This is a life that you must live in the crowd, and yet apart from it. Man of the world and philosopher by turns.”

—U.S. Supreme Court Justice Benjamin Cardozo

Introduction: Balancing Judicial Leadership and Judicial Ethics

Guest author: *Judge J. Dean Lewis (retired)*

Past President of the NCJFCJ and

Member of the National CASA Association Board of Directors

In 2000, the Conference of Chief Justices passed a resolution encouraging judges to become involved in their communities to improve the quality of justice. On the one hand, the juvenile and family court judge is challenged to be a strong judicial leader who is able to convene the community in order to develop resources to meet the needs of court-involved children and their families. On the other, the same judge is bound by judicial ethics mandating that the judge remain impartial and not allow extra-judicial activities to interfere with the performance of judicial duties.

The National Council of Juvenile and Family Court Judges (NCJFCJ) has dealt with the issue of balancing judicial leadership and judicial ethics since its establishment in 1937. NCJFCJ is an organization that has consistently promoted judicial leadership. This position is set forth in numerous NCJFCJ publications, including the following which deal specifically with judicial leadership in the child welfare arena:

- “The Juvenile Court and the Role of the Juvenile Judge” by Leonard P. Edwards, published in the *Juvenile and Family Court Journal*, Vol. 43(2), (1992)
- *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases* (1995)
- *Judicial Leadership and Judicial Practice in Child Abuse and Neglect Cases* (Technical Assistance Bulletin, Volume II, No. 5, July 1998).

“Judicial leaders have clear values and visions for the court; communicate these to all system participants, and assume responsibility for promoting these values and a vision throughout

the court system, both through good practice and system-wide advocacy.” (*Judicial Leadership and Judicial Practice in Child Abuse and Neglect Cases*, Technical Assistance Bulletin, Volume II, No. 5, July 1998, page 19).

Through the efforts of judicial leadership, the court appointed special advocate (CASA) and volunteer guardian ad litem (GAL) network has grown to nearly 1,000 programs over the past 25 years. The CASA cause was established by a judge, and judges continue to play a key role in developing new programs and sustaining existing ones.

Judges who have worked with their communities to establish CASA programs have generally taken part in the following activities:

- Educating citizens, child-serving agency administrators and attorneys about the Federal mandate under the Child Abuse Prevention and Treatment Act (CAPTA) that each abused/neglected child involved in the court process be represented by a guardian ad litem or court appointed special advocate.
- Speaking at public functions to educate citizens about the child welfare system and the potential role of citizen volunteers through the establishment of a CASA program, including explaining the history and effectiveness of CASA.
- Convening a meeting of child-serving agency stakeholders to discuss the need for effective court advocacy for abused and neglected children in the judge’s jurisdiction.
- Meeting with key community leaders to educate them about the need for establishing a CASA program and advising them of the court’s support for the program.
- Participating in training of CASA volunteers on topics related to court function.

The National Council of Juvenile and Family Court Judges and the National CASA Association support your efforts to be a community leader in improving outcomes for abused children through the establishment of a CASA program in your community.

In this chapter, two experts in the field of judicial leadership and judicial ethics have contributed their research and advice to judges who are interested in establishing a CASA program. Professor Thomas E. Hornsby, a retired judge and past president of NCJFCJ, and Judge Douglas F. Johnson, a member of the board of trustees of NCJFCJ, are experienced professionals who know the challenges of balancing leadership and ethics. They provide the framework from which to make an informed decision on the leadership role a judge can prudently exercise in convening the community, in educating the community as to the need of abused and neglected children for effective court advocacy and in furthering the administration of justice in reaching out to local citizens to serve as court appointed special advocates for children.

Reviewing the Current Situation

Guest authors: Judge Thomas E. Hornsby, Professor and
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As judges are requested to utilize their knowledge and experience in providing leadership to improve the legal system and the administration of justice in the juvenile courts, how do they “...live in the crowd, and yet apart from it ...” in compliance with their respective state Codes of Judicial Conduct? This section is intended to provide some guidance to judges when exercising a leadership role as to the ethical issues raised in Chapters 5 and 6 of this manual that discuss the judge’s role in planning a CASA program and in maintaining a quality CASA program.

In order to address the ethical issues raised in Chapters 5 and 6, judges have several resources from which to choose to help determine whether they are in compliance with their respective state Codes of Judicial Conduct (check for latest editions).² For example, the resource usually referred to in determining ethical conduct in leadership activities is the ABA *Model Code of Judicial Conduct* (2003) [abanet.org/cpr/mcjc/mcjc_home.html]. Some of the applicable canons are as follows:

ABA Canon 2: *A judge shall avoid impropriety and the appearance of impropriety in all of the judge’s activities.*

ABA Canon 2A: *A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.*

ABA Canon 3: *A judge shall perform the duties of judicial office impartially and diligently.*

ABA Canon 3B(7): *...A judge shall not initiate, permit or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding....*

ABA Canon 4: *A judge shall so conduct the judge’s extra-judicial activities as to minimize the risk of conflict with judicial obligations.*

ABA Canon 4A: [relating to] *Extra-judicial Activities in General.*

ABA Canon 4B: [relating to] *Avocational Activities.*

ABA Canon 4C: [relating to] *Governmental, Civic or Charitable Activities.*

Judges also may look to their respective state’s judicial advisory opinions. However, not all states have committees that issue ethics advisory opinions, and others do not have advisory opinions that contain relevant subject matter. Please note that the ethics advisory opinions included in this chapter are synopses of the official opinions and should not be relied upon or used in lieu of obtaining legal advice. When in doubt, judges may request an advisory

² For example, the ABA commentaries to the respective canons of the ABA *Model Code of Judicial Conduct* are helpful in interpreting the meaning of the canons, although not all states have adopted the ABA code and the code may not be binding on judges in their respective states. Judges should examine their jurisdictions to determine to what extent their state code varies from the ABA code. Judges should also refer to published opinions of state judicial disciplinary agencies and decisions of the state courts having jurisdiction. See additional resources later in this chapter.

opinion prior to, but not after, engaging in a particular activity. However, judges should be aware that these opinions are not binding on the disciplinary body of the state.³

However in Rhode Island, the Code of Judicial Conduct states in pertinent part as follows: “Any judge who acts in accordance with an opinion issued by the Advisory Committee shall be presumed to have abided by the Canons of Ethics.” Judges should always request an opinion before engaging in activities as the state advisory opinions are prospective in nature and do not apply to conduct engaged in prior to the issuance of the opinion. Judges should be wary of relying upon a published judicial opinion without seeking an opinion as to their specific concern as the opinions are fact-specific and may not apply to their factual scenario. Moreover, the judicial advisory opinions and decisions interpreting their respective Codes of Judicial Conduct vary from state to state. Examples of various interpretations as to the issues raised in Chapters 5 and 6, and the corresponding ABA canons impacted, are as follows:

May a judge participate in the creation, development and *implementation* of a CASA program?

ABA Canon 4C(3) provides that:

A judge may serve as an officer, director, trustee or non-legal [emphasis added] advisor of an organization or governmental agency devoted to the improvement of the law, the legal system or the administration of justice or of an educational, religious, charitable, fraternal or civic organization not conducted for profit, subject to the following limitations and the other requirements of this Code.

(a) A judge shall not serve as an officer, director, trustee or non-legal advisor if it is likely that the organization

(i) will be engaged in proceedings that would ordinarily come before the judge, or

(ii) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

The Washington Ethics Advisory Committee opined that a judicial officer may “serve on a board for a nonprofit organization to *develop* and administer a program for volunteer guardian ad litem”⁴ (emphasis added). The facts presented to the committee involved the organization of a CASA program.

In Illinois, the Judicial Ethics Committee determined that a judge may sit on the board of a not-for-profit organization that he organized and formed for the purpose of training volunteers to serve as guardians ad litem.⁵ In another opinion, the committee concluded that a judge may help *form* and serve on the board of directors of an organization dedicated to

³ For example, the Florida Judicial Ethics Advisory Committee and its operational guidelines state: “The Committee shall render advisory opinions to inquiring judges relating to the propriety of contemplated judicial and non-judicial conduct, but all opinions shall be advisory in nature only.... An opinion of the Committee may, however...be considered as evidence of a good faith effort to comply with the Code of Judicial Conduct; provided that no opinion issued to one judge or justice shall be authority for the conduct, or evidence of good faith, of another judge or justice unless the underlying facts are identical.”

⁴ Washington Ethics Advisory Committee Opinion 94-06 (May 31, 1994).

⁵ Illinois Judicial Ethics Committee Opinion No. 95-11 (June 20, 1995).

promoting drug court because “the judge’s participation in this organization would not affect public confidence or his or her impartiality would not violate” ethics rules.⁶

Another Illinois Committee opinion stated that a judge may create a speakers bureau and inform the public of the judges’ availability to speak on issues regarding the law, the legal system and the administration of justice. Judges may speak about law-related issues to groups that advocate changes in the content or enforcement of laws, and other members of the public, so long as the judges (1) do not say anything that casts doubt on their capacity to decide impartially any issue that may come before them, and (2) comply with the restrictions on political speech.⁷

May a judge advocate for the formation of a CASA program and encourage community support thereof?

ABA Canon 4B provides that:

A judge may speak, write, lecture, teach and participate in other extra-judicial activities concerning the law, the legal system, the administration of justice and non-legal subjects, subject to the requirements of this Code.

ABA Commentary:

As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of criminal and juvenile justice. To the extent that time permits, a judge is encouraged to do so, either independently or through a bar association, judicial conference or other organization dedicated to the improvement of the law. Judges may participate in efforts to promote the fair administration of justice....

In this and other Sections of Canon 4, the phrase “subject to the requirements of the Code” is used, notably in connection with a judge’s governmental, civic or charitable activities. This phrase is included to remind judges that the use of permissive language in various Sections of the Code does not relieve a judge from the other requirements of the Code that apply to the specific conduct.

The Texas Committee on Judicial Ethics addressed the issue of “whether a judge may permit brochures in her courtroom and other public areas in the courthouse that announce the availability of a county bar sponsored lawyer referral service.” The committee concluded that “by informing the public of this bar sponsored service, the judge is improving the administration of justice.”⁸ In 1999, the committee was asked whether a judge may appear on television in a public service announcement asking people to volunteer their time as readers for the nonprofit organization Recording for the Blind and Dyslexic. The committee

⁶ Illinois Judicial Ethics Committee Opinion No. 01-10 (October 9, 2001).

⁷ Illinois Judicial Ethics Committee Opinion No. 94-17 (June 17, 1994).

⁸ Texas Committee on Judicial Ethics Opinion No. 203 (1996).

stated that the judge “may make such announcement so long as the prestige of judicial office is not used”; i.e., the judge should not wear a judicial robe when making the announcement.⁹

Similar activity was also permitted in Nevada, with certain limitations. The Nevada Standing Committee on Judicial Ethics opined that “it is permissible for judges...to lend their names as hosts of [a] proposed law-related reception to encourage membership in...designated legal organizations” and that the judges’ participation constitutes “a general appeal on behalf of a law-related organization.” The committee cautioned, however, that the recruitment effort “must not reasonably be perceived as coercive.”¹⁰

In contrast, the State Bar of Michigan Standing Committee on Professional and Judicial Ethics held that a judge cannot serve as a “celebrity guest” on a radio show with an accompanying prerecording of “a public service announcement to be broadcast on the program urging the public to join the organization, or agreeing to be interviewed about why the judge is a member and why it is important to join, because such activities amount to personal solicitation,” which was prohibited by the Michigan Code of Judicial Conduct.¹¹

May a judge serve on the board of directors of a CASA program that represents children in the judge’s court?

The Illinois Judicial Ethics Committee determined that a judge may serve on the board of an organization that trains guardians ad litem who are appointed by the court inasmuch as such training is considered improving the administration of justice.¹²

In Washington, however, a judge’s participation on the board of directors for a local nonprofit agency, whose counselors occasionally appear before the judge as fact witnesses, was prohibited. The Ethics Advisory Committee stated that because part of the judge’s decision-making process includes weighing the credibility of the counselors and their testimony, service on the agency’s board would reflect adversely on the judge’s impartiality.¹³

Finally, a cautionary note—during any involvement with the organization, the judge must be careful not to violate the *ex parte* communication provisions of Canon 3B(7) mentioned above.

May a judge communicate with financial supporters of the program or participate in fundraising activities?

ABA Canon 4C(3)(b) provides that:

A judge as an officer, director, trustee or non-legal advisor, or as a member or otherwise:(i) may assist such an organization in planning fund-raising and may participate in the management and investment of the organization’s funds, but shall not personally participate in the solicitation of funds or other fund-raising activities, except that a judge may solicit funds from other judges over whom the judge does not exercise supervisory or appellate authority....

⁹ Texas Committee on Judicial Ethics Opinion No. 253 (1999).

¹⁰ Nevada Standing Committee on Judicial Ethics and Election Practices Opinion No. JE00-004 (August 10, 2000).

¹¹ Michigan Ethics Committee Opinion J1-87 (March 23, 1994).

¹² Illinois Judicial Ethics Committee Opinion No. 95-11 (June 20, 1995).

¹³ Washington Ethics Advisory Committee Opinion No. 01-04 (April 3, 2001).

Personal and direct participation of a judge in the fundraising activities of an organization is generally prohibited. The opinions regarding what constitutes direct participation are mixed.

In Nebraska, for instance, the Ethics Advisory Committee concluded that “a judge may write a letter of support for a funding grant on behalf of a victim assistance or CASA agency based on...personal knowledge.”¹⁴ The committee determined that such a written recommendation would not be considered a direct participation by the judge in fundraising.¹⁵ The Florida Judicial Ethics Advisory Committee, however, determined that a judge may not write a letter to a grant provider “which encourages the funding of a local nonprofit organization that provides victims of domestic violence with advocates.”¹⁶ The committee was concerned that by writing such a letter, a judge “would be indirectly assisting litigants or witnesses (alleged victims) that would appear before the Court” and that this “could affect the perception of impartiality.”¹⁷

Examples of other activities that may be permitted or not in a particular state are as follows:

- Judges may serve or be listed on an honorary committee of a charitable fundraising event.¹⁸ *But see* Nevada Standing Committee on Judicial Ethics and Election Practices Opinion No. JE01-003 (April 5, 2001) (a judge may not allow his or her name to be listed on an honorary committee for primarily fund-raising activity or event).
- Judges may be celebrity guests (e.g. “celebrity chef,” “celebrity bagger”) at fundraising events.¹⁹ *But see* Illinois Judicial Ethics Committee Opinion No. 99-1 (January 12, 1999) (a judge may not serve as a celebrity bagger for the United Way).
- Judges may be a guest of honor at a fundraising dinner.²⁰ *But see* Illinois Judicial Ethics Committee Opinion Nos. 01-03 (May 1, 2001) (judge may not be a guest of honor at a non-fundraising event held by a nonprofit organization whose employees regularly testify in adversary proceedings before that judge) and 01-05 (May 1, 2001) (judge may not be a guest of honor at a civic organization’s fundraising event); Massachusetts Committee on Judicial Ethics Opinion No. 2000-9 (November 15, 2000) (judge may not be a speaker or guest of honor at ...[charitable organization’s] fund raising events).

Recommended Modification to the Judicial Code of Ethics

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Separate Juvenile Court of Douglas County, Nebraska

Presently, the American Bar Association (ABA) *Model Code of Judicial Conduct* (amended 2003) [abanet.org/cpr/mcjc/mcjc_home.html] limits extra-judicial activities. Consider Canon 4(A):

¹⁴ Nebraska Ethics Advisory Opinion 98-4 (August 19, 1998).

¹⁵ *Ibid.*

¹⁶ Florida Supreme Court Judicial Ethics Advisory Committee Opinion No. 2002-09 (June 3, 2002).

¹⁷ *Ibid.*

¹⁸ Indiana Commission on Judicial Qualifications Opinion 1-96 (no date).

¹⁹ Texas Committee on Judicial Ethics Opinion No. 220 (1997); *see also* Kansas Judicial Ethics Advisory Opinion No. JE-78 (July 11, 1997).

²⁰ Texas Committee on Judicial Ethics Opinion No. 252 (1999).

A judge shall conduct all of the judge's extra-judicial activities so that they do not:

- (1) cast reasonable doubt on the judge's capacity to act impartially as a judge;*
- (2) demean the judicial office; or*
- (3) interfere with the proper performance of judicial duties.*

At the same time, the commentary to Canon 4(A) provides: "Complete separation of a judge from extra-judicial activities is neither possible nor wise; a judge should not become isolated from the community in which the judge lives."

What can a judge do to be more proactive in developing services and programs demonstrating "reasonable efforts" to meet the needs of children and families?

Canon 4(B) provides:

A judge may speak, write, lecture, teach and participate in other extra-judicial activities concerning the law, the legal system, the administration of justice, and non-legal subjects, subject to the requirements of this Code.

The commentary to Canon 4(B) notes that:

As a judicial officer and person specially learned in the law, a judge is in a unique [emphasis added] position to contribute to the improvement of the law, the legal system, and the administration of justice ... To the extent that time permits, a judge is encouraged [emphasis added] to do so, either independently or through a bar association, judicial conference, or other organization dedicated to the improvement of the law.

In reviewing Canon 4(A), its commentary, Canon 4(B) and its commentary, there appears to be a conflict about what exactly a judge can do in terms of extra-judicial activities without violating the canons. In fact, throughout the country, many judges feel constrained from participating in certain extra-judicial activities due to the current Code of Judicial Conduct, numerous ethics advisory opinions and disciplinary decisions in their respective states. Please note that each state's Code of Judicial Conduct varies. However, in all states, all judges know that if they violate one of the canons, then they are subject to discipline which may include admonishment, reprimand, censure, suspension with or without pay or removal from office.

Recognizing these issues, the membership of the National Council of Juvenile and Family Court Judges (NCJFCJ) passed a resolution in support of the modification of the Code of Judicial Conduct. The goal is to assure that a juvenile and family court judge can engage in community outreach, foster the effective administration of justice and implement comprehensive court-ordered service plans without unreasonable fear of judicial discipline.

A key proposed revision is to Canon 3. The NCJFCJ recommends that this section be modified to add the following:

Civic Responsibilities.

(1) Subject to the requirements of this Code, a judge should provide leadership in:

- (a) identifying and resolving issues of access to justice;*
- (b) developing public legal education programs;*
- (c) engaging in community outreach activities to promote the fair administration of justice;*
- (d) convening, participating or assisting in advisory committees and community collaboratives devoted to the improvement of the law, the legal system, the provision of services and/or the administration of justice.*

(2) A judge may publicly or individually endorse project goals concerning the law, the legal system, the provision of services or the administration of justice, in principle, and actively support the need for funding of such an organization or governmental agency.

The NCJFCJ has long held that the juvenile and family court judge has a unique leadership role. If the NCJFCJ's proposed revisions to the ABA *Model Code of Judicial Conduct* are approved, and subsequently approved by each state's supreme court, then juvenile and family court judges will be able to enhance their leadership role in the community without fear of judicial discipline.

As noted in *The Future of Children* published by the David and Lucile Packard Foundation, Vol. 6, No. 3, Winter 1996, Executive Summary, several recommendations reflect the acute need for judicial leadership: (1) "every juvenile court in the country should work with local welfare agencies to improve their effectiveness in providing abused or neglected children safe and permanent homes in a timely manner...." (Recommendation 11); (2) "Juvenile court judges should be educators and spokespersons in their communities on behalf of abused and neglected children. Judges should advocate for adequate court resources and community systems to respond properly and appropriately to child abuse and neglect." (Recommendation 12) [see futureofchildren.org/pubs-info2825/pubs-info.htm?doc_id=77761].

Modifying the Code of Judicial Conduct will allow judges to act on these recommendations. In the meantime, a judge is well advised to ask for an ethics advisory opinion for guidance prior to acting if one is unsure whether the proposed action may result in judicial discipline. If your state has an ethics advisory committee, check its index of published opinions. For those judges and states who do not issue ethics advisory opinions, consult other states.

For further information, please consider the following resources:

1. Your own state's ethics advisory opinions, if available. If not, consider other states.
2. The website ncjfcj.org/ethics contains the *Resolution in Support of the Modification of Canons of Judicial Ethics*, *NCJFCJ Canons with Commentary* and the *NCJFCJ Model Rules of Court*.

3. The American Judicature Society's Center for Judicial Ethics website asj.org provides information and research support for organizations that investigate complaints of judicial misconduct, judicial ethics advisory committees, resources on judicial ethics, the *Judicial Conduct Reporter* and judicial ethics disciplinary opinions updated weekly.
4. Comments by Justice Michael D. Zimmerman, Utah Supreme Court, regarding the increasing demand for judicial leadership to participate in and help coordinate addressing social problems and social services: Michael D. Zimmerman, "A New Approach to Court Reform," 82 *Judicature* 108 (1998).

Conclusion

This chapter is not intended to be a complete review of the ethical issues facing juvenile court judges in exercising their leadership roles in developing and implementing CASA programs in their courts. Some of the potential problem areas have been identified, and judges are urged to analyze their individual state Codes of Judicial Conduct and advisory opinions interpreting those codes before placing themselves in potential conflict with them.

Nothing in this chapter is to be considered as legal advice for specific cases, and readers are responsible for obtaining such advice from their own counsel. References in this chapter are to the *ABA Model Code of Judicial Conduct*, 2003 Edition.

Additional Resources:

Judicial Conduct Reporter (a quarterly newspaper)
Ethical Standards for Judges (American Judicature Society [AJS] 1999) by Cynthia Gray
Communicating with Voters: Ethics and Judicial Election Campaigns (AJS 2000)
by Cynthia Gray
When Judges Speak Up: Ethics, the Public, and the Media (AJS 1998) by
Cynthia Gray
An Ethics Guide for Part-Time Lawyer Judges (AJS 1999) by Cynthia Gray
Judicial Disqualifications under Canon 3C of the Code of Judicial Conduct (AJS
1992) by Leslie W. Abramson
Judicial Ethics and the Administration of Justice (a videotaped instruction
program, AJS 1990)
Key Issues in Judicial Ethics by Cynthia Gray (1996)
The Development of the ABA Judicial Code (ABA 1992) by Lisa L. Milord
California Judicial Conduct Handbook (California Judges Association 1990) by
David M. Rothman
Judicial Conduct and Ethics (Lexis 2000) by Shaman, Lubet, & Alfini

2007 Supplement to Chapter 7: “Ethical Considerations for Judges Involved with CASA Programs”

Reviewing the Current Situation

Guest authors: Judge Thomas E. Hornsby Circuit Court Judge (ret.), Professor and Keeley McCabe, Research Assistant, Florida Coastal School of Law, Jacksonville, Florida

Note: *This supplement includes reviews of selected opinions through June 2007. It is not offered or intended as a complete guide to state codes of conduct and relevant state opinions. The following information is offered to help judges in their examination and interpretation of their own state’s Codes of Judicial Conduct.*

Introduction:

This supplement is offered as an update to *Judges’ Guide to CASA/GAL Program Development*, Chapter 7: “Ethical Considerations for Judges Involved with CASA Programs.” It contains information previously published in the guide, as well as a selection of opinions that were not included in the guide and through June 2007. It is not intended as a prescriptive guide to govern the actions and conduct of judges.

As discussed in Chapter 7 of the *Judges’ Guide*, before leading efforts to improve the legal system and the administration of justice in the juvenile courts, judges must first examine their state’s Codes of Judicial Conduct and relevant commentaries, as well as published opinions of state judicial disciplinary agencies and decisions of their state courts.

This supplement will not discuss the applicability of the American Bar Association (ABA) Model Code of Judicial Conduct that was adopted in February 2007 and is now circulating through state supreme courts for consideration. If the 2007 ABA Model Code of Judicial Conduct is adopted by any of the states, the task of cross-referencing comparable provisions of the revised code with the existing state codes and the judicial advisory opinions will be monumental.

Research for this supplement included examining links to state judicial advisory websites published by the following states: Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, Nevada, New Hampshire, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin, as well as the District of Columbia courts. Links to the state websites can be found at http://ajs.org/ethics/eth_advis_comm_links.asp.

Contextual and Supplemental Information to Chapter 7 of the Judges' Guide to CASA/GAL Program Development

As stated in Chapter 7 of the 2004 edition of the *Judges' Guide*:

In order to address the ethical issues raised in Chapters 5 and 6, judges have several resources from which to choose to help determine whether they are in compliance with their respective state's Codes of Judicial Conduct. For example, the resource usually referred to in determining ethical conduct in leadership activities is the ABA Model Code of Judicial Conduct (2003) [abanet.org/cpr/mjc/mjc_home.html].

Judges also may look to their respective state's judicial advisory opinions. However, not all states have committees that issue ethics advisory opinions, and others do not have advisory opinions that contain relevant subject matter. Please note that the ethics advisory opinions included in this chapter are synopses of the official opinions and should not be relied upon or used in lieu of obtaining legal advice. When in doubt, judges may request an advisory opinion prior to, but not after, engaging in a particular activity. However, judges should be aware that these opinions are not binding on the disciplinary body of the state.²¹

However in Rhode Island, the Code of Judicial Conduct states in pertinent part as follows: "Any judge who acts in accordance with an opinion issued by the Advisory Committee shall be presumed to have abided by the Canons of Ethics." Judges should always request an opinion before engaging in activities as the state advisory opinions are prospective in nature and do not apply to conduct engaged in prior to the issuance of the opinion. Judges should be wary of relying upon a published judicial opinion without seeking an opinion as to their specific concern as the opinions are fact-specific and may not apply to their factual scenario. Moreover, the judicial advisory opinions and decisions interpreting their respective Codes of Judicial Conduct vary from state to state.²² Examples of various interpretations as to the issues raised in Chapters 5 and 6, and the corresponding ABA canons impacted, are as follows:

May a judge participate in the creation, development and implementation of a CASA program?

The State of Washington Ethics Advisory Committee was presented with the following questions:

- May a judicial officer serve on a board of a nonprofit organization to develop and administer a program for volunteer guardians ad litem?
- Would the use of the judicial officer's name on letterhead and advice as to sources of funds fall within "assist{ing} the organization in raising funds" as provided in CJC Cannon 2?
- What can a judge do to assist in raising funds?

²¹For example, the Florida Judicial Ethics Advisory Committee and its operational guidelines state: "The Committee shall render advisory opinions to inquiring judges relating to the propriety of contemplated judicial and non-judicial conduct, but all opinions shall be advisory in nature only.... An opinion of the Committee may, however....be considered as evidence of a good faith effort to comply with the Code of Judicial Conduct, provided that no opinion issued to one judge or justice shall be authority for the conduct, or evidence of good faith, or another judge or justice unless the underlying facts are identical."

²² *Judges' Guide to CASA/GAL Program Development*, A National CASA Association Resource Library Publication, (2004 Edition), Chapter 7, *Reviewing the Current Situation*, pages 55-56.

The particular organization being referred to was a CASA/volunteer GAL organization. The letterhead in question would list names of directors and be used in fundraising. The committee held that a judicial officer could serve on the board of this organization, assist in fundraising planning and participate in the management and investment of funds without personally soliciting funds. In addition, the judicial officer's name could be listed on the organization's letterhead in the same manner as the other board members' names because involvement in the organization would contribute to the improvement of law, the legal system and the administration of justice.²³

The New York Advisory Committee on Judicial Ethics determined that a judge may not provide a statement of endorsement for the local CASA organization for inclusion in a brochure used to recruit volunteers because it had been previously determined that a judge should not, on behalf of a nonprofit organization, solicit volunteers to do physical labor, solicit contributions or serve on committees or on the board of directors of the organization. Opinions 98-98; 98-119.²⁴

The New York Advisory Committee on Judicial Ethics also opined that the rules prohibit a judge from using or permitting the use of the prestige of judicial office for membership solicitation and that a judge may not personally solicit community leaders to serve as board members. The committee's decision prohibited the judge from identifying and recruiting a "Key Leader Board" through actions including issuing personal invitations printed on the judge's letterhead and chairing an organizational meeting of the nonprofit organization, which serves adolescents.²⁵

May a judge advocate for the formation of a CASA program and encourage community support thereof?

The Florida Supreme Court Judicial Ethics Advisory Committee addressed the issue of whether a judge could attend an annual holiday party sponsored by the guardian ad litem program honoring its volunteers. The committee concluded that judges could attend the party with guests that might include circuit and county judges, Division of Children and Family attorneys, private family law attorneys and court administrative personnel.²⁶

May a judge serve on the board of directors of a CASA program that represents children in the judge's court room?

The Kansas Judicial Ethics Committee determined that a district magistrate judge could serve as a director for a CASA program and is allowed to engage in limited fundraising activity.²⁷ Conversely, the Nebraska Judicial Ethics Committee determined that the Code of Judicial Conduct would prohibit a judge from serving on a CASA board outside the judge's judicial district because: "Such service could create a perception that the judge's impartiality

²³ State of Washington, Ethics Advisory Committee Opinion 94-06 (May 31, 1994).

²⁴ New York Advisory Committee on Judicial Ethics Opinion 02-80 (2005).

²⁵ New York Advisory Committee on Judicial Ethics Opinion No. 06-113 (September 7, 2006).

²⁶ Florida Supreme Court, Judicial Ethics Advisory Committee Opinion 2006-06 (March 10, 2006).

²⁷ Kansas Judicial Ethics Advisory Opinions JE 52 (October 21, 1994).

could be cast in doubt.”²⁸ The opinion also commented that serving on a CASA board may further be prohibited by code provisions prohibiting a judge’s participation in direct fundraising.

The Texas Committee on Judicial Ethics held that judges may not serve on the board of a nonprofit organization that trains volunteers and employs professional staff to be appointed by the judge as guardians for minors or incapacitated persons.²⁹

The Texas State Commission on Judicial Conduct in Public Statement No. PS-2006-1, issued on November 18, 2005, concluded that a judge that hears cases in which CASA volunteers appear as advocates, or who has appellate jurisdiction over such cases, cannot serve as a member of the board of directors of either a local or state CASA organization. The commission reasoned that “...judges who serve an organization like CASA would likewise endanger the public perception of the judge’s impartiality for it would not be unreasonable for the public to believe that a judge who is affiliated with CASA would endorse and be partial to CASA and the CASA volunteer’s recommendations.” However, the commission noted “...that the appearance of impropriety in some cases could be cured with a full disclosure of the judge’s affiliation with CASA, on the record, followed with the informed consent of the parties and their counsel to allow the judge to continue to hear and decide the case. Naturally, if a judge were asked to recuse from cases too frequently because of the relationship with CASA, that judge should step down from his or her membership on the Board. Canon 3B(1).”

The New Mexico Advisory Committee on the Code of Judicial Conduct opined that it would not be proper for a judge to serve on the board of directors of the CASA program in the judge’s district. Though the judge stated that “due to my limited jurisdiction, the volunteers do not *ordinarily* appear before me...” the committee referred to Section 21-5003(a) (ii)—which prohibits a judge from being a director for an organization that “engaged frequently in adversary proceedings in the court of which the judge is a member.” The committee reasoned that the rule applied because the judge was a part of a court in which CASA volunteers regularly appeared.³⁰

However, the New Mexico Advisory Committee on the Code of Judicial Conduct determined that district judges may serve on a CASA Judicial Advisory Board because their duties as members of the board are to speak at training sessions and report on representation provided by the volunteers. In support of their decision, the board cited Rule 25-500 (B) which allows a judge to speak, write, lecture or teach concerning the law and legal system. The committee concluded that it would be improper for the CASA directors to include the judges’ names on the CASA letterhead because doing so implies that the judge is in a leadership position and involved in fundraising. This implication would give the appearance of impropriety when considered in light of Rule 21-500 (C)(3)(a)(I).³¹

²⁸ Nebraska Judicial Ethics Opinion 05-1 (January 20, 2005).

²⁹ Texas Committee on Judicial Ethics Opinion No. 240 (1999).

³⁰ New Mexico Advisory Committee on the Code of Judicial Conduct Judicial Advisory Opinion 96-06 (May 29, 1996)

³¹ New Mexico Advisory Committee on the Code of Judicial Conduct Judicial Advisory Opinion No. 2001-02 (February 28, 2001)

The Georgia Judicial Qualifications Commission determined that there is no conflict of interest and it is not improper for the wife of the senior partner of a part-time juvenile court judge to serve as director of a local CASA program. The commission based its determination on the lack of association between the juvenile court and the CASA program's staff and volunteers; the only connection identified was that the judge authorizes the assignment of CASA volunteers to cases. It was further noted that the CASA director would serve only as a coordinator of the program and would not be involved either directly or indirectly in providing advocacy services for children.³²

May a judge communicate with financial supporters of the program or participate in fundraising activities?

The West Virginia Judicial Investigation Commission concluded that a judge could not provide the names of attorneys who had been involved in past judge-sponsored golf outings to CASA volunteers who were planning a fundraising event.³³

The Kansas Ethics Advisory Panel determined that a judge may serve on the board of directors of the local United Way as long as the judge does not solicit funds or use the prestige of the judge's office for fundraising purposes; they also decreed that the judge should be aware of and comply with all the limits listed in Canon 4C(4).³⁴

The Florida Judicial Ethics Advisory Committee determined that a judge could serve as a celebrity waiter or server at an annual breakfast for the local children's alliance because the event was held as a recognition rather than fundraising event. The organization in question was charging only a reasonable fee to defray the costs of the breakfast.³⁵

Other Relevant Judicial Ethics Opinions

The Illinois Judicial Ethics Committee held that a judge may participate in an educational program designed to familiarize children with courtroom procedures prior to testifying as long as the program provided only general information and was not case or child specific.³⁶

The Utah Judicial Ethics Advisory Committee determined that a judge may give presentations at a CASA awards program. Canon 4C(4) states that judges have professional responsibility to educate the public about the judicial system and that there may be some benefit to a judge appearing before the CASA organization. The CASA awards program would include both CASA volunteers and the local guardians ad litem.³⁷

³² Georgia Judicial Qualifications Commission Opinion No. 199, Docket No. 95-61 (December 9, 2004).

³³ West Virginia Investigation Commission (May 17, 2004).

³⁴ Kansas Ethics Advisory Panel, Judicial Ethics Opinion JE 104 (January 12, 2001).

³⁵ Florida Judicial Ethics Advisory Committee Opinion Number: 2-5-2009, (April 7, 2005).

³⁶ Illinois Judicial Ethics Committee Opinion No. 05-03 (July 29, 2005).

³⁷ Utah Judicial Ethics Advisory Opinion No. 06-6 (December 5, 2006).

2010 Supplement to Chapter 7: “Ethical Considerations for Judges Involved with CASA Programs”

Reviewing the Current Situation

Guest Author: Judge Thomas E. Hornsby, Circuit Court Judge (ret.), Professor, Florida Coastal School of Law, Jacksonville, FL

Note: This supplement is an examination of the American Bar Association (ABA) *Model Code of Judicial Conduct* (2007), cross referencing those comparable applicable provisions of the 2007 code with those canons of the *ABA Model Code of Judicial Conduct* (amended 1990-2003) previously discussed in the 2004 edition and the 2007 supplement to the *Judge’s Guide to CASA/GAL Program Development*.

Introduction

This second supplement is offered as an update to the *Judges’ Guide to CASA/GAL Program Development*, Chapter 7: “Ethical Considerations for Judges Involved with CASA Programs” and to the 2007 supplement to chapter 7. It does not include a review of judicial advisory opinions rendered subsequent to June 2007. The purpose of this supplement is to cross-reference the comparable applicable provisions of the *ABA Model Code of Judicial Conduct* (2007) with those applicable canons of the *ABA Model Code of Judicial Conduct* (amended 1990-2003) and update the progress in the states as to their review of their judicial codes.

The *ABA Model Code of Judicial Conduct* (2007) was adopted by the ABA on February 12, 2007. The ABA Joint Commission to Evaluate the Model Code of Judicial Conduct, after sponsoring 9 public hearings, meeting in person 19 times and convening via teleconference 31 times over 39 months, presented to the ABA House of Delegates their proposals to change both the substance and the format of the ABA Model Code of Judicial Conduct (amended 1990-2003). Many interested groups appeared before the commission and gave written and oral testimony. One of those groups, the National Council of Juvenile and Family Court Judges (NCJFCJ), urged the commission to adopt the Conference of Chief Judges’ and the Conference of State Court Administrators’ Joint Resolution 8, titled: “In Support of Modification of the Model Code of Judicial Conduct to Encourage Judicial Conduct.” The commission did not accept many of the changes recommended by Joint Resolution 8. In support of Joint Resolution 8 and other changes to the *ABA Model Code of Judicial Conduct* (amended 1990-2003), NCJFCJ adopted Resolution 13, titled: “A Resolution in Support of Specific Changes to the Model Code of Judicial Conduct,” published on the NCJFCJ website.³⁸ Resolution 13 was adopted by the NCJFCJ membership on July 29, 2008, in Norfolk, VA, and urged the membership of NCJFCJ to encourage their state judicial commissions to adopt the language contained in the resolution.

Some of the recommended changes have been incorporated in the revised judicial codes of the states mentioned below.

³⁸ <http://www.ncjfcj.org>

The Status of State Review of the ABA Model Code of Judicial Conduct (2007) as of January 7, 2010.³⁹

This review states that as of January 7, 2010:

Thirty-nine jurisdictions have initiated or completed review of their judicial codes in light of the 2007 revisions to the ABA Model Code of Judicial Conduct. Of those jurisdictions:

- *Twelve (AZ, AR, DE, HI, IN, KS, MN, MT, NV, OH, UT and WY) have approved a revised judicial code.*
- *Twenty-two have established committees to review their code (CA, DC, IL, LA, KY, LA, ME, MD, MS, MO, NE, NJ, NM, NY, ND, OR, RI, SC, TN, TX, VT, and WI).*
- *Five (CO, CT, NH, OK, WA) have proposed revisions of their Judicial Codes.⁴⁰*

Judges are cautioned to examine their respective state revisions and proposed revisions to their judicial codes.

Review of Applicable Canons

The following canons are applicable to the ethical issues discussed in “Reviewing the Current Situation,” Chapter 7 of the *Judges’ Guide to CASA/GAL Program Development*, 2004 Edition, and the 2007 supplement. The ABA Model Code of Judicial Conduct (amended 1990-2003) is compared to the ABA Model Code of Judicial Conduct (2007).

May a judge participate in the creation, development and implementation of a CASA program?

ABA Model Code of Judicial Conduct (amended 1990-2003)

ABA Canon 4C(3) provides that:

*A judge may serve as an officer, director, trustee or **non-legal** [emphasis added] advisor of an organization or governmental agency devoted to the improvement of the law, the legal system or the administration of justice or of an educational, religious, charitable, fraternal or civil organization not conducted for profit, subject to the following limitations and other requirements of this code.*

(a) A judge shall not serve as an officer, director, trustee or non-legal advisor if it is likely that the organization

(i) will be engaged in proceedings that would ordinarily come before the judge, or

³⁹ <http://www.abanet.org>

⁴⁰ Id

(ii) will be engaged frequently in adversary proceedings in the court of which the judge is a member or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

ABA Model Code of Judicial Conduct (2007)

ABA Canon 3 provides that:

A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.

Rule 3.1

Extrajudicial Activities in General

A judge may engage in extrajudicial activities except as prohibited by law or this code. However, when engaging in extrajudicial activities, a judge shall not:*

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;*
- (B) participate in activities that will lead to frequent disqualification of the judge;*
- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence,* integrity,* or impartiality;**
- (D) engage in conduct that would appear to a reasonable person to be coercive; or*
- (E) make use of court premises, staff, stationary, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.*

Commentary

(1) To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate judicial activities. Judges are uniquely qualified to engage in extrajudicial activities that concern the law, the legal system and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects. In addition, judges are permitted and encouraged to engage in educational, religious, charitable, fraternal or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law. See Rule 3.7.

(2) Participation in both law-related and other extrajudicial activities helps integrate judges into their communities, and furthers public understanding of and respect for courts and the judicial system.

ABA Model Code of Conduct (2007)

Rule 3.7

Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, and civic organizations not conducted for profit, including but not limited to the following activities:

(6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:

(a) will be engaged in proceedings that would ordinarily come before the judge; or

(b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to appellate jurisdiction of which the judge is a member.

Commentary

- (1) The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public service or private nonprofit educational institutions, and other nonprofit educational institutions, including law-related and charitable organizations.
- (2) Even for law-related organizations, a judge should consider whether the membership and purposes of the organization would conflict with the judge's obligation to refrain from activities that reflect adversely upon a judge's independence, integrity and impartiality.

May a judge advocate for the formation of a CASA program and encourage community support thereof?

ABA Model Code of Judicial Conduct (amended 1990-2003)

ABA Canon 4B provides that:

(B) Avocational Activities. A judge may speak, write, lecture, teach and participate in other judicial activities involving the law, the legal system, the administration of justice and non-legal subjects, subject to the requirements of this code.

ABA Model Code of Judicial Conduct (2007)

Unfortunately, ABA Canon 4B (2003) is eliminated from ABA *Model Code of Judicial Conduct* (2007) and placed in the comment to Rule 3.1 with the following language as noted above:

To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in extrajudicial activities. Judges are uniquely qualified to engage in extrajudicial activities that concern the law, the legal system, and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects.

May a judge communicate with financial supporters of the program or participate in fundraising activities?

ABA Model Code of Judicial Conduct (amended 1990-2003)

ABA Canon 4C(3)(b) provides that:

A judge, as an officer, director, trustee or non-legal advisor, or a member or otherwise: (i) may assist such an organization in planning fund-raising and may participate in the management and investment of the organization's funds or other fund-raising activities, except that a judge may solicit funds from other judges over whom the judge does not exercise supervisory or appellate authority...

ABA Model Code of Judicial Conduct (2007)

Rule 3.7

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

- (1) assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization's or entity's funds;*
- (2) soliciting* contributions* for such an organization or entity, but only from members of the judge's family*, or from judges over whom the judge does not exercise supervisory or appellate authority;*
- (3) soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;*
- (4) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an*

organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice;

(5) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice

Commentary

(1) The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable and other organizations.

(2) Even for law-related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge's participation in or association with the organization, would conflict with the judge's obligation to refrain from activities that reflect adversely upon a judge's independence, integrity and impartiality.

(3) Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of paragraph (A)(4). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.

(4) Identification of a judge's position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate the rule. The letterhead may list the judge's title or judicial office if comparable designations are used for other persons.

(5) In addition to appointing lawyers to serve as counsel for indigent parties in individual cases, a judge may promote broader access to justice by encouraging lawyers to participate in pro bono public legal services, if in doing so the judge does not employ coercion, or abuse the prestige of judicial office. Such encouragement may take many forms, including providing lists of available programs, training lawyers to do pro bono public legal work, and participating in events recognizing lawyers who have done pro bono public work.

Concluding Remarks: Canons and Rules—Old and New

Renumbered new Canon 3 is basically the old Canon 4.

- It expands the canon to include “personal” as well as “extrajudicial activities.”
- It replaces “conflict with judicial obligations” with “conflict with the obligations of judicial office.”

Rule 3.1 is basically the old Canon 4A permitting extrajudicial activities subject to the listed prohibitions.

Rule 3.1(B) added a prohibition of participating in extrajudicial activities that will “lead to frequent disqualification of the judge.”

Commentary Rule 3.1

(1) This comment (1) enlarges the participation of extrajudicial activities that a judge can participate in to activities that are not law-related, *...as long as they are undertaken in connection with not-for-profit organizations.*

(2) This comment (2) explains the importance to the community of judges being integrated into their communities by participating in *...both law-related and other extrajudicial activities...*

Rule 3.7(A)

Rule 3.7(A)(1) is similar to the same as the first clause of Canon 4(c)(3)(b)(1) of the old code.

Commentary Rule 3.7

(1) This comment (1) explains that the activities permitted are applicable to all public and private nonprofit organizations.

(3) This comment (3) explains that mere attendance at an event, whether or not the event serves a fundraising event, does not constitute a violation of paragraph (A)(4). (However, note that paragraph (A)(4) provides that if the event serves a fundraising purpose, the judge is permitted to be a featured speaker or may participate only if the organization or entity is concerned with the law, the legal system or the administration of justice.) It also clarifies a previous issue that judges are concerned about, namely, participating in certain minor activities undertaken in connection with those events, such as serving as an usher, food server or preparer, or performing similar functions at those fundraising events, and explains that those activities are not considered solicitation and do not present an element of coercion or abuse the prestige of judicial office.

While not prohibiting activities involving money, no permissible activities are mentioned involving the handling of money.

Comment (4) is similar to parts of the second paragraph of the commentary to Canon 4C(3)(b) of the amended 2003 code. The letterhead of the organization or entity may include a judge’s name and position even when used for fundraising or member solicitation purposes if it is not coercive and does not abuse the prestige of judicial office, as long as the judge is identified in the same way as other persons on the letterhead.

Relevancy of Comments

Commentary

Comments to the ABA *Model Code of Judicial Conduct* (2007) are included above to assist judges in interpreting the new rules. However, these comments are not to be interpreted as black-letter law.

(3) The comments that accompany the rules serve two functions. First, they provide guidance regarding the purpose, meaning, and proper application of the rules. They contain explanatory material and, in some instances, provide examples of permitted or prohibited conduct. Comments neither add to nor subtract from the binding obligations set forth in the rules. Therefore, when a comment contains the term “must,” it does not mean that the comment itself is binding or enforceable; it signifies that the rule in question, properly understood, is obligatory as to the conduct in question.

(4) Second, the comments identify aspirational goals for judges. To implement fully the principles of this code as articulated in the canons, judges should strive to exceed the standards of conduct established by the rules, holding themselves to the highest ethical standards and seeking to achieve those aspirational goals, thereby enhancing the dignity of the judicial office.

Editor’s note: Words followed by asterisks are being used in the sense defined in the [Terminology section](#) of the ABA *Model Code of Judicial Conduct* (2007).

2013 Supplement to Chapter 7: “CASA Programs and Judicial Ethics”

Judge Leonard Edwards (ret.)
Judge Thomas Hornsby (ret.)⁴¹

Introduction

The relationship between a Court Appointed Special Advocate (CASA)⁴² program and a juvenile court judge presents ethical problems that other judges do not encounter. The goal of this edition of the *Judges’ Page* is to identify those problems and discuss the considerations that a judge should take into account when facing them. There are several introductory caveats that apply to the entire discussion.

First, we will be referring to the American Bar Association (ABA) Model Code of Judicial Conduct (2007).⁴³ Not all states have adopted this most recent set of amendments. However, many of the code sections were not changed, so even in those states that have not adopted the new revisions, the analysis will be the same.

An analysis of the states that have adopted the 2007 Code or made revisions to it as of December 6, 2012, is found in an article entitled: **Status of State Review of ABA Model Code of Judicial Conduct (2007)**. Comments as to the article can be directed to John A. Holtaway, (312) 988-5298, john.holtaway@americanbar.org. The article lists the jurisdictions in twenty-seven (27) states (AZ, AR, CA, CT, DE, DE, DC, HI, KS, ME, MN, MO, MT, NE, NV, NH, NM, NE, OH, OK, SD, TN, UT, WA, and WY) that have approved a revised Judicial Code. The status of the review of other states’ judicial jurisdictions is also described in the article.⁴⁴

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⁴² CASA programs are often referred to as GAL (Guardian ad litem) programs. Throughout this discussion, we will use the name CASA to refer to both CASA and GAL programs.

⁴³ MODEL CODE OF JUDICIAL CONDUCT (2007), available at http://www.americanbar.org/groups/professional_responsibility/resources/judicial_ethics_regulation/mcjc.htm

⁴⁴ Center for Professional Responsibility, *Status of State Review of ABA Model Code of Judicial Conduct* (2007). AMERICAN BAR ASSOCIATION, 1, (January 10, 2013), http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/judicial_status_chart_authcheckdam.pdf.

Overview of Relevant Canons in the ABA Model Code of Judicial Conduct (2007)

Comparison of Canons and Rules – Old and New

“Renumbered new Canon 3 is basically the old Canon 4.

- It expands the canon to include ‘personal’ as well as ‘extrajudicial activities.’
- It replaces ‘conflict with judicial obligations’ with ‘conflict with the obligations of judicial office.’”⁴⁵

Rule 3.1 is basically the old Canon 4A permitting extrajudicial activities subject to the listed prohibitions.

Rule 3.1(B) added a prohibition of participating in extrajudicial activities that will “lead to frequent disqualification of the judge.”⁴⁶

Commentary Rule 3.1:

- (1) This comment (1) enlarges the participation of extrajudicial activities that a judge can participate in to activities that are not related, . . . *as long as they are undertaken in connection with not-for-profit organizations.*
- (2) This comment (2) explains the importance to the community of judges being integrated into their communities by participating in . . . *both law-related and other extrajudicial activities.* . . .⁴⁷

Rule 3.7(A)

Rule 3.7(A)(1) is similar to the first clause of Canon 4(C)(b)(1) of the old code.⁴⁸

“Commentary Rule 3.7:

- (1) This comment (1) explains that the activities permitted are applicable to all public and private nonprofit organizations.
- (2) This comment (3) explains that mere attendance at an event, whether or not the event serves a fundraising event, does not constitute a violation of paragraph (A)(4). (however, note that paragraph (A)(4) provides that if the event serves a fundraising purpose, the judge is permitted to be a featured

⁴⁵ Hornsby, Thomas E., *Reviewing the Current Situation*, Chapter 7: “Ethical Considerations for Judges Involved with CASA Programs,” 74, *JUDGES’ GUIDE TO CASA/GAL* (National CASA Ass’n Res. Library 2004 & Supp. 2010).

⁴⁶ *Id.* at 75

⁴⁷ *Id.*

⁴⁸ *Id.*

speaker or may participate only if the organization or entity is concerned with the law, the legal system or the administration of justice.) It also clarifies a pervious issue that judges are concerned about, namely, participating in certain minor activities undertaken in connection with those events, such as serving as an usher, food server or preparer, or performing similar functions at those fundraising events, and explains that those activities are not considered solicitation and do not present an element of coercion or abuse of judicial office.

While not prohibiting activities involving money, no permissible activities are mentioned involving the handling of money.”⁴⁹

Comment (4) is similar to parts of the second paragraph of the commentary to Canon 4C(3)(b) of the amended 2003 code. The letterhead of the organization or entity may include a judge’s name and position even when used for fundraising or member solicitation purposes if it is not coercive and does not abuse the prestige of judicial office, as long as the judge is identified in the same way as other persons on the letterhead.⁵⁰

Authority of Comments:

Comments to the ABA *Model Code of Judicial Conduct* (2007) are included above to assist judges in interpreting the new rules. However, these comments are not to be interpreted as black letter law.

- (3) The comments that accompany the rules serve two functions. First, they provide guidance regarding the purpose, meaning, and proper application of the rules. They contain explanatory material and, in some instances, provide examples of permitted or prohibited conduct. Comments neither add to nor subtract from the binding obligations set forth in the rules. Therefore, where a comment contains the term ‘must’, it does not mean that the comment itself is binding or enforceable; it signifies that the rule in question, properly understood, is obligatory as to the conduct in question.
- (4) Second, the comments identify aspirational goals for judges. To implement fully the principles as articulated in the canons, judges should strive to exceed the standards of conduct established by the rules, holding themselves to the highest

⁴⁹ *Id.*

⁵⁰ *Id.*

ethical standards and seeking to achieve those aspirational goals, thereby enhancing the dignity of the judicial office”.⁵¹

Second, while each state has established a code of judicial conduct, each of those codes is unique to that state. Any person relying on the analysis in this discussion should refer to his or her own state code for the exact language that would apply in his or her state. Furthermore, the analysis of the same language may vary from state to state. Whereas one state interprets certain judicial conduct as ethical, another state may refer to identical language and conclude that the judicial behavior was not ethical. Again it is critical to refer to one’s own state code and the interpretation that appellate courts and agencies have ascribed to it in order to understand how one’s own state has approached these issues.

Judges may look to their respective state’s judicial advisory opinions. However, not all states have committees that issue judicial ethics opinions. “[A]pproximately 43 states, the District of Columbia, and the U.S. Judicial Conference have judicial advisory committees.”⁵² Please note that the ethics advisory opinions included in this article are synopses of the official opinions interpreting the judicial codes before the adoption of the ABA Model Code of Judicial Conduct (2007) and should not be relied upon or used in lieu of obtaining legal advice. When in doubt, judges may request an advisory opinion prior to but not after engaging in a particular activity. However, judges should be aware that these opinions are not binding on the disciplinary body of the state.⁵³ However, in Rhode Island, the Code of Judicial Conduct states in pertinent part as follows: “Any judge who acts in accordance with an opinion issued by the Advisory Committee shall be presumed to have abided by the Canons of Ethics.” Judges should always request an opinion before engaging in activities as the state advisory opinions are prospective in nature and do not apply to conduct engaged in prior to the issuance of the opinion. Judges should be wary of relying upon a published judicial opinion without seeking an opinion as to their specific concern as the opinions are fact specific and may not apply to their factual scenario. Moreover, the judicial advisory opinions and decisions interpreting their respective Codes of Judicial Conduct vary from state to state.⁵⁴

Third, what we write is not definitive. Our discussion and conclusions may be helpful in explaining why a judge should take one action or another, but the final interpretation of ethical conduct will always be the highest court in each particular state.

Fourth, please do not regard the article as legal advice. Consider it only for informational purposes. Nothing contained in this article is to be considered as the rendering of legal advice for specific cases or rules, and readers are responsible for obtaining such advice from their own legal counsel.

⁵¹ *Id.* at 75-76.

⁵² Cynthia Gray, *Judges and Social Networks*, JUDICIAL CONDUCT REPORTER, Spring 2012, at 10.

⁵³ For example, the Florida Judicial Ethics Advisory Committee and its operational guidelines state: “The Committee shall render advisory opinions to inquiring judges relating to the propriety of contemplated judicial and non-judicial conduct, but all opinions shall be advisory in nature only....An opinion of the Committee may however....be considered as evidence of a good faith effort to comply with the Code of Judicial Conduct; provided that no opinion issued to one judge or justice shall be authority for the conduct, or evidence of good faith, of another judge or justice unless the underlying facts are identical.” Petition of the Committee on Standards of Conduct for Judges, 327 So.2d 5 (Fla. 1976).

⁵⁴ Hornsby, *Reviewing the Current Situation* at 55-56.

In spite of these caveats, we believe that our discussion will be useful to judges and others across the country. Our hypothetical cases may be identifying conduct that many judges are considering without thought of ethical issues. Our discussion may assist judges in checking their respective codes of judicial conduct for language and analysis that will assist them in determining whether to take certain actions. We hope that our discussion will help judges make more informed ethical decisions concerning their relationship to local CASA programs. We are convinced that traditional texts regarding ethics do not address many of the issues that we discuss. Finally, we hope that our discussion will persuade judges that they can take certain actions with regards to local CASA programs. We believe that we have a number of answers to the statement by made by some judges that “I can’t do that – it would be unethical.”

CASA directors and volunteers may also benefit from a reading of these materials. They are not trained in judicial ethics and may inadvertently ask a judge to take action that would be unethical. By becoming familiar with these hypothetical situations and the discussion that follows, they may be able to avoid making inappropriate requests.

I. Court Appointed Special Advocate (CASA) Programs

CASA is a program that trains and supervises citizen volunteers who are then appointed by the local juvenile court judge to speak on behalf of a child who is under court jurisdiction. CASA programs exist in 49 states and the District of Columbia. CASA programs are also in various stages of development in other countries, including [Israel](#). They have different names including GAL, Child Advocates, Voices For Children, and several others. CASA programs provide critical support for abused and neglected children both in and out of the courtroom.⁵⁵ CASA was started by a juvenile court judge in 1977 and has been embraced by many local courts across the country. Currently there are 933 programs serving tens of thousands of dependent children.⁵⁶

CASA programs are typically private not-for-profit organizations with close working relationships with the local juvenile court judge. Some CASA programs operate out of the local judiciary, some on a county or district level, while others are statewide organizations. CASA volunteers are trained pursuant to national and state standards and supervised by CASA staff members. They are appointed by the court and have specified duties in their roles as advocates for children.

There is nothing quite like a CASA program in the judicial branch. Judges traditionally decide cases and do most of their work on the bench. But creating, maintaining, and working with CASA programs raises unique ethical issues. The juvenile court judge’s relationship to the CASA program is the focus of the discussion below.

⁵⁵ Edwards *et al.*, *The Judicial Role in Creating and Supporting CASA/GAL Programs*, TODAY: JUVENILE AND FAMILY JUSTICE, Spring 2005, at 16-19.

⁵⁶ See generally CASA: COURT APPOINTED SPECIAL ADVOCATES FOR CHILDREN, <http://www.casaforchildren.org> (last visited Nov. 30, 2012)

II. Hypothetical Situations

A. Ethical Implications in Starting a CASA Program

As presiding judge of the juvenile court you would like to start a CASA program. Colleagues from around the state and across the country have convinced you that such a program would benefit the children under court jurisdiction and provide the court with better information about those children. You take the following actions:

Hypothetical Situations

1. You arrange for a meeting to take place on a Sunday and invite the public to attend. The purpose of the meeting is to start a CASA program.
2. You have the court executive produce fliers for the meeting and distribute them throughout the community.
3. You lead the meeting, first explaining the juvenile dependency system and then the need for volunteers to help start a CASA program.
4. You personally shake hands with each of those who appear at the meeting and tell them that volunteering to work with an abused child will greatly help those children.

Would you take any/all of these steps?

Are there any ethical issues that you should be aware of in this scenario?

Discussion

These four actions mirror what Judge David Soukoup did when he created the first CASA program in King County (Seattle), Washington.⁵⁷ He may have even made up the fliers himself. People came from the community to see if they could help the juvenile court by working with the juvenile court judge. The steps outlined are aimed at creating resources for abused and neglected children and are consistent with the juvenile court judge's goal of serving the best interests of the children who appear in juvenile court. National organizations urge you to take these steps.⁵⁸ You are holding the meeting on a weekend so that it will not interfere with your judicial duties. This is consistent with the ABA Code of Judicial Conduct (CJC) that advises judges not to let other activities interfere with their

⁵⁷ One of the authors has heard Judge Soukoup describe how he created the first CASA program several times in public presentations. See also *History of National CASA*, CASA: COURT APPOINTED SPECIAL ADVOCATES FOR CHILDREN <http://www.casaboston.org/boston-casa-program/history-of-national-casa.aspx>.

⁵⁸ "The National Council of Juvenile and Family Court Judges and the National CASA Association support your efforts to be a community leader in improving outcomes for abused children through establishment of a CASA program in your community." Hornsby, *Reviewing the Current Situation*, at 54. "Judges should encourage the development of volunteer programs, particularly Court Appointed Special Advocate programs and foster care review boards, to assist children and families within the courts and the child welfare system." "Key Principles for Permanency Planning for Children," *Technical Assistance Brief*, Nat'l Council of Juvenile & Family Court Judges, Reno, October, 1999, Recommendation #7.

judicial duties.⁵⁹ You appear at the meeting and explain the need for volunteers. You meet the people who appear and explain how their volunteering will assist the children under court jurisdiction. All of your actions are intended to improve outcomes for the children who appear in your dependency court. Prior to the adoption of the 2007 Code, ABA Model Code of Judicial Conduct (amended 1990-2003) provided that:

(B) Avocational Activities. A judge may speak, write, lecture, teach and participate in other activities involving the law, the legal system, the administration of justice and non-legal activities, subject to the requirements of this code.

Unfortunately, and against the recommendation of the National Council of Juvenile and Family Court Judges, ABA Canon 4B (2003) was eliminated from the ABA Model Code of Judicial Conduct (2007) and placed in the comment to Rule 3.1 with the following language as noted above:

To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities that concern the law, the legal system, and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects.⁶⁰

It is the authors' opinion that a judicial advisory body would probably interpret this comment to Rule 3.1 in an advisory opinion as to whether a judge can advocate for the formation of a CASA program and encourage community support thereof. The Washington Ethics Advisory Committee opined that a judicial officer may "serve on a board for a nonprofit organization to *develop* and administer a program for guardian ad litem".⁶¹ The facts presented to the committee involved the organization of a CASA program.

Ethical difficulties may arise when taking the next steps. Who will run the program? What will the judge's role be in reaching out to the community to attract volunteers? What role will the judge have in running the program? What will be the judge's relationship to the program? These and related issues will be discussed in the subsequent sections.

Sources: Canons 1⁶², 2⁶³, 3⁶⁴, Rules 3.1⁶⁵ & 3.7.⁶⁶

B. Ethical Implications in Recruiting CASA Volunteers

⁵⁹ A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office. MODEL CODE OF JUDICIAL CONDUCT Canon 3 (2007).

⁶⁰ MODEL CODE OF JUDICIAL CONDUCT R. 3.1 (2007).

⁶¹ Wash. Ethics Advisory Comm. Op. 94-06 (May 31, 1994).

⁶² MODEL CODE OF JUDICIAL CONDUCT Canon 1 (2007).

⁶³ MODEL CODE OF JUDICIAL CONDUCT Canon 2 (2007).

⁶⁴ MODEL CODE OF JUDICIAL CONDUCT Canon 3 (2007).

⁶⁵ MODEL CODE OF JUDICIAL CONDUCT R. 3.1 (2007).

⁶⁶ MODEL CODE OF JUDICIAL CONDUCT R. 3.7 (2007).

As a juvenile court judge you would like to expand the number of volunteers in your local CASA program. To accomplish this you take the following steps:

Hypothetical Situations

1. Go to several local service organizations (Rotary, Elks, etc.) to discuss the juvenile court, the CASA program and then ask the assembled persons to consider becoming CASA volunteers.
2. Ask the Jury Commissioner in your court to give each prospective juror a copy of a flier containing statements by you encouraging citizens to become CASA volunteers.
3. Personally ask retired persons who you know in the community to become CASA volunteers.
4. Ask your clerk, court reporter, and bailiff to hand out the same fliers to persons entering the courtroom, to attorneys who appear in your courtroom, and to their friends and family.
5. Post fliers outside your courtroom, other judge's courtrooms and in the clerk's office.
6. Appear on a television talk show to discuss CASA and the need for volunteers.
7. Appear on a television spot in your robe talking about CASA with information on how to contact the program written below your presentation.
8. Create a flier with your picture in it, sitting robed with a child in your lap.
9. Be featured on a poster distributed throughout the community which shows a picture of you robed and pointing a finger outward saying, "I WANT YOU TO VOLUNTEER TO BE A CASA!"

Would you take any of these actions?

Are there ethical issues with regard to any of these proposed actions?

Discussion

The previous section addressed the propriety of taking steps to create a CASA program. This set of scenarios covers the ethical and legal limits you face as you attempt to expand the local CASA program.

Both Canon 3⁶⁷ (Rules 3.1⁶⁸ & 3.7⁶⁹) and the Advisory Committee Commentary encourage judges to contribute to the improvement of the law, the legal system, and the administration of justice. Rule 3.2 Extrajudicial Activities in General and Comments 1 and 2 are helpful as stated:

COMMENT

[1] ...judges are permitted and encouraged to engage in educational, . . . charitable, . . . or civic activities not conducted for profit, even when the activities do not involve the law.

[2] Participation in both law-related and other extrajudicial activities helps integrate judges into their communities, and further public understanding of and respect for courts and the judicial system.⁷⁰

In scenario (1) you are speaking to community service organizations about the needs of foster children and the value of CASA. This is ethical behavior. You can also say to those in attendance that they can become a part of the CASA program and give details regarding how they may volunteer for the local CASA program. You could point out that there are many ways to participate in the program, whether as a volunteer, a board member, an in-kind service provider, an event volunteer, or a committee member. You should not demand or order that anyone become a volunteer – that would be using the power of the judiciary improperly.⁷¹ However, you can certainly direct potential participants to contact the appropriate CASA representative; this action would be taken in response to a question from the audience. A better approach would be to have a CASA representative as a part of your presentation or present in the room while you are speaking. That person can let the audience know how to contact someone concerning participation in the CASA program.

In scenario (2) you have asked the jury commissioner to pass out leaflets describing the CASA program to all prospective jurors. This request will place a new responsibility on a public employee. A better approach would be to have the leaflets available in the jury waiting room for anyone interested in the CASA program. In this way you would not be asking a court employee to undertake a task that is not a part of his or her job description. You should inform the presiding judge of your effort to ensure that he or she approves. It may be that the presiding judge would not approve of passing out fliers. The Texas Committee on Judicial Ethics, in an opinion involving the issue of “whether a judge may permit brochures in her courtroom and other public areas in the courtroom that announce the availability of a county bar sponsored lawyer referral service”, concluded that “by informing the public of this bar sponsored service, the judge is improving the administration of justice.”⁷²

In scenario (3) you are considering asking retired persons in the community whom you know to become CASA volunteers. This would be ethical if you were to phrase your

⁶⁷ MODEL CODE OF JUDICIAL CONDUCT Canon 3 (2007).

⁶⁸ MODEL CODE OF JUDICIAL CONDUCT R. 3.1 (2007).

⁶⁹ MODEL CODE OF JUDICIAL CONDUCT R. 3.7 (2007).

⁷⁰ MODEL CODE OF JUDICIAL CONDUCT R. 3.1, cmts. 1 & 2 (2007).

⁷¹ See MODEL CODE OF JUDICIAL CONDUCT R. 3.1(D) (2007).

⁷² Tex. Comm. On Judicial Ethics Op. 203 (1996).

request something like . . . “now that you are retired, have you considered some volunteer work? I can let you know about some volunteer work that would greatly assist the court.” This is consistent with Rule 3.7(A)(6)⁷³ & (B)⁷⁴. However, when soliciting participation by citizens, you should not solicit persons if they are likely ever to appear before the court you serve on. Rule 3.1(B) added a prohibition of participating in extrajudicial activities that will “lead to frequent disqualification of the judge.”⁷⁵ Scenario (4) is similar to scenario (2) except that you are asking your court staff to give out information about the CASA program. The analysis is the same as in scenario (2). You should not be asking court employees to undertake tasks that are beyond what they are required to do pursuant to their job description. You could ethically consider making available descriptive material in the court waiting room or posting it on a court bulletin board. That is the suggestion in scenario (5). The only caution in this scenario is that you should clear your proposed action with the presiding judge of the superior court. This is not an ethical caution, but judges should always keep their presiding or supervising judge informed about such actions.

In scenarios (6) and (7) you are considering going on television or radio to promote the CASA program. These are ethical actions so long as you act consistently with the cautions listed in Rule 3.1.⁷⁶ The same cautions apply as did with public speaking as in scenario (1).

However, the fact that you are going to wear a robe on the television appearance raises an additional ethical issue. The question is whether your conduct “promotes public confidence in the integrity . . . of the judiciary.”⁷⁷ Judicial robes are more than simply a choice of clothing – they represent the office of the judiciary. Out-of-court use of the robe is permitted at ceremonial events such as investitures and weddings. Whether wearing a robe is ethical may depend on the location of the filming. It would be improper in the television studio, but likely proper if taken while you were sitting on the bench. The issue is so close that the safest practice is to appear without a robe. After all, you will be identified as a judge, so the robe is unnecessary for purposes of identification. The Texas Committee on Judicial Ethics, when asked whether a judge may appear on television in a public service announcement asking people to volunteer their time as readers for the nonprofit organization Recording for the Blind and Dyslexic, concluded that the judge “...may make such announcement so long as the prestige of judicial office is not used,” but the judge should not wear a judicial robe when making the announcement.⁷⁸ In contrast, The State Bar of Michigan Standing Committee on Professional and Judicial Ethics stated that a judge may not serve as a “celebrity guest” on a radio show with an accompanying of prerecording of “a public service announcement to be broadcast on the program urging the public to join the organization, or agreeing to be interviewed about why the judge is a member and why it is important to join, because such activities amount to personal solicitation. . .” which is prohibited by the Michigan Code of Judicial Conduct.⁷⁹

⁷³ MODEL CODE OF JUDICIAL CONDUCT R. 3.7(A)(6) (2007).

⁷⁴ MODEL CODE OF JUDICIAL CONDUCT R. 3.7(B) (2007).

⁷⁵ MODEL CODE OF JUDICIAL CONDUCT R. 3.1(B) (2007).

⁷⁶ MODEL CODE OF JUDICIAL CONDUCT R. 3.1 (2007).

⁷⁷ MODEL CODE OF JUDICIAL CONDUCT R. 1.2 & 1.3 (2007).

⁷⁸ Tex. Comm. On Judicial Ethics Op. 253 (1999)

⁷⁹ Mich. Ethics Comm. Op. J1-87 (1994)

In scenario (8) it is suggested that you appear in a photograph with a child sitting on your lap as a part of a promotion for the CASA program. This may not be upholding the integrity of the judiciary (Rule 1.3⁸⁰), and it may be seen as demeaning the judicial office (Rule 1.2⁸¹). Judges do not normally take children on their laps in court. On the other hand, the robe “merely furnishes a convenient way to identify the subject of the photograph as a judge.” The photograph of the robed judge with a child lends prestige to the CASA program, a program concerning the improvement of the law. No private interest is being promoted by this photograph. However, even if done in good taste, this photograph may demean the judicial office as picturing a judge in an unusual non-judicial pose. You should decline this suggestion.

Scenario (9) is similar to scenario (8) in that it involves appearing off-the-bench in a robe for a poster promoting CASA. This involves unethical behavior in that you would not be promoting the integrity of the judiciary, and this would be improper behavior in violation of Canon 1⁸², as well as demeaning the judicial office in violation of Rule 1.2.⁸³

The New York Advisory Committee of Judicial Ethics determined that a judge may not provide a statement of endorsement for the local CASA organization for inclusion in a brochure used to recruit volunteers because it had been previously determined that a judge should not, on behalf of a nonprofit organization, solicit volunteers to do physical labor, solicit contributions or serve on committees or on the board of directors of the organization.⁸⁴

Opinions 98-98; 98-119.⁸⁵

Sources: Canon 1⁸⁶, Rule 1.2⁸⁷ & 1.3⁸⁸.

C. Ethical Implications of Fundraising

You have been told that your CASA program needs additional funding to strengthen the program and provide more volunteers for dependent children. You are considering taking the following steps:

Hypothetical Situations

1. Help organize the local CASA fundraiser.

⁸⁰ MODEL CODE OF JUDICIAL CONDUCT R. 1.3 (2007).

⁸¹ MODEL CODE OF JUDICIAL CONDUCT R. 1.2 (2007).

⁸² MODEL CODE OF JUDICIAL CONDUCT Canon 1 (2007).

⁸³ MODEL CODE OF JUDICIAL CONDUCT R. 1.2 (2007).

⁸⁴ Hornsby, *Reviewing the Current Situation* at 65.

⁸⁵ N.Y. Advisory Comm. on Judicial Ethics Op. 02-80 (2005).

⁸⁶ MODEL CODE OF JUDICIAL CONDUCT Canon 1 (2007).

⁸⁷ MODEL CODE OF JUDICIAL CONDUCT R. 1.2 (2007).

⁸⁸ MODEL CODE OF JUDICIAL CONDUCT R.1.3 (2007).

2. Have your name appear on the fundraiser invitation.
3. Ask all judges, court commissioners, and court employees to attend the event.
4. Appear at the local CASA fundraiser.
5. Be honored at the CASA fundraiser.
6. Speak at the fundraiser.
7. Urge attendees to support the CASA program.
8. Offer a dinner for eight at your home in the CASA auction.
9. Offer to caddy for the highest bidder at the CASA auction.
10. Assist in the management and investment of the funds raised at the event.
11. Write a letter supporting a CASA grant application.

Are there legal or ethical issues with regard to any of these proposed actions?

Discussion

The relationship between the juvenile court judge and fundraising for a CASA organization involves several complex ethical issues. In scenario (1), you may assist in the planning of a fundraising event.⁸⁹ In scenario (2), your name may appear on the invitation, but only as a committee member, not as the person requesting that persons attend the event.⁹⁰

You may ask judges to attend in scenario (3), but not subordinate judicial officers or court employees. That would be using the power of the judicial office improperly by personally participating in the solicitation of funds.⁹¹

You may appear at the fundraiser as in scenario (4), and be honored as in scenario (5)⁹² so long as you do not personally solicit funds or engage in conduct that appears to lend prestige of the office to the organization. You may also speak at the event in scenario (6), so long as you do not personally solicit funds and otherwise comply with the canons.⁹³

In scenario (7) you are asking the attendees to support the CASA program. That would likely be interpreted as a violation of Rule 3.7(4)⁹⁴ as a personal solicitation of funds.

⁸⁹ See MODEL CODE OF JUDICIAL CONDUCT R. 3.7(A)(1) (2007).

⁹⁰ See MODEL CODE OF JUDICIAL CONDUCT R. 3.7, cmt. (4) (2007).

⁹¹ See MODEL CODE OF JUDICIAL CONDUCT R. 3.1(D) and 3.7(A)(s) (2007).

⁹² See MODEL CODE OF JUDICIAL CONDUCT R. 3.7(A)(4) (2007).

⁹³ See *Id.*

⁹⁴ *Id.*

In the alternative, you could explain the need for volunteers and what those volunteers can do to help the children in the juvenile dependency court without violating any ethical standards. This would be appropriate so long as the audience did not include persons who are likely to appear before the court on which you serve. Moreover, the solicitation cannot appear to be coercive in nature and violate Rule 3.1(D).⁹⁵

Both offering a dinner at your house as in scenario (8), and offering to caddy for the highest bidder as in scenario (9) are violations of Canon 1.⁹⁶ Participation in these events would demean the judicial office.

Scenario (10) asks if you can help with the management and investment of the funds raised at the event. These are ethical actions pursuant to Rule 3.7(A).⁹⁷ You can also write letters of support for CASA and other service provider grant applications. The letters must be factual, stating your personal knowledge of the program and the need for the grant. CASA is an organization that helps improve outcomes for children before the court, thus it comes within the provisions of Rule 3.7.⁹⁸

The judicial advisory opinions are in conflict.⁹⁹ In Nebraska, for instance, the Ethics Advisory committee concluded that “a judge may write a letter of support for a funding grant on behalf of a victim assistance or CASA agency based on . . . personal knowledge.”¹⁰⁰ The committee determined that such a written recommendation would not be considered a direct participation by the judge in fundraising.¹⁰¹ The Florida Judicial Ethics Advisory Committee, however, determined that a judge may not write a letter to a grant provider which encourages “the funding of a local nonprofit organization that provides victims of domestic violence with advocates.”¹⁰² The committee was concerned that by writing such a letter, a judge (would be indirectly assisting litigants or witnesses (alleged victims) that would appear before the Court) and that this “could affect the perception of impartiality.”¹⁰³

“Examples of other activities that may be permitted or not in a particular state are as follows:

- Judges may serve or be listed on an honorary committee of a charitable fundraising event.¹⁰⁴
- Judges may be celebrity guests (e.g. “celebrity chef,” “celebrity bagger”) at fundraising events.¹⁰⁵ Judges may be a guest of honor at a fundraising

⁹⁵ MODEL CODE OF JUDICIAL CONDUCT R. 3.1(D) (2007).

⁹⁶ MODEL CODE OF JUDICIAL CONDUCT Canon 1 (2007).

⁹⁷ MODEL CODE OF JUDICIAL CONDUCT R. 3.7(A) (2007).

⁹⁸ MODEL CODE OF JUDICIAL CONDUCT R. 3.7 (2007).

⁹⁹ Hornsby, *Reviewing the Current Situation* at 1.

¹⁰⁰ Neb. Ethics Advisory Op. 98-4 (August 19, 1998).

¹⁰¹ *Id.*

¹⁰² Fla. Sup. Ct. Judicial Ethics Comm. Op. 2002-09 (June 3, 2002).

¹⁰³ *Id.*

¹⁰⁴ Ind. Comm’n on Judicial Qualifications Op. 1-96. *But, see* Nev. Standing Comm. on Judicial Ethics & Election Practices Op. JE01-003 (April 5, 2001) (a judge may not allow his or her name to be listed on an honorary committee for primarily fund-raising activity or event).

dinner.¹⁰⁶ But see Illinois Judicial Ethics Committee Opinions Nos. 01-03 (May 1, 2001) (Judge may not be a guest of honor at a non-fundraising event held by a nonprofit organization whose employees regularly testify in adversary proceedings before that judge)¹⁰⁷ and 1-05 (May 1, 2001) (judge may not be a speaker or guest of honor at ...[charitable organization's] fund raising events).¹⁰⁸¹⁰⁹

Sources: Canon 1¹¹⁰, and Canon 3¹¹¹, Rule 3.1¹¹², 3.7¹¹³.

D. Ethical Implications of Participating in Administrative and Board Activities of the CASA Program

In the previous sections we have discussed the creation of a CASA program and some of the issues regarding the judge's efforts to raise money to support the program. In this section, we will explore other aspects of the judge-CASA relationship.

Hypothetical Situations

Your community has established a CASA program. It has an executive director and a board of directors. Your local CASA board of directors has asked you, a juvenile court judge, to participate in the following activities.

1. Become a member of the board of directors.
2. Become an advisory member of the board of directors.
3. Attend all board meetings as a friend of the board.
4. Believing it would improve the local program, the board asks you to attend a National CASA conference with the board paying for all of your expenses. They also invite your spouse to join you on the trip.
5. Would it make any difference in scenario (4) if you were also asked to speak at the national conference?

¹⁰⁵ Tex. Comm. on Judicial Ethics Op. 220 (1997); see also Kan. Judicial Ethics Advisory Op. JE-78 (July 11, 1997). But see Ill. Judicial Ethics Comm. Op. No. 99-1 (January 12, 1999) (a judge may not serve as a celebrity bagger for the United Way).

¹⁰⁶ Tex. Comm. on Judicial Ethics Opinion No. 252 (1999).

¹⁰⁷ Ill. Judicial Ethics Comm. Op. 01-03 (May 1, 2001)

¹⁰⁸ Ill. Judicial Ethics Comm. Op 1-05 (May 1, 2001)

¹⁰⁹ Thomas E. Hornsby, & Dulce B. Pouralifazel, *Reviewing the Current Situation in JUDGES' GUIDE TO CASA/GAL PROGRAM DEVELOPMENT*, 59 (Nat'l CASA Assoc. Resource Library Publication 2004 & Supp. 2010).

¹¹⁰ MODEL CODE OF JUDICIAL CONDUCT Canon 1 (2007).

¹¹¹ MODEL CODE OF JUDICIAL CONDUCT Canon 3 (2007).

¹¹² MODEL CODE OF JUDICIAL CONDUCT R. 3.1 (2007).

¹¹³ MODEL CODE OF JUDICIAL CONDUCT R. 3.7 (2007).

6. Meet with the CASA director from time to time to discuss administrative issues such as the quality of CASA reports and the role of the advocates in court.

Are there ethical issues related to any of these activities?

How would you respond to these requests from the board?

Discussion

While you may be an enthusiastic supporter of the CASA program, you must be cautious in responding to some of the requests that the board of directors makes of you. For example, in scenario (1), they ask you to become a member of the board. This would be improper based on Rule 3.7(A)(6)(a) and (b)¹¹⁴. While CASA is an agency devoted to the improvement of the law, the legal system, and the administration of justice and it is a non-profit organization, CASA does become engaged in judicial proceedings “that would ordinarily come before the judge”, and “will be engaged frequently in adversary proceedings in the court of which the judge is a member.”¹¹⁵ You should decline the request to become a member of the board of directors.

Judicial advisory opinions differ in their interpretation of this issue.

The Kansas Judicial Ethics Committee determined that a magistrate judge could serve as a director for a CASA program and is allowed to engage in limited fundraising activity. Conversely, the Nebraska Judicial Ethics Committee determined that the Code of Judicial Conduct would prohibit a judge from serving on a CASA board outside the judge’s judicial district because: “Such service could create a perception that the judge’s impartiality could be cast in doubt.”¹¹⁶

The opinion also commented that serving on a CASA board may further be prohibited by code provisions prohibiting a judge’s participation in direct fundraising.¹¹⁷ The Texas Committee on Judicial Ethics¹¹⁸ held that judges may not serve on the board of a nonprofit organization that trains volunteers and employs professional staff to be appointed by the judge as guardians of minors or incapacitated persons.¹¹⁹ The Texas State Commission on Judicial Conduct in Public Statement No. PS-2006-1, issued on November 18, 2005, concluded that a judge that hears cases in which CASA volunteers appear as advocates, or who has appellate jurisdiction over such cases, cannot serve as a member of the board of directors of either a local or state CASA organization. The commission reasoned “judges who serve an organization like CASA would endanger the public perception of the judge’s impartiality for it would not be unreasonable for the public to believe that a judge who is

¹¹⁴ MODEL CODE OF JUDICIAL CONDUCT R. 3.7(A)(6)(a) and (b) (2007).

¹¹⁵ See MODEL CODE OF JUDICIAL CONDUCT R. 3.7(6) (2007).

¹¹⁶ Thomas E. Hornsby. & Dulce B. Pouralifazel, *Reviewing the Current Situation* in JUDGES’ GUIDE TO CASA/GAL PROGRAM DEVELOPMENT, 66 (Nat’l CASA Assoc. Resource Library Publication Supp. 2010) citing Kan. Judicial Ethics Advisory Op. JE-52 (October 21, 1994) and quoting Neb. Judicial Ethics Op. 05-1 (January 20, 2005).

¹¹⁷ Hornsby, *supra*, note 5, at 66.

¹¹⁸ Tex. Committee on Judicial Ethics opinion No. 240 (1999)

¹¹⁹ Hornsby, *supra*, note 5, at 66.

affiliated with CASA would endorse and be partial to CASA and the CASA volunteer's recommendations." However, the commission noted

“that the appearance of impropriety in some cases could be cured with a full disclosure of the judge's affiliation with CASA, on the record, followed with the informed consent of the parties and their counsel to allow the judge to continue to hear and decide the case. Naturally, if a judge were asked to recuse from cases too frequently because of the relationship with CASA, that judge should step down from his or her membership on the Board. Canon 3B(1).”¹²⁰

Also, the New Mexico Advisory Committee on the Code of Judicial Conduct¹²¹ opined that it would not be proper for a judge to serve on the board of directors of the CASA program in the judge's district. “[T]he committee referred to Section 21-5003(a)A(ii) – which prohibits a judge from being a director for an organization that “engaged in adversary proceedings in the court of which the judge is a member.” The committee reasoned that the rule applied because the judge was part of a court in which CASA volunteers regularly appeared.”¹²²

Nevada's Standing Committee on Judicial Ethics has reasoned that a judge may not serve on the CASA Foundation Board.¹²³ “The CASA Foundation is a non-profit organization that promotes, administrates and engages in fund-raising activities to support the CASA program.”¹²⁴

You should not become a member of an advisory board as suggested in scenario (2). Even if being a member did not compromise the appearance of impartiality Canons 1¹²⁵ and 2¹²⁶, CASA does engage in adversary proceedings in the court, thus you would be in violation of Rules 3.1¹²⁷ & 3.7¹²⁸.

However, the New Mexico Advisory Committee on the Code of Judicial Conduct¹²⁹ determined that district judges may serve on a CASA Judicial Advisory Board because their duties as members of the board are to speak at training sessions and report on representation provided by the volunteers. In support of their decision, the board cited Rule 25-500 (B) which allows a judge to speak, write, lecture or teach concerning the law and the legal system. The committee concluded that it would be improper for the CASA directors to include the judges' names on the CASA letterhead because doing

¹²⁰ *Id.*

¹²¹ N. M. Advisory Comm. on the Code of Judicial Conduct Judicial Advisory Opinion No. 96-06 (May 29, 1996)

¹²² Hornsby, *Reviewing the Current Situation* at 66.

¹²³ Nev. Standing Comm. Judicial Ethics Advisory Op. JE11-009 (Sept. 2011).

¹²⁴ *Id.* at 1.

¹²⁵ MODEL CODE OF JUDICIAL CONDUCT Canon 1 (2007).

¹²⁶ MODEL CODE OF JUDICIAL CONDUCT Canon 2 (2007).

¹²⁷ MODEL CODE OF JUDICIAL CONDUCT R. 3.1 (2007).

¹²⁸ MODEL CODE OF JUDICIAL CONDUCT R. 3.7 (2007).

¹²⁹ N.M. Advisory Comm. on the Code of Judicial Conduct Judicial Advisory Op. 2001-02 (February 28, 2001)

so implies that the judge is in a leadership position involved in fundraising. This implication would give the appearance of impropriety when considered in light of Rule 21-00 (C) (3) (a) (I).¹³⁰

You may ethically attend all board meetings as in scenario (3), so long as these meetings do not interfere with your judicial duties.¹³¹ Your attendance may give the appearance that you were an advisor to the board, but your primary reason for going should be to coordinate the CASA program with juvenile court operations. You may discuss administrative matters with the director of the program just as you discuss such matters with the director at the children's services agency and lawyers' offices. You should advise all board members that you cannot discuss specific cases and that the board should not discuss specific cases while you are in attendance.

In scenarios (4) and (5) the CASA board proposes to send you to a National CASA event. You can certainly attend the National CASA Conference as many judges do, but you should not accept the CASA board's offer of paying for your (or your spouse's) expenses. That would be a violation of Rule 3.1(C).¹³² You would be giving the appearance that a party who regularly appears in your court has a special relationship with you. However, you would be permitted to receive reimbursement for your expenses from National CASA were you to be a speaker at the conference¹³³. You would have the obligation to report the receipt of such reimbursement¹³⁴.

Meeting with the CASA director to discuss administrative issues as in scenario (6) presents no ethical issues so long as the conversation is confined to that type of issue. These meetings are similar to the administrative meetings you may ethically hold with the director of children's services, the chief probation officer, and the heads of the attorney offices.

Sources: Canons 1¹³⁵, 2¹³⁶, & 3¹³⁷, Rules 3.1¹³⁸, 3.14¹³⁹, 3.15¹⁴⁰.

E. Ethical Implications in Participating in CASA Training and Ceremonies

The local CASA program would like you to assist the program in several ways, including the following:

Hypothetical Situations

¹³⁰ Hornsby, *Reviewing the Current Situation* at 67.

¹³¹ See MODEL CODE OF JUDICIAL CONDUCT R. 3.1(A) (2007).

¹³² MODEL CODE OF JUDICIAL CONDUCT R. 3.1(C) (2007).

¹³³ MODEL CODE OF JUDICIAL CONDUCT R. 3.14 (2007).

¹³⁴ MODEL CODE OF JUDICIAL CONDUCT R. 3.15 (2007).

¹³⁵ MODEL CODE OF JUDICIAL CONDUCT Canon 1 (2007).

¹³⁶ MODEL CODE OF JUDICIAL CONDUCT Canon 2 (2007).

¹³⁷ MODEL CODE OF JUDICIAL CONDUCT Canon 3 (2007).

¹³⁸ MODEL CODE OF JUDICIAL CONDUCT R. 3.1 (2007).

¹³⁹ MODEL CODE OF JUDICIAL CONDUCT R. 3.14 (2007).

¹⁴⁰ MODEL CODE OF JUDICIAL CONDUCT R. 3.15 (2007).

1. Swear in new volunteers in the courtroom while wearing your robe.
2. Speak to the volunteers at the swearing in ceremony.
3. Be photographed with individual volunteers as they are sworn in.
4. Permit the volunteers to sit in your courtroom to observe dependency proceedings.
5. Lead a training for the volunteers. The training would include tips on how to write effective reports, how to be an effective witness in court, and suggestions on what a volunteer should not do in or outside the court.
6. Sit as a judge in a mock trial where volunteers will be testifying and give advice to the attendees.

Are there ethical issues related to any of these proposed activities?

Discussion

Training of CASA volunteers is required by National CASA, by state statute, and by local CASA programs. It is a critical part of volunteer education. Often local attorneys, social workers, service providers and CASA staff conduct some of the training for the volunteers. Of course the judge is an important part of the juvenile dependency court and would be a valuable person to participate in the trainings. However the judge, once again, must be careful about that participation.

In scenarios (1) through (4), you are participating in the formal aspects of the training program. There is no ethical violation in swearing in the volunteers (after all, they are court appointed),¹⁴¹ speaking to them at the ceremony, having a picture taken with each volunteer, or in permitting them to observe court proceedings.

However, there are ethical concerns in both scenarios (5) and (6). In each case you are training and critiquing volunteers who later may testify in court. This may give the appearance of favoring CASA volunteers when they do testify in court¹⁴². While you may offer advice to volunteers about their conduct in court or the contents of their reports, you should not formally train them and should not coach or offer advice that might cast doubt on your ability to act impartially. However,

The Utah Judicial Ethics Advisory Committee¹⁴³ determined that a judge may give presentations at a CASA awards program. Canon 4C(4) states that judges have professional responsibility to educate the public about the judicial system and that there may be some benefit to a judge appearing

¹⁴¹ NATIONAL CASA, JUDGES' GUIDE TO CASA/GAL PROGRAM DEVELOPMENT 48-49 (2004).

¹⁴² See MODEL CODE OF JUDICIAL CONDUCT R. canon 1 & 3.(2007). See also MODEL CODE OF JUDICIAL CONDUCT R. 1.2 & 3.1(C) (2007).

¹⁴³ Utah Judicial Ethics Comm. Op. 06-6 (December 5, 2006).

before the CASA organization. The CASA awards program would include both CASA volunteers and the local guardian ad litem.¹⁴⁴

In addition, while not involving a CASA program, “The Illinois Judicial Ethics Committee¹⁴⁵ held that a judge may participate in an educational program designed to familiarize children with courtroom procedures prior to testifying as long as the program provided only general information and was not case or child specific.”¹⁴⁶

SOURCES: Canons 1¹⁴⁷ & 3¹⁴⁸, Rules 1.2¹⁴⁹ and 3.1(C)¹⁵⁰

F. Ethical Implications in Judicial Oversight of the Functioning of the CASA Program

As a presiding juvenile court judge you also have some responsibilities overseeing the operations of the local CASA program. Some of these responsibilities can raise both legal and ethical issues.

Hypothetical Situations

1. As dependency cases come to court, you have noticed that some of the CASA volunteers do not seem to have much training.
2. While CASA volunteers regularly appear in your court, you do not understand how the CASA director selects which children will be assigned a CASA.
3. You have received two letters from CASA volunteers complaining about the way the program is operated.
4. At one of your regular court systems meetings, one of the attorneys complains that a CASA volunteer has been discussing his case with people outside the court system.

Are there legal or ethical issues involved in these situations?

How would you respond?

Discussion

Although the local CASA program may be organized and operated independently of your superior court, as presiding judge of the juvenile court, you have important oversight

¹⁴⁴ Hornsby, *Reviewing the Current Situation* at 68.

¹⁴⁵ Ill. Judicial Ethics Comm. Op. 05-03 (July 29, 2005).

¹⁴⁶ Hornsby, *Reviewing the Current Situation* at 68.

¹⁴⁷ MODEL CODE OF JUDICIAL CONDUCT Canon 1 (2007).

¹⁴⁸ MODEL CODE OF JUDICIAL CONDUCT Canon 3 (2007).

¹⁴⁹ MODEL CODE OF JUDICIAL CONDUCT R. 1.2 (2007).

¹⁵⁰ MODEL CODE OF JUDICIAL CONDUCT R. 3.1(C) (2007).

responsibilities to the program. In scenario (1) you notice that some of the CASA volunteers do not seem to have adequate training. You should meet with the CASA director to determine if there is a training program for the volunteers and whether that program is conducted regularly. If you are not satisfied with the training program, you should consider working with your CASA director and National CASA.

In scenario (2) you are concerned about the selection process employed by the CASA director. You may have the responsibility of overseeing the creation and implementation of a procedure for the selection of volunteers. You should meet with the director and oversee and ultimately approve the written procedure for the selection of cases and the appointment of CASA volunteers in your court.

In scenario (3) you have received letters from volunteers complaining about the management of the program. In many states the CASA program must develop a written grievance procedure and it is helpful if you approve of that plan. In some states the judge must approve of the grievance procedure.¹⁵¹ If that is the case, you should meet with the CASA director to review that plan and then direct the complaints to that procedure. Should your local program not have a plan, you should work with the director to develop one. Your state Administrative Office of the Courts may be able to assist the program. The plan should be submitted to you for your approval.

In scenario (4), the complaint by an attorney that a CASA volunteer has been discussing the facts of a case with people outside of the dependency process, if true, would be a violation of the law¹⁵². In some states you have a responsibility under the law to “adopt a written plan governing confidentiality of case information case records, and personnel records.”¹⁵³ If this is the case, you should meet with the director to discuss the allegation that an advocate has revealed confidential information. Normally, the director would have the primary responsibility to take disciplinary action. If there is no written plan in place, you should tell the director to write one, possibly with the assistance of National CASA or your state Administrative Office of the Courts. Then you should review the plan and, if appropriate, approve of it.

In all four of these scenarios we suggest that you meet with the director to discuss the situation. This is not an ex parte communication as you will not be discussing a pending or impending case. You will be discussing issues relating to the administration of the program, consistent with judicial ethics.

Sources: Canons 1¹⁵⁴, 2¹⁵⁵, & 3¹⁵⁶, Rule 3.5¹⁵⁷

¹⁵¹ CAL. RULE OF CT R. 5.655(i)(1).

¹⁵² See MODEL CODE OF JUDICIAL CONDUCT R. 3.5 (2007).

¹⁵³ CAL. RULE OF CT. R. 6.655(m).

¹⁵⁴ MODEL CODE OF JUDICIAL CONDUCT Canon 1 (2007).

¹⁵⁵ MODEL CODE OF JUDICIAL CONDUCT Canon 2 (2007).

¹⁵⁶ MODEL CODE OF JUDICIAL CONDUCT Canon 3 (2007).

¹⁵⁷ MODEL CODE OF JUDICIAL CONDUCT R. 3.5 (2007).

G. Ethical Implications in Judicial Oversight of the Role of the CASA Volunteer

CASA volunteers can be of great assistance to the court, but it is important to understand the limitations on their conduct.

Hypothetical Situations

1. You would like a particular CASA volunteer to search for members of the child's extended family.
2. You ask a CASA volunteer to consider taking a child to Disneyland.
3. You ask a CASA volunteer to visit a child's school, talk with her teachers, and report back on her educational needs.
4. You appoint a CASA volunteer as the Educational Representative for the child he is representing.
5. You ask a CASA volunteer to be a back-up to drive her dependent child to school when the foster parent is sick.

Are there legal or ethical issues involved in these actions?

What would you do?

Discussion

CASA volunteers are “officers of the court” and have unique responsibilities unlike those of attorneys or social workers. You should look upon CASA volunteers as someone who can provide “independent, factual information to the court” regarding the cases the CASA has been assigned. CASA volunteers are investigators who can provide critical information about the needs of the child before the court.

In scenario (1), you certainly could ask a CASA volunteer to help in the search for extended family members. The volunteer may have better access to family members and certainly would have more time than a social worker. Some CASA offices conduct family finding searches for children that their volunteers represent. There is no guarantee that the search would be productive. Perhaps you should first talk with the director about what resources the CASA program can offer their volunteers to search for extended family members.

In scenario (2) you should not permit the volunteer to take the dependent child to Disneyland. There is a prohibition against volunteers taking their child to the volunteer's home, and a trip to Disneyland would likely involve an overnight in a hotel or some other location with the volunteer. Two of the policies behind this rule are to avoid the appearance of becoming too involved in the child's life and to avoid situations where accusations of misbehavior might occur. If, however, the trip was part of a group activity and the details of

travel and housing were satisfactory, you might approve of the trip. All parties in the child's case should be given notice of any such trip before you consider granting the request. On the other hand day trips to museums, parks, or other locations that would be educational or enjoyable for the child should be encouraged.

In scenario (3) you are asking a CASA volunteer to become acquainted with a child's progress in school, to meet with teachers, and to track the child's educational development. This is an ideal use of a CASA volunteer, one that many programs have supported. You can make such a request. Moreover, you could also meet with the director and discuss how the program could support volunteers who are tracking a child's educational development. One CASA program asked a retired teacher to provide advice to advocates about how best to work with a child's school.

In scenario (4) you are considering appointing a CASA volunteer as a child's educational representative pursuant to federal law. In order to make this appointment, you must first conclude that the biological parents are not in a position to make education-related decisions for their child. If you reach that conclusion, you can remove their educational rights and then appoint the CASA volunteer or some other appropriate person as the child's educational representative. In many situations, the CASA volunteer is an ideal person to fulfill the responsibilities of an educational representative. You must be certain that the CASA volunteer is given a copy of your order that the volunteer will have some proof of his authority when he or she goes to the child's school.

Scenario (5) involves the lack of resources to meet the complex needs of a foster child. Often a foster parent is unable to transport a child to an appointment, get a child to court, or be transported to school or to a visit. Should you order a CASA volunteer to provide that type of service? No, you should not. The duties of a CASA volunteer are carefully spelled out in your state law. While you can ask the volunteer to investigate, become the child's educational representative, and fulfill other functions, you should not order him or her to provide transportation. The volunteer may provide such services on his or her own, but should be free to make that decision.

Sources: Canons 1¹⁵⁸, 2¹⁵⁹ & 3¹⁶⁰.

H. Ethical Implications of Ex Parte Communications

The last seven sections have dealt with creating and expanding CASA programs, supporting them, working with them as they recruit and train volunteers, and your responsibilities overseeing the program. CASA volunteers are also members of the community. You will meet them in various social settings, and they may feel that they can approach you as they would an acquaintance. These encounters may confront you with ethical issues. Consider the following:

¹⁵⁸ MODEL CODE OF JUDICIAL CONDUCT Canon 1 (2007).

¹⁵⁹ MODEL CODE OF JUDICIAL CONDUCT Canon 2 (2007).

¹⁶⁰ MODEL CODE OF JUDICIAL CONDUCT Canon 3 (2007).

Hypothetical Situations

You are a popular judge with the CASA volunteers. Many of them are acquaintances from the community. Certain situations arise which put you in contact with individual CASA volunteers including the following:

1. At a small dinner party, one of the guests (a friend) wants to talk about her court case with you.
2. Your answering machine at work has a message from a CASA volunteer stating that one of the parents of a child the volunteer is representing has violated a court order. Should you return the telephone call?
3. You pick up your phone and it is a CASA volunteer saying that he has to talk to you about an emergency situation. Should you talk with her about the situation?
4. You receive a personal letter from a CASA volunteer regarding the child he represents. What should you do with it?

What are the ethical issues presented in these situations and what should you do about each?

Discussion

These scenarios take us back to the sections on ex parte communications and Canon 2¹⁶¹ and Rule 2.9.¹⁶² CASA volunteers are usually not trained in the law although they may have gained some information from their training to become a court-appointed volunteer. You must make certain that their training includes restrictions about communications with the judge regarding their volunteer work. The trainers must inform them that they cannot talk to you about their case outside of the court as that would be an ex parte communication and would require you to disclose the communication to all parties and possibly force you to disqualify yourself from the case. This is an important message to give to the volunteers at the swearing-in ceremony. Thus in scenario (1), you would simply say that you cannot talk about the case privately.

In scenario (2) you would refer this matter to the social worker, letting all parties know of the communication. In scenario (3) you should not talk with the CASA volunteer, but tell him or her to call the social worker, the social worker supervisor, the attorney for the child, or, if appropriate, call 911. In scenario (4) you should treat the letter as you treat all letters from parties, family members, and other interested persons. You should return it with a note that you cannot read the letter unless all parties have received a copy.

In all of these situations you should consider talking with the CASA executive director. That director should know that a volunteer has attempted to make contact with you about a pending case. The executive director has a responsibility to supervise the volunteers.

¹⁶¹ MODEL CODE OF JUDICIAL CONDUCT Canon 2 (2007).

¹⁶² MODEL CODE OF JUDICIAL CONDUCT R. 2.9 (2007).

A volunteer who violates program rules or protocols can endanger the entire program. Your message should mean that the volunteer will be reminded of the restrictions involving contacting the judge directly. If several similar problems arise, the executive director may terminate the volunteer, but that will be his or her decision, not yours.

Sources: Canon 2¹⁶³, Rule 2.9¹⁶⁴

Conclusion

The relationship between the judge and the CASA program raises a number of ethical issues that are unique to the judiciary. These hypothetical situations address many of those issues and hopefully give some guidance to judges. You should refer to your state's code of judicial conduct and any appellate decisions and ethical guidelines to understand how your state has approached these issues.

The full text of the ABA Model Code of Judicial Conduct Code can be found on the American Bar Association webpage at http://www.americanbar.org/groups/professional_responsibility/resources/judicial_ethics_regulation/mcjc.html.

¹⁶³ MODEL CODE OF JUDICIAL CONDUCT Canon 2 (2007).

¹⁶⁴ MODEL CODE OF JUDICIAL CONDUCT R. 2.9 (2007).

Appendices

Note: These sample documents are meant only to provide a starting point and will need to be customized to various degrees for your local CASA program. Some of these documents are static while others will change over time. For example, you may want to check with National CASA for the latest contact information for your state's CASA association.

- A. Resolution of Chief Justices and State Court Administrators
- B. List of Research Studies on the Effectiveness of CASA Programs
- C. Sample of Start-Up CASA Program Budget
- D. Possible Funding Sources for Start-Up CASA Programs
- E. Compliance Steps for New Program (Provisional) and Full Program Membership
- F. National CASA Board Resolution Re: Private Custody Cases
- G. Website Resources for Judges Involved With CASA
- H. Directory of National CASA Regional Program Specialists
- I. State CASA Association Contact Information
- J. Sample Mission Statements
- K. Sample Bylaws
- L. Sample Court and CASA Agreement
- M. Sample Court, CASA and Social Services Agreement
- N. Sample Court Referral to CASA Program
- O. Sample Court Appointment of CASA Volunteer
- P. *National CASA Volunteer Training Curriculum* Table of Contents
- Q. Sample Oath of Office
- R. Judge and Attorney Survey Regarding CASA Volunteers
- S. *Measuring Child Outcomes: A Guide to CASA Effectiveness* Table of Contents

A. Resolution of Chief Justices and State Court Administrators

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

CCJ Resolution 12

COSCA Resolution 6

In Recognition of CASA Volunteers Serving in Court

WHEREAS, courts are charged with providing accountability to the system responsible for protecting abused, abandoned and neglected children; and

WHEREAS, courts, children's services agencies and other governmental agencies cannot fully address the needs of abused, abandoned and neglected children without complete information regarding their cases and their lives; and

WHEREAS, citizen volunteers, including the Court Appointed Special Advocate (CASA) program, have assisted the courts in many ways in meeting the need for such information; and

WHEREAS, there are more than 978 CASA programs in all 50 states and the District of Columbia with more than 70,000 CASA volunteers who provide more than 10,000,000 hours of service to children each year;

NOW THEREFORE, BE IT RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators:

1. Recognize and express appreciation to citizen volunteers who work with the court to assist our nation's most at-risk children, and encourage more citizens to volunteer; and
2. In particular recognize and commend the efforts and contributions of the CASA volunteers in assisting children before the court.

Adopted at the Conference of Chief Justices and the Conference of State Court Administrators at the 2003 Annual Meeting on July 31, 2003.

B. List of Research Studies on the Effectiveness of CASA Programs

Author, Study Site	Publication Date	Study Title	Design/Methodology	Sample Size	Variables Studied	State
Caliber Associates	2004	Evaluation of CASA Effectiveness	quasi-experimental retrospective case file comparison of cases with CASA volunteer and cases without	3,774 COMET data 5,500 NSCAW (with 429 CASA subset)	Case and volunteer characteristics CASA vol. activities Outcomes	National (25 programs)
Litzelfelner, Pat University of Kentucky	2003	CASA Consumer Satisfaction Survey	evaluative/satisfaction analysis; questionnaires to judges, attorneys, parents and social workers	742 survey returns	perception of CASA volunteers	National (23 programs)
Berhie, Girmay (Sheba International) Cabell & Wayne Counties West Virginia CASA Program	2000	Evaluation of the CASA Program of Cabell and Wayne Counties, WV	evaluative/satisfaction analysis; questionnaires to CASA volunteers (28) and social service professionals (47)	75 questionnaires	professional and volunteer perception of CASA staff and volunteers, service improvements, volunteer support and training needs; demographic data	West Virginia (Cabell & Wayne Counties)

Author, Study Site	Publication Date	Study Title	Design/Methodology	Sample Size	Variables Studied	State
Dickson, Donald; Morris, Lori; Baer, Judith; Farmer, G. Lawrence New Jersey CASA Program (5 sites)	1999	CASA in New Jersey	process analysis of 5 CASA programs and comparative summary of 2 private and 3 public programs; written surveys to volunteers (154), CPR representatives (79) , case workers (34), and judges (5); site visits; interviews with key individuals; case and program records review	273 surveys; interviews N=unknown; records reviews N= unknown	processes: program and volunteer characteristics, case selection and characteristics, training and supervision, services, outcomes, relationships with other agencies, program growth	New Jersey
Proffitt, Susan; Staley-Whitney; Susan, Sanchez, Elizabeth; Craft, Mary; Birch, Sondra Harris County Texas GAL/Attorney Model	1999	Guardian Ad Litem/Attorney Project	quasi-experimental qualitative and quantitative comparison of cases with a GAL/Team (GAL, supervisor and attorney) and those without (non-equivalent groups); interviews; case records review	44 GAL/Team, 21 control; 31 interviews	perceptions of GAL/Attorney Team model: benefits and effectiveness; outcomes: time in out-of-home care, length of case, placement	Texas (Harris County)
Bruce, Brandon Santa Barbara California CASA Program	1998	1998 Outcome Measurement Survey Results for CASA of Santa Barbara County	quantitative/evaluative outcomes analysis; survey to CASA volunteers (57), collaborative agencies (54), parents/caregivers (36), children served (28)	175 surveys	outcomes (# of children served, # of volunteers trained, # of reports and court appearances, etc.)	California (Santa Barbara)
Goddard, Lucy State of Florida GAL Program	1998	Florida's GAL Program	descriptive analysis; telephone interviews with circuit directors and assistant directors; literature review	20 interviews	roles, training and compensation of GAL attorneys, statutory compliance in GAL appointments, volunteer availability	Florida

Author, Study Site	Publication Date	Study Title	Design/Methodology	Sample Size	Variables Studied	State
McRoy, Ruth Gregg County Texas CASA Program	1998	East Texas CASA: A Program Evaluation	evaluative/satisfaction analysis; quasi-experimental qualitative and quantitative comparison of cases with CASA volunteers (11) and cases without (11) (equivalent demographics); interviews with key participants, case record review (5)	13 interviews; 27 cases reviewed or compared	CASA volunteers: roles, effectiveness, impact on child welfare system, perceptions of involved individuals	Texas (Gregg County)
McRoy, Ruth Travis County Texas CASA Program	1998	CASA of Travis County Evaluation	evaluative/satisfaction analysis; quasi-experimental quantitative comparison of cases with CASA volunteers and cases without (equivalent demographics); interviews with key participants; literature and case file review	31 interviews, 7 cases reviewed; 46 CASA, 46 control	CASA program: impact on social service system, roles, benefits, types of cases which benefit most/least, improvements; fiscal impact on social service system	Texas (Travis County)
Berliner, Lucy State of Washington CASA/GAL Programs	1998	CASA for Children in WA State: A Review of Effectiveness	evaluative/satisfaction analysis; surveys of CASA/GAL program managers (19) and volunteers (493); focus group with judges (14); interviews with caseworkers (10), judges/commissioners (9), social service providers (10), attorneys representing parents (11)	512 surveys; 54 interviews	CASA/GAL program assessment; effectiveness of CASA/GAL program in improving outcomes; cost effectiveness	Washington

Author, Study Site	Publication Date	Study Title	Design/Methodology	Sample Size	Variables Studied	State
Litzelfelner, Pat Kansas CASA Program (2 sites)	1998	Evaluating the Effectiveness of CASA on Child Outcomes: Findings from the Kansas Study	quasi-experimental: longitudinal and prospective comparison of cases with CASA volunteers and cases without (equivalent groups); court and CASA file review	119 CASA, 81 control	outcomes: case closure rates, length of case, number adopted; processes: type of placements, number of continuances, number of services	Kansas
Powell, Michael; Speshock, Vernon State of Arizona CASA Program	1996	State of Arizona CASA Program	quasi-experimental retrospective case file comparison of cases with CASA volunteer and cases without (equivalency of groups unknown); case file review; judicial surveys	60 case file reviews; 19 surveys; 130 CASA, 179 control	contacts and recommendations, hearings attended, judicial evaluation of performance, re-entry, time out-of-home	Arizona
Litzelfelner, Pat; Poertner, John Kansas CASA Program (3 sites)	1996	Preliminary Report: CASA Program Evaluation	quasi-experimental prospective court file comparison of cases with CASA volunteers and cases without (equivalent demographics); literature review	120 CASA 83 control	impact of CASA on outcomes and processes, define what predicts positive outcomes	Kansas
Snyder, Karen; Downing, John; Jacobsen, Jill Franklin County Ohio CASA Program	1996	A Report to the Ohio Children's Foundation on the Effectiveness of the CASA Program of Franklin County	quasi-experimental quantitative comparison of cases with CASA GAL to cases with private attorney GAL (non-equivalent groups); interviews with court personnel; CASA and case file review	30 CASA cases, 24 private attorney cases	program effectiveness; case management, case characteristics; implications of differences on representation/best interest of child	Ohio (Franklin County)

Author, Study Site	Publication Date	Study Title	Design/Methodology	Sample Size	Variables Studied	State
Bogle, Trina State of Virginia CASA Program & 3 sites	1996	Evaluation of the Virginia CASA Program [includes Executive Summary & Final Report]	descriptive/evaluative analysis, qualitative and quantitative; interviews with CASA program directors, and surveys of CASA volunteers (207) , program directors (17), judges (38), social workers (86) and GAL (26); case records review (78)	16 interviews; 374 surveys; 78 cases reviewed	qualitative process evaluation: characteristics roles, effectiveness, relationships; quantitative impact evaluation (3 sites): demographics, case types and length, CASA reports, contacts and recommendations, compliance, placement, re-entry	Virginia
Martin, Jocelyn Douglas County Kansas CASA Program	1995	Court Appointed Special Advocates: The Experiences of the Children and their Families	evaluative/satisfaction naturalistic analysis; qualitative interviews of children and their families	6 families (15 total interviews)	perception of CASA, valuable roles and actions, effective relationships	Kansas (Douglas County)
Nobles, James (Office of Legislative Auditor) State of Minnesota GAL Program	1995	Guardians Ad Litem	evaluative/satisfaction analysis; interviews, surveys, literature review	60 interviews, 1027 surveys	evaluate GAL system and services: in other states, organization and delivery, improvements	Minnesota
Allegheny County Pennsylvania CASA Program	1995	Summary Report of Caseworker Assessments of CASA	evaluative/satisfaction questionnaire to caseworkers	15 questionnaires	role of CASA program, relationship to CASA volunteers, feedback	Pennsylvania (Allegheny County)

Author, Study Site	Publication Date	Study Title	Design/Methodology	Sample Size	Variables Studied	State
Wilson, Vaughn Davidson County Tennessee CASA Program	1995	Evaluation of the CASA Program of Davidson County, Nashville, TN	evaluative/satisfaction analysis; observation and training; interviews of stakeholders: attorneys, judges, court's referees, child welfare services personnel; survey of CASA staff and volunteers (23); literature and case file review	21 interviews, surveys N=unknown	program evaluation for feedback and planning: roles and duties, case assignment, supervision and training, effectiveness, relationships with other stakeholders, improvements,	Tennessee (Davidson County)
Dameron, Samuel; Brown, Margaret Phipps; Ortloff, Victor; Roberts, Reta Cabell County West Virginia CASA Program	1995	Evaluation of the CASA Program of Cabell County, WV	evaluative/satisfaction analysis; surveys of court and social service professionals (68), parents (7), CASA volunteers (30)	105 surveys	perceived strengths and weaknesses of CASA program and staff and suggestions for improvement; demographic data	West Virginia (Cabell County)
Erny, Sally Wilson Jefferson County Kentucky CASA Program	1994	Evaluation of the CASA Project of Jefferson County	evaluative/satisfaction analysis; survey of attorneys, foster parents, judges, social workers, mental health professionals/therapists, temporary custodians	103 survey respondents	performance and impact; assessment of roles and responsibilities, identification of strengths and weaknesses	Kentucky (Jefferson County)
Governor's Task Force on Juvenile Justice, Subcommittee No. 3 State of Oregon	1994	Effective Advocacy for Dependent Children: A Systems Approach	descriptive analysis of advocacy processes; literature review; review of Citizen Review Board records (1,834), telephone interviews and informal surveys	N= unknown	program/system effectiveness; measurements: types of representation (attorney/lay/pro bono), roles and services, time in out- of-home care, costs; recommendations	Oregon

Author, Study Site	Publication Date	Study Title	Design/Methodology	Sample Size	Variables Studied	State
CSR, Inc. National GAL Programs	1993-94	Final Report on the Validation and Effectiveness Study of Legal Representation Through Guardian Ad Litem	comparative analysis of 3 GAL models: private attorney, staff attorney, CASA (non-equivalent groups); interviews with GAL personnel, caseworkers, judges; case file review	23 counties, 259 individuals, 458 cases	effectiveness of GAL representation, roles of GAL, process effectiveness based on performance measures	National
Smith, Stephanie State of Texas CASA Program	1991-92	The Effects of CASA Volunteers on Case Duration and Outcome	quasi-experimental comparison of two groups: those with CASA volunteers and those without (equivalent demographics); case file review	307 children with CASA, 306 without	effectiveness of CASA volunteers; outcome measures: time in system, number of placements, case outcomes	Texas
Cox, Alene State of Arkansas GAL Program	1991	Advocating the Child's Interests in Abuse and Neglect Cases: Can GALs be more Effective?	evaluative analysis; survey of Juvenile Justices	20 surveys	effectiveness of GAL: determining children's "best interest", scope of duties, attorneys or lay GAL, training and compensation; recommendations	Arkansas
Abramson, Shareen Fresno California CASA Program	1991	Use of Court-Appointed Advocates to Assist in Permanency Planning for Minority Children	experimental case file comparison of cases with CASA volunteer and cases without (equivalency of groups unknown)	60 CASA, 62 Control	reabuse, re-entry, permanency, case goals	California (Fresno)
Sivan, Abigail; Quigley-Rick, Mary State of Iowa GAL Program	1991	Effective Representation of Children by the GAL: An Empirical Investigation	descriptive/evaluative analysis; questionnaires to legal personnel; interviews with GAL volunteers; literature review	86 questionnaires; 48 interviews	compare practices of Iowa GAL with norms, develop guidelines for GAL	Iowa

Author, Study Site	Publication Date	Study Title	Design/Methodology	Sample Size	Variables Studied	State
Leung, Patrick; Mastrini, Charles Denver Colorado CASA Program	1990	An Evaluation of the CASA Program in the Denver Juvenile Court (CO)	quasi-experimental comparison of 3 groups: CASA-waitlist-control (equivalency of groups unknown); questionnaires to judges, case file review, volunteer activity records	66 CASA 131 control	time in each placement, type of moves	Colorado (Denver)
Poertner, John; Press, Alan Midwest (2 programs)	1990	Who Best Represents the Interests of the Child in Court?	quasi-experimental retrospective case file comparison of CASA model and staff attorney model (SAM) (non-equivalent groups)	61 CASA 148 SAM	process (continuances, placement changes, time in-home and out-of-home, services, case length voluntary dismissals) and outcome (time in system, disposition, re-entry) variables, case demographics	Midwest
CSR Inc. National GAL Programs	1990	National Study of Guardian Ad Litem Representation	descriptive analysis and data collection; telephone discussions with knowledgeable contacts	610 individuals representing 555 counties	how states provide GAL representation: state-by-state summary (attorney or volunteer, support and supervision, appointment process, roles and duties, training, caseloads, recruitment, compensation, demographics, immunity, monitoring)	National

Author, Study Site	Publication Date	Study Title	Design/Methodology	Sample Size	Variables Studied	State
Ellington, Anne; DuBuque, Joan King County Washington, 3 Programs	1990	Report of the Volunteer Programs Review Committee	evaluative/satisfaction analysis; literature review; interviews with program managers	N=unknown	review of CASA/GAL program: policies and procedures; volunteer recruitment, training, evaluation and supervision; recommendations	Washington (King County)
Partin, Emmett; Shreve, Lynn National CASA/GAL Programs (6 sites)	1989	Final Report on Delaware Family Court Dissemination of Best CASA Models	descriptive and comparative analysis of 6 programs; questionnaires to judges (42) attorneys (143), volunteers (479), social workers (269), program staff (15), child welfare personnel (9); site visits; interviews with key individuals	957 questionnaires; approx. 20 interviews	profile of CASA/GAL volunteer and programs to formulate a CASA model; recruitment, retention and recognition; training and supervision, operations, relationships to other agencies, problems and recommendations	National (6 sites)
Vandiver, Richard; Shaw, Eudora Iowa CASA Program (3 counties)	1988	Report of Evaluation of CASA Program in Iowa (Technical Assistance Report)	descriptive/evaluative analysis; program document review; interviews with CASA personnel	34 interviews	is program meeting goals, potential for expanding program	Iowa (3 counties)
Condelli, Larry, CSR Inc. National GAL models	1988	National Evaluation of the Impact of Guardians Ad Litem in Child Abuse or Neglect Judicial Proceedings	comparative analysis; 5 models: law student, private attorney, volunteer & attorney, staff attorney, volunteer; (non-equivalent groups)	225	achieving permanence, stability, time spent in home & with relatives, number and type of services, case plan goals	National

Author, Study Site	Publication Date	Study Title	Design/Methodology	Sample Size	Variables Studied	State
Duquette, Donald N.; Ramsey, Sarah H. Genesee County Michigan Juvenile Court	1987	Representation of Children in Child Abuse and Neglect Cases: An Empirical Look at What Constitutes Effective Representation	quasi-experimental comparison of 3 trained groups (private attorneys, law students, volunteers under attorney supervision) and 1 untrained attorney control group; interviews, court records review	63 individuals, 91 court cases	effective representation and roles; process (roles and attitudes)and outcome (processing time, placement type, visitation, services, court orders) measures	Michigan (Genesee County)
Wert, E. Sue; Haller, Wendy; Fein, Edith Connecticut CASA Program (2 counties)	1986	“Children in Placement” (CIP): A Model for Citizen-Judicial Review	quasi-experimental case file comparison of 2 counties, one with volunteers, one without (non-equivalent groups)	149 CASA, 140 control	permanency, time in system	Connecticut (2 counties)
Mgt of America State of Florida GAL Program	1983	An Evaluation of the Florida GAL Program	evaluative/satisfaction analysis; interviews with key personnel and volunteers; case records analysis	interviews, N=unknown; 1659 case records analyzed	follow up to 1981 study; adequate financial and volunteer resources, impact on placement, placement cost comparisons; state office management,	Florida
Kelly, Robert; Ramsey, Sarah North Carolina GAL Attorneys	1982-83	Do Attorneys for Children on Protection Proceedings Make a Difference? A Study of the Impact of Representation under Conditions of High Judicial Intervention	empirical analysis; telephone surveys of attorneys; case records review, review of socio-demographic, social service and judicial-administrative literature review	91 surveys, 210 cases reviewed	impact of GAL attorney representation on case disposition; influencing factors	North Carolina

Author, Study Site	Publication Date	Study Title	Design/Methodology	Sample Size	Variables Studied	State
Mgt of America State of Florida GAL Program	1981	An Evaluation of the Volunteer GAL Pilot Program	evaluative/satisfaction analysis; interviews with circuit coordinators (10), volunteers (53), judges (10), court administrators and advisory board members (11), children services leaders (15), directors of GAL programs in other states (7); case records analysis	106 interviews, 2,065 case records analyzed	process: management procedures, expansion needs, alternative cost estimates, satisfaction with program, outcomes: impact on placement, placement cost comparisons	Florida
Litzelfelner, Pat Kansas CASA Program (3 sites)	date unknown	Evaluating the Impact of CASA on Outcomes for Children in Foster Care: Final Report	quasi-experimental: longitudinal and prospective court and CASA file comparison of cases with CASA volunteers and cases without (equivalent groups); semi-structured interviews with parents and children	150 CASA, 81 control; 14 interviews	impact of CASA on outcomes and processes; activities and case characteristics that predict desired outcomes; perceptions of CASA; beliefs about what leads to positive outcomes	Kansas

C. Sample of Start-Up CASA Program Budget

Budget Year—January 1 to December 31, 2003

Income (cash)

Court Services (County budget)	\$25,000
Community Foundation Grant	\$ 5000
United Way start-up Grant	\$ 4500
Rotary Club	\$ 1000
Corporate Donations	\$ 1000
Holiday CD Fundraiser	\$ 750
Wal-Mart	\$ 500
Individual Donations	<u>\$ 250</u>
Subtotal	\$38,000

Income (in-kind donations)

Printing	\$ 500
Computer software	<u>\$ 500</u>
Subtotal	\$ 1000

TOTAL INCOME **\$39,000**

Expenditures

Personnel—.75 FTE Program Director @ \$15/hour	\$24,960
FICA at 7.65%	\$ 1909
Employee benefits at 18%	\$ 4493
Rent at \$125/month	\$ 1500
Phone (local and long distance) at \$50/month	\$ 600
Internet service at \$25/month	\$ 300
Office Supplies \$40/month	\$ 480
Postage \$20/month	\$ 240
Volunteer training (20 vols. X \$25)	\$ 500
Liability insurance	\$ 2000
Travel (Conferences, Mileage)	\$ 348
Public Relations	\$ 500
Professional Association Dues (National & State CASA)	\$ 170
Printing (in-kind donation)	\$ 500
Computer software (in-kind donation)	<u>\$ 500</u>

TOTAL EXPENDITURES **\$39,000**

D. Possible Funding Sources for Start-Up CASA Programs

In-Kind Contributions. Donated goods and services are a major source of support for CASA programs, especially programs in the early stages of development. Many organizations that would like to support the development of CASA do not have cash to donate, but would be more than willing to provide in-kind support. Any goods or services donated to the program should be included in the budget as revenue. The contributor should determine the value of the contribution and provide the program with a written letter stating its value. In turn, the program, if tax-exempt status is in place, should provide a letter documenting the contribution for tax purposes.

The following are common sources of in-kind support for CASA programs:

- ◆ **The Court**—Office space, telephone, clerical support, supplies
- ◆ **Community Service Organizations**—Office and meeting space, printing, training materials
- ◆ **Bar Association**—Pro bono legal services, office space
- ◆ **Corporations, Businesses, Law Firms**—Paper, printing, computers, graphic design, office space, volunteer recognition materials

The Court. If the program is court-initiated, funding may be available through the court or its funding agency—either the county or the state. If attorney guardians ad litem are currently being appointed at court expense and the statute in your state does not require that the GAL be an attorney, it may be possible to negotiate for a portion of that funding to be channeled into the CASA program. You should anticipate some resistance to this idea, and the support of the presiding judge would be essential to counter objections that will likely arise.

The State. A number of states have passed legislation requiring or enabling the development of CASA programs and with funding appropriated in the state budget. Your state organization can provide information about how to qualify for these funds if they are available.

Community Service Organizations. Other organizations committed to child welfare have supported the development of CASA programs in numerous sites around the country. Both the **National Council of Jewish Women** and the **International Association of Junior Leagues** have been instrumental in bringing CASA programs to many communities. If you have chapters or sections of these organizations in your community and have not already involved them in a planning committee, they should be contacted. Usually, these organizations set their funding priorities a year or two in advance, so contact them early in the planning process.

Churches, and service clubs such as Rotary, Kiwanis and Women's Clubs, can also be a great resource to help establish a CASA program.

Kappa Alpha Theta. This national women's fraternity has adopted CASA as its National philanthropy and both alumnae and collegiate chapters have been helpful in supporting CASA programs throughout the country. Local chapters have helped CASA programs with financial and

volunteer support, and sponsor community awareness events. Call the Kappa Alpha Theta Foundation ((800)-KAO-1870) for the name of the nearest Kappa Alpha Theta chapter, or visit their website at kappaalphatheta.org.

Corporations and Private Businesses. Charitable contributions from corporations or businesses in your community may be available for new programs. The dollar amount and the application criteria will vary according to corporation or business philosophy, practice and resources available. Investigate business sources on an individual basis. If planning committee members have had experience applying for contributions from local corporations, they may have valuable information on how to approach a company.

If you are unable to find anyone who has had experience with the particular company you want to approach, call and ask to speak to the person in charge of charitable contributions. Request information on their guidelines and priorities and be prepared to give a brief overview of the CASA program. If their stated purpose makes a cash contribution unlikely, you may consider a request for an in-kind contribution such as printing services or office equipment.

United Way. Some United Way agencies have venture grants to assist new programs with startup needs. These grants are separate from United Way agency membership, but may be available to member agencies starting new programs. If the CASA program is starting under the umbrella of an already established nonprofit agency in the community, startup support may be available from the umbrella agency.

Private Foundations. Private family, community and corporate foundations are sometimes open to funding new CASA programs, particularly if the foundation's field of interest includes family services or improvement of judicial responses to youth. Foundations generally prefer specific projects with clearly defined outcomes, time lines and indication of support from other sources. Some foundations will not fund operating expenses, but will consider requests for funds to produce or purchase the materials required to train CASA volunteers.

The reference departments of most local libraries have foundation directories available that provide contact information and funding priorities. There is also a wealth of information about foundations and other funding opportunities on the internet. Check with your state CASA organization for suggestions of foundations that are likely funding sources within the state.

A word of advice: well known national foundations, such as Kellogg, Ronald McDonald Children's House, Annie E. Casey, and Edna McConnell Clark, prefer to fund national organizations or projects that have impact broader than one community or even one state. National CASA staff is regularly in touch with most of these funders and seeks grants that will benefit local programs when they are available. The best bet for local CASA programs is to focus on the many local foundations that are interested in funding programs at the community level.

- In 1991, National CASA, in agreement with state directors, established a protocol for approaching prospective funders who are not located within the immediate geographic area, and with whom they do not already have an established relationship. The program seeking funds

should contact the CASA program located in the state or community of the funder, to learn if that program already receives financial support, or has a proposal pending with the prospective funder. Likewise, local and state programs should first check with National CASA before approaching a national funder. Please refer to the Resource Development Protocol at the end of this chapter to review the policy.

IOLTA. The “Interest on Lawyer’s Trust Accounts” program funds CASA programs in many states. The CASA/GAL state director, or other local CASA/GAL program may be able to provide you information on how it is administered in your state. Through the IOLTA program, attorneys place nominal or short-term client trust funds in an interest-earning account. An administrative body, usually the state bar foundation, awards and administers the interest earned on the lawyers trust accounts.

Federal Funding for CASA Programs

The National CASA Association Grants Program. This is federal funding authorized by Congress specifically for the expansion of CASA advocacy for abused and neglected children. It is contingent upon an annual appropriation from Congress to the Office of Juvenile Justice and Delinquency Prevention (ojjdp.ncjrs.org), and administered by the National CASA Association. An announcement is made by National CASA, typically at the beginning of each calendar year, of the grant opportunities and applications available for that year. Each year, grants are made to establish new CASA programs, expand existing programs, as well as fund some demonstration projects. Contact National CASA for details of upcoming grant cycles. Funding for the CASA Program has been authorized by Congress through fiscal year 2005.

Other sources of federal funding for CASA programs are typically awarded by the federal agency to state agencies or commissions, for disbursement within that state. Wide discretion is usually given to the state to determine which agencies will receive the federal funds in any given year. Your state CASA/GAL director is probably the best source of information on what federal funds are made available to CASA programs in your state.

The following are the primary federal programs applicable to CASA programs.

Children’s Justice Act. The Children’s Justice Act (CJA) provides grants to states to improve handling of cases of child abuse and neglect, particularly sexual abuse and exploitation. A priority is programs which serve child victims and their families in order to minimize trauma. Up to \$20 million is available nationally for CJA state activities. Check with your state director or National CASA Association for the name of the CJA Coordinator in your state.

Victims of Crime Act (VOCA). VOCA funds support criminal justice advocacy, emergency legal assistance, information and referral services, personal advocacy, and assistance with filing crime victims compensation claims. VOCA grant funds can only support services to victims of crime, therefore extensive documentation and reporting is required by grant recipients. The Office of Victims of Crime, the federal agency which administers the funding, gives states maximum discretion to set priorities and to determine which programs within the states are funded. For this

reason, there is wide variance among states funding CASA programs. In the year 2000, 144 CASA programs in 19 states received VOCA funds. Your CASA/GAL state director should have a good idea whether your state agency is amenable to funding CASA programs. To locate the VOCA contact in your state, and what activities were funded in the previous year, visit usdoj.gov/ovc/fund/state and select your state.

Juvenile Justice Delinquency Prevention Act. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides formula block grants to all states and territories. States must submit their plan to OJJDP detailing how they will utilize the funds, which can include reducing or preventing delinquency or improving the juvenile justice system. A Juvenile Justice Specialist in each state is designated to coordinate the block grant, and State Advisory Groups (SAG) made recommendations on how the funds should be utilized. Contact your CASA/GAL state director to learn if federal juvenile justice funds support CASA programs in your state. It is best to work with your state organization to build a relationship with the state's Juvenile Justice Specialist and SAG, to pave the way for future funding of CASA if it is not already happening.

National CASA Resource Development Protocol

Introduction

Not-for-profit organizations must strive to obtain and sustain an optimal funding mix of public and private support to secure their future. However, we are experiencing escalating human service needs and costs, while the availability of government funds is being sharply curtailed. As a result, more organizations than ever before are appealing to the same foundations and corporations for private support.

Several funders across the country have acknowledged that they receive grant requests from multiple CASA programs. This is reasonable when the prospective funder's guidelines are appropriate for CASA program support, and the funder does not restrict giving to a specific geographic area. Even so, the best approach to a prospective funder should be made in coordination and cooperation with other CASA programs. That way the funder will not feel overwhelmed and disinclined because of numerous requests from CASA programs in a single grant-making period. Additionally, through a coordinated approach it is far less likely that one program's request could jeopardize the outcome of a pending request from another program.

Research

National CASA routinely sends inquiries to funders throughout the country, requesting information such as annual reports, giving guidelines, funding priorities and eligibility of national organizations to receive funding.

When National CASA learns of a prospective funder whose priorities are appropriate for CASA program support, yet restricts giving to a specific geographic area, National CASA should provide lead to the member CASA program in that area.

Likewise, when state or local programs discover a funder which is not appropriate for its own program support, but may be appropriate for national projects, the program should provide that lead to National CASA.

When a prospective funder is identified which provides funding for national projects as well as specific community support, *through the same office or funding mechanism*, National CASA will proceed with respect and consideration for the member CASA program located in the state or community of the funder, whichever is more appropriate as described in the next section. Written guidelines provided by a prospective funder generally define the tiers of support which the funder will provide (i.e. support for projects with a restricted geographic area, regional projects or national projects). When the guidelines clearly restrict support to just one tier (local, regional or national), there is little potential for conflict between National and local CASA program requests. The guidelines may also describe separate mechanisms to support giving at two tiers. That is, a national corporation may, through its regional office, provide support for nonprofit agencies within that geographic region. At the same time, the national corporation, through its headquarters office or a corporate foundation, may provide support for national projects. When grant-making is provided for multiple tiers, through separate mechanisms (i.e. regional office and a national office), again there is little likelihood for conflict.

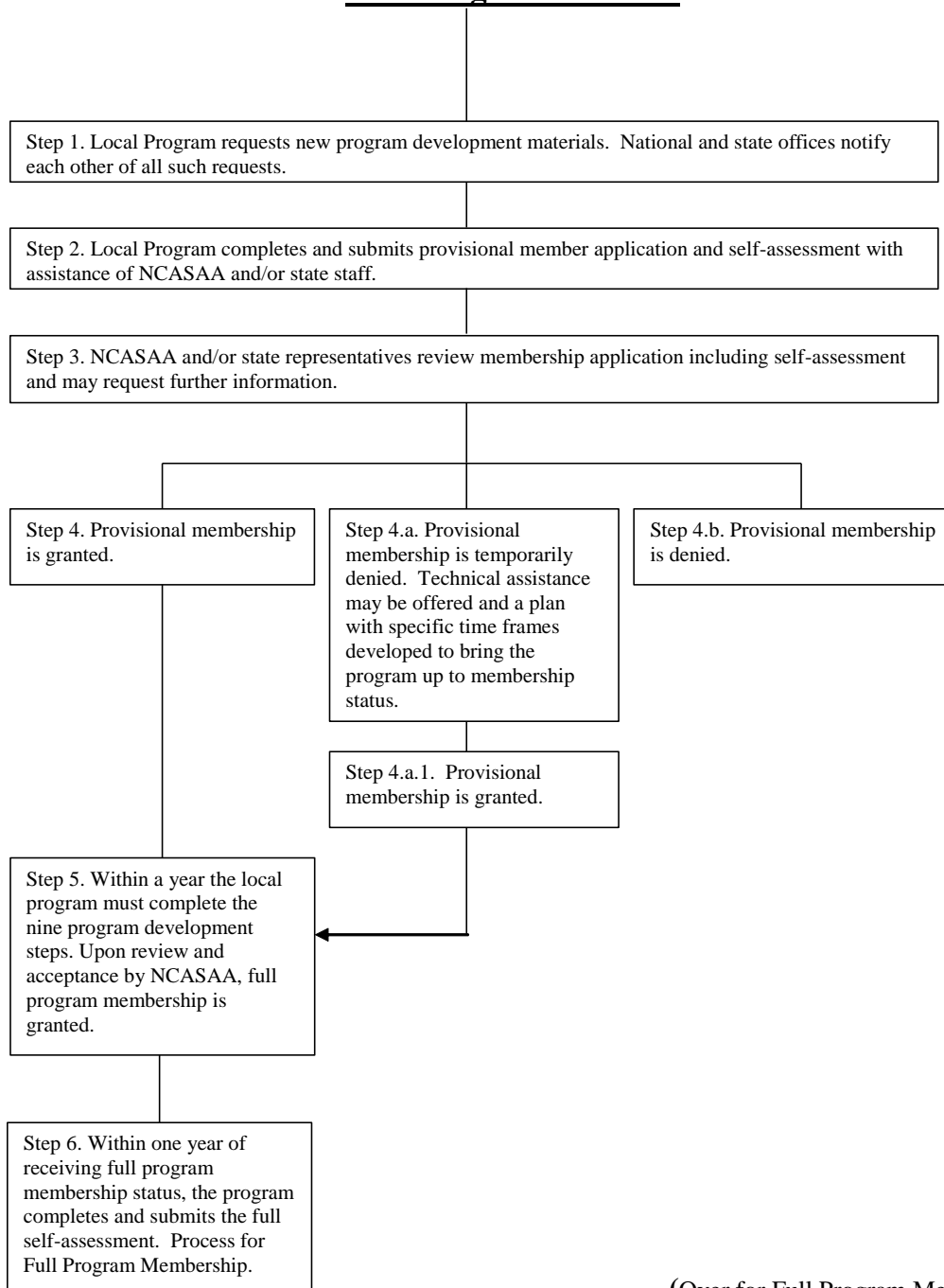
Submission of Funding Requests

1. Before submitting a request for funding, National CASA will notify the appropriate CASA program located in the state or community of the funder. If the CASA program has a request pending, or is preparing a request for submission, and it is agreed that a request from National CASA may affect the outcome of the CASA program's request, National CASA may defer any action until the prospective funder acts upon the CASA program request. National CASA and the CASA program should then come to agreement on the best timing of National CASA's request. Certain circumstances may warrant notification after an initial contact.
2. A funder who provides ongoing support for a CASA program may also consider national projects. The state or local programs and National CASA offices should discuss this, and may even inquire of the prospective funder if one tier of CASA program support excludes the other (if this is not evident in the written guidelines). If it is appropriate to the project, National CASA/state/local programs may take the opportunity to team in their meeting with a prospective funder or collaborate on the grant proposal.
3. State and local CASA programs should notify National CASA before approaching a national funder, most especially when National CASA has an established relationship with that funder. National CASA may have a request pending or ready to submit to the funder. National CASA may also be able to provide information on the prospective funder or on previous approaches by CASA programs.
4. The fact that a prospective funder is located within a state or local CASA program's community is not, in itself, reasonable grounds for National CASA to defer solicitation. Programs should coordinate their solicitations as described in #1 above.
5. National CASA/state/local programs should make every effort to follow this protocol when there is a potential conflict with the development efforts of another program.

E. Compliance Steps for New Program (Provisional) and Full Program Membership

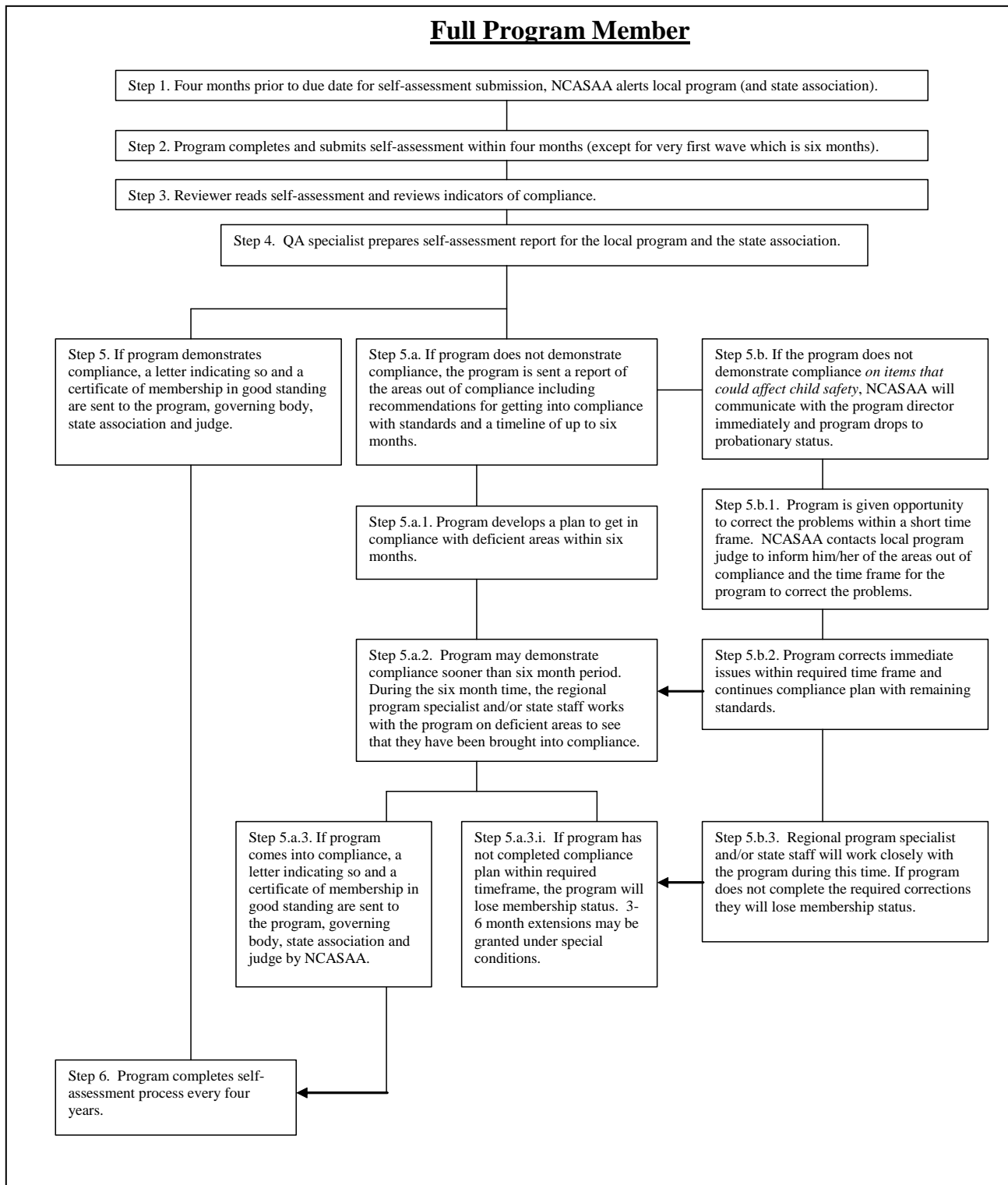
National CASA Association Quality Assurance System

New Program Member



(Over for Full Program Member)

Full Program Member



F. National CASA Board Resolution Re: Private Custody Cases

MEMORANDUM

To: CASA/GAL state and program directors

From: Michael Piraino

Re: Divorce/custody issue

Date: September 30, 1999

Action on the Divorce/Custody Task Force Recommendations

In 1998, the Board authorized the creation of a multi-disciplinary task force to examine the issue of National CASA member programs assigning volunteers to children in divorce custody cases. The Task Force's assignment was to provide the Board with information to help determine what formal policy National CASA should adopt concerning these cases. At its meeting in March of this year, the Board received an interim written report by the Task Force, discussed the various options available to us, and requested further study by the Task Force.

The Task Force completed its work this summer, and on Saturday, the Board adopted the following resolution:

Resolution Regarding the Use of CASA Volunteers In Domestic Relations Custody Cases

WHEREAS, the mission of the National CASA Association is to speak for the best interests of abused and neglected children in court; and

WHEREAS, the primary focus of National CASA, and all of the training, technical assistance and financial support provided by National CASA, involve volunteer advocacy in child protection abuse and neglect cases in the juvenile courts, and

WHEREAS, some National CASA member programs, with the highest motives of commitment to children in need, have provided volunteer child advocacy in private child custody disputes in other courts; and

WHEREAS, it is necessary and desirable that National CASA establish a policy regarding the use of CASA and guardian ad litem volunteers in other child custody proceedings;

NOW, THEREFORE, BE IT RESOLVED:

(1) The Board of Directors of National CASA hereby reaffirms that the primary role of CASA and guardian ad litem volunteers is to speak for the best interests of abused and neglected children in juvenile court child protection proceedings; and

(2) Current National CASA funding for training and technical assistance, and all presently available federal funding of National CASA, will be devoted exclusively to advocacy for children in child protection abuse and neglect cases in juvenile courts; and

(3) Once a National CASA member program has evaluated its ability to fulfill the primary CASA mission, that program is not prohibited from choosing to provide child advocacy in private child custody disputes where there are issues of abuse or neglect. As a condition of affiliation with National CASA, such programs must demonstrate that volunteers doing this work are receiving supervision, the core CASA training, and additional training in order to handle these cases with the equivalent level of expertise expected of CASA and guardian ad litem volunteers in child protection abuse and neglect cases in juvenile court.

I want to thank the members of the Custody/Divorce Task Force for their very thorough work on this issue. The above resolution represents, I think, a very responsible and thoughtful position that preserves the current CASA mission and insists on maintaining the high quality of representation provided by our members to abused and neglected children.

G. Website Resources for Judges Involved With CASA

- **American Bar Association**—abanet.org—as part of the ABA’s mission for the advancement of jurisprudence and promotion of the administration of justice, their website boasts a host of resources for attorneys, many with an emphasis on children’s issues.
- **American Humane Association**—americanhumane.org—site for the association whose mission is to prevent cruelty and abuse, neglect and exploitation to children and animals.
- **Children’s Defense Fund**—childrensdefense.org—learn more about the Children’s Defense Funds efforts for children in America—particularly those who are poor, minority or disadvantaged.
- **Child Welfare League of America**—cwla.org—information to advance the CWLA’s mission of promoting the wellbeing of children, youth and their families and protecting every child from harm.
- **National Adoption Center**—adoptnet.org—visit the NAC’s Learning Center for information on adoption education and support services.
- **National Association of Counsel for Children**—naccchildlaw.org—a child advocacy and professional membership organization dedicated to high quality legal representation for children.
- **National Children’s Advocacy Center**—nationalcac.org/—this site contains information on the prevention, intervention and treatment services to physically and sexually abused children utilizing a child-focused team approach.
- **National Center for State Courts**—nscsonline.org—for information and assistance to court leaders to help better serve the public.
- **National Clearinghouse on Child Abuse and Neglect Information**—nccanch.acf.hhs.gov—clearinghouse on resources on protecting children and strengthening families.
- **National Council of Juvenile and Family Court Judges**—ncjfcj.org—committed to serving the nation’s children and families by improving the courts of juvenile and family jurisdictions. Visit the Council’s Permanency Planning for Children Department at pppncjfcj.org.
- **National Court Appointed Special Advocate (CASA) Association**—CASAforChildren.org—provides resources and information for CASA/GAL programs and volunteers; includes a resource center and e-newsletter for judges.
- **Office of Justice and Juvenile Delinquency Prevention**—ojjdp.ncjrs.org—the OJJDP publishes materials focusing on funding, research and other issues relating to child abuse and neglect.
- **Youth Law Center**—youthlawcenter.org—law office of attorneys and case workers specializing in advocacy for victimized and troubled children.

H. Directory of National CASA Regional Program Specialists

Western Region

Michael Heaton

Phone: (800) 628-3233, ext. 248

michaelh@nationalcasa.org

Alaska

Arizona

California

Hawaii

Idaho

Nevada

Oregon

Utah

Washington

Mountain Plains Region

Paige Beard

Phone: (800) 628-3233, ext. 241

paige@nationalcasa.org

Colorado

Kansas

Montana

Nebraska

New Mexico

Oklahoma

South Dakota

Wyoming

Northeast Region

Susan Grant

Phone: (800) 628-3233, ext. 272

susan@nationalcasa.org

Connecticut

Delaware

Maine

Massachusetts

New Hampshire

New Jersey

New York

Pennsylvania

Rhode Island

Vermont

Midwest Region

Janet Ward

Phone: (800) 628-3233, ext. 244

janet@nationalcasa.org

Illinois

Indiana

Iowa

Michigan

Minnesota

Missouri

Ohio

Wisconsin

Mid-Atlantic Region

Dodd White

Phone: (800) 628-3233, ext. 243

dodd@nationalcasa.org

Kentucky

Maryland

North Carolina

South Carolina

Tennessee

Virginia

Washington, DC

West Virginia

Southern Gulf Region

Tracy Evans

Phone: (800) 628-3233, ext. 270

tracye@nationalcasa.org

Alabama

Arkansas

Florida

Georgia

Louisiana

Mississippi

Texas

Virgin Islands

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I. State CASA Association Contact Information

Program Name	Contact Name	Email Address	Phone
Alaska CASA Program	Valerie Dudley	valerie.dudley@alaska.gov	(907) 269-3512
Alabama CASA Network, Inc.	Nancy Bush	acasanet@bellsouth.net	(205) 833-1135
Arkansas State CASA	Julian Holloway	casa@arkansas.gov	(501) 682-9403
Arizona CASA	Bonnie Marcus	BMarcus@courts.az.gov	(602) 452-3407
California CASA	Robin Allen	rallen@californiacasa.org	(800) 214-2272
Colorado CASA	Tina Robbins	tina.robbsins@coloradocasa.org	(303) 623-5380
Connecticut CIP / CASA	Joan Jenkins	jbjcip@sbcglobal.net	(203) 784-0344
CASA Program/Family Court of Delaware	Christina Harrison	Christina.Harrison@state.de.us	(302) 255-0071
Florida State GAL	Theresa Flury	Theresa.Flury@gal.fl.gov	(850) 922-7213
Georgia CASA	Duaine E. Hathaway	dhathaway@gacasa.org	(404) 874-2888
Iowa CASA	Richard Moore	richard.moore@dia.state.ia.us	(515) 242-6392
Idaho CASA	Nanci Thaement	nthaemert@idcourts.net	(208) 324-2826
Illinois CASA	Ruth Lane	ruth@illinoiscasa.org	(309) 683-8788
Indiana GAL/CASA	Leslie Rogers Dunn	lrogers@courts.state.in.us	(317) 233-0224
Kansas CASA	Janette Meis	kansascasa@ruraltel.net	(785) 625-3049
Kentucky CASA, Inc.	Alex Blevins	kycasa@bellsouth.net	(502) 540-4960
Louisiana CASA	John Wyble	jwyble@lacasenet.org	(225) 706-0018
Maryland CASA	Edward T. Kilcullen	ed@marylandcasa.org	(410) 828-6761
Maine CASA	Terri Gallant	terri.l.gallant@maine.gov	(207) 287-5403
Michigan CASA	Patricia Wagner	patriciawagner@childcrt.org	(517) 482-7533
CASA Minnesota	Ginny Rudloff	casamn@comcast.net	(612) 728-5930
Missouri CASA	Beth T. Dessem	bdessem@mocasa.net	(573) 886-8928
CASA Mississippi	Laurie Johnson	hcycasa@aol.com	(877) 309-2272
CASA of Montana	Ellen Bush	info@casagal.org	(406) 443-2448
North Carolina GAL	Jane Volland	jane.volland@nccourts.org	(919) 890-1250
Nebraska CASA	Gwen Hurst-Anderson	necasa.gwen@gmail.com	(402) 477-2788
CASA of New Hampshire, Inc.	Marcia Sink	m_sink@casanh.org	(603) 626-4600
CASA of New Jersey	Rita Gulden	info@casaoenj.org	(609) 695-9400
New Mexico CASA	Ellen Genn	nmcasa@nmcan.org	(505) 754-6138
Nevada CASA, Inc.	Bill Fowler	billfowler@nevadacasa.org	(775) 883-3377

Program Name	Contact Name	Email Address	Phone
CASA: Advocates for Children of New York State	Penny Page	page@casanys.org	(518) 426-5354
Ohio CASA/GAL	Jackie Wilson	jwilson@ohiocasa.org	(614) 224-2272
Oklahoma CASA	Sheryl Marseilles	sheryl@oklahomacasa.org	(800) 742-2272
Oregon Commission on Children & Families	Becky Smith	becky.f.smith@state.or.us	(503) 378-5151
Pennsylvania CASA	Dennis Hockensmith	dennishockensmith@pacasa.org	(717) 728-2313
RI Office of Court Appointed Special Advocate	Andrew Johnson	ajohnson@courts.ri.gov	(401) 458-3330
South Carolina GAL	Louise Cooper	lcooper@oepp.sc.gov	(803) 734-1308
South Dakota CASA	Jessie Kuechenmeister	jessie@sdcasa.org	(605) 945-0100
Tennessee CASA	Cheryl Hultman	tncasa@bellsouth.net	(615) 242-8884
Texas CASA	Joe Gagen	jgagen@texascasa.org	(512) 473-2627
Utah Office of the Guardian Ad Litem and CASA	Olivia Phelps	oliviap@email.utcourts.gov	(801) 578-3957
Virginia Dept of Criminal Justice Services	Melissa O'Neill	melissa.o'neill@dcjs.virginia.gov	(804) 786-6428
Vermont GAL	Mary Hayden	mary.hayden@state.vt.us	(802) 828-6551
Washington State CASA/GAL	Ryan Murrey	rmurrey@wacasa.org	(206) 667-9716
Wisconsin CASA	Kitty Kocol	kittykocol.wicasa@att.net	(608) 370-1336
West Virginia CASA	Michele Bush	wvcasaa@verizon.net	(304) 733-4306

Updated 2-10

J. Sample Mission Statements

The mission of CASA (Court Appointed Special Advocates) is to break the cycle of child abuse and neglect, and to advocate for safe, permanent, nurturing homes for children.

The mission of CASA of Adams County is to provide specially selected and trained community volunteers to advocate for abused and neglected children in the pursuit of safe and permanent homes.

The mission of Court Appointed Special Advocate Programs in New Jersey is to provide assistance and support to the court in ensuring permanency and safety for abused and neglected children in out-of-home placement.

CASA Kane County is a non-profit organization, which advocates for the best interests of abused and neglected children within the court system. Based on the belief that children are entitled to a safe and permanent home, CASA works in the court system through trained volunteers, in collaboration with key agencies, legal counsel and community resources to serve as the child's advocates and represent the child in juvenile court.

CASA programs throughout Georgia provide screened, trained and supervised volunteers who speak up for the needs of children, one child at a time. CASA volunteers, each as an independent voice, advocate for the best interest of abused and neglected children involved in juvenile court deprivation proceedings.

Court Appointed Special Advocates of New Hampshire, Inc. (CASA) is non-for-profit organization committed to speaking for the best interests of abused and neglected children in the New Hampshire courts. CASA recruits, trains and supervises volunteers who advocate for this vulnerable population. The CASA program's primary goal is to ensure that each and every child in the state is permitted to grow up in a safe and permanent home.

K. Sample Bylaws

BYLAWS OF CASA OF _____ A COLORADO NONPROFIT CORPORATION

ARTICLE I OFFICES

Section 1.1 Business Offices. The principal office of the corporation shall be located at:

The corporation may have such other offices, either within or outside the state of Colorado, as the board of directors may designate or as the affairs of the corporation may require from time to time.

Section 1.2 Registered Office. The registered office of the corporation required by the Colorado Revised Non-Profit Corporation Act to be maintained in the state of Colorado may, but need not, be the same as the principal office if in the state of Colorado, and the address of the registered office may be changed from time to time by the board of directors.

ARTICLE II MEMBERS

Section 2.1 Criteria and Procedures for Membership. The corporation shall not have members.

ARTICLE III BOARD OF DIRECTORS

Section 3.1 Qualifications; Election; Tenure. Members of the Board of Directors of the corporation shall be natural persons at least twenty-one years of age or older. The directors, who need not be residents of the State of Colorado, shall manage the affairs of the corporation. The minimum number of directors shall be 3 and the maximum number shall be 15.

If the corporation does not have any members entitled to vote on Directors, all directors shall be elected by the existing Board of Directors.

The directors shall be divided into three groups as nearly equal in number as possible. Initially, the directors of the first group shall serve for a term of one (1) year, those of the second

group for a term of two (2) years, and those of the third group for a term of three (3) years, commencing on the first day of July next succeeding the date of the meeting of board members at which such initial classification is affected. Each director shall hold office until his or her successor is elected and qualified, or until his or her death, resignation or removal. At each subsequent annual meeting of directors, the successors of those directors whose term then expires shall be elected to serve a term of three years and until their successors are elected and qualified, or until their death, resignation or removal. Each director must attend a minimum of one board meeting per year. If a director fails to meet this minimum, his or her office shall become vacant at the end of such year for the remainder of the term. At the discretion of the chairperson of the board, this rule may be waived due to extenuating circumstances.

Section 3.2 Annual Meeting. The annual meeting of the Board of Directors shall be held within ninety (90) days following the annual meeting of the members (if any) in each calendar year, or on such other date and at such time and at such place as the President may determine. The annual meeting of the Board of Directors shall be for the purpose of electing officers and for the transaction of such other business as may come before the meeting.

Section 3.3 Regular Meetings. There shall be no less than six (6) regular meetings of the Board of Directors, including the annual meeting, in each calendar year. The Board of Directors shall provide by resolution the time and place, either within or outside the state of Colorado, for the holding of such regular and annual meetings.

Section 3.4 Special Meetings. Special meetings of the Board of Directors may be called by or at the request of the Chairman of the Board, President or any _____ Directors. Special meetings shall be held at such time and place, either within or outside the state of Colorado, as may be designated by the authority calling such meeting; provided that no meeting shall be called outside the State of Colorado, unless two-thirds of the Board has so authorized. Notice stating the place, day, and hour of every special meeting shall be given to each member of the Board of Directors by mailing such notice at least two days before the date fixed for the meeting. The notice of such special meeting need not specify the purpose of the meeting.

Section 3.5 Quorum; Voting. A quorum at all meetings of the Board of Directors shall consist of a majority of the directors holding office. Less than a quorum may adjourn from time to time without further notice until a quorum is secured. Each director shall have one vote, and the act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

For purposes of determining a quorum and for purposes of casting a vote, a director may be deemed to be present and to vote if the director grants a signed, written proxy to another director. The proxy must direct a vote to be cast with respect to a particular proposal that is described with reasonable specificity in the proxy. No other proxies are allowed.

A director who is present at a meeting of the Board of Directors is deemed to have assented to all action taken unless: (i) the director objects at the beginning of the meeting, or promptly upon arrival, to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to any action taken; (ii) the director contemporaneously requests that the director's dissent

or abstention as to any specific action taken be entered in the minutes; or (iii) the director causes written notice of the director's dissent or abstention as to any specific action to be received by the presiding officer of the meeting before adjournment or by the corporation promptly after adjournment. The right of dissent or abstention is not available to a director who votes in favor of the action taken.

Section 3.6 Vacancies. Any vacancy in the Board of Directors shall be filled by the board. A director elected to fill a vacancy shall be elected for the unexpired term of such person's predecessor in office and until such person's successor is duly elected and shall have qualified. Any position on the Board of Directors to be filled by reason of an increase in the number of directors shall be filled as soon as practicable after the time such increase is authorized.

Section 3.7 Committees. The Board of Directors of the corporation may designate from among its members, by a resolution adopted by two-thirds of the entire Board of Directors, an Executive Committee and one or more other committees, each of which shall have and may exercise such authority in the management of the corporation as shall be provided in such resolution or in these Bylaws. No such committee shall have the power or authority to authorize distributions; elect, appoint or remove any director; amend, restate, alter, or repeal the Articles of Incorporation; amend, alter, or repeal these or any other Bylaws of the corporation; approve a plan of merger; approve a sale, lease, exchange, or other disposition of all or substantially all of the property of the corporation, with or without goodwill, other than in the usual and regular course of business; or to take any other action prohibited by law. The Executive Committee may, however, act on all other matters for which the Board of Directors is empowered by these Bylaws, the corporation's Articles of Incorporation, or the Act on behalf of the corporation, and such actions shall be deemed to have been taken by the corporation as if approved by its Board of Directors, unless such action is specifically required by these Bylaws, the Articles of Incorporation, or the Act to be ratified and approved by two-thirds vote of the Board of Directors. The Executive Committee shall act as the corporation's compensation, leadership and legal committees by and on behalf of the Board of Directors, with such authority in those matters as the Board of Directors deems appropriate, and all such actions taken by the Executive Committee with respect to such matters, unless otherwise required to be ratified by the Board of Directors, shall be deemed to be action taken by the Board of Directors of the corporation.

Section 3.8 Resignation. A director may resign at anytime by giving written notice of resignation to the corporation. The resignation is effective when the notice is received by the corporation unless the notice specifies a later effective date. A director who resigns may also deliver a statement to that effect to the Colorado Secretary of State.

Section 3.9 Removal. Any member of the Board of Directors of the corporation may be removed by the members of the Board of Directors only with or for cause at a meeting called for and stating that purpose. Any member of the Board of Directors elected by the Board may be removed with or without cause by two-thirds of the directors of the corporation present at a meeting at which a quorum is present.

Section 3.10 Vacancy on the Board. If a vacancy occurs on the Board of Directors, including a vacancy resulting from an increase in the number of directors: (i) the voting members, if

any, may fill the vacancy; (ii) the Board of Directors may fill the vacancy; or (iii) if the directors remaining in office constitute fewer than a quorum of the Board of Directors, they may fill the vacancy by an affirmative vote of two-thirds of all the directors remaining in office. If a vacant office was held by an appointed director, only the person who appointed the director may fill the vacancy. If a vacant office was held by a designated director, the vacancy may not be filled by the board.

Section 3.11 Action Without a Meeting. Any action required by law to be taken at a meeting of the Board of Directors, or any committee thereof, or any other action which may be taken at a meeting of directors, or any committee thereof, may be taken without a meeting if a every member of the board in writing either: (i) votes for such action or (ii) votes against such action or abstains from voting and waives the right to demand that a meeting be held. Action is taken only if the affirmative votes for such action equals or exceeds the minimum number of votes that would be necessary to take such action at a meeting at which all of the directors then in office were present and voted. The action shall only be effective if there are writings which describe the action, signed by all directors, received by the corporation and filed with the minutes. Any such writings may be received by electronically transmitted facsimile or other form of wire or wireless communication providing the corporation with a complete copy of the document including a copy of the signature. Actions taken shall be effective when the last writing necessary to effect the action is received by the corporation unless the writings set forth a different date. Any director who has signed a writing may revoke it by a writing signed, dated and stating the prior vote is revoked. However, such writing must be received by the corporation before the last writing necessary to effect the action is received. All such actions shall have the same effect as action taken at a meeting.

Section 3.12 Compensation. No member of the Board of Directors shall receive any compensation for serving in such office, provided that the corporation may reimburse any member of the Board of Directors for reasonable expenses incurred in connection with service on the Board.

Section 3.13 Notice. Notice of the date, time and place of any special meeting shall be given to each director at least two days prior to the meeting by written notice either personally delivered or mailed to each director at the director's business address, or by notice transmitted by private courier, telegraph, telex, electronically transmitted facsimile or other form of wire or wireless communication. If mailed, such notice shall be deemed to be given and to be effective on the earlier of: (i) five days after such notice is deposited in the United States mail, properly addressed, with first class postage prepaid; or (ii) the date shown on the return receipt, if mailed by registered or certified mail return receipt requested, provided that the return receipt is signed by the director to whom the notice is addressed. If notice is given by telex, electronically transmitted facsimile or other similar form of wire or wireless communication, such notice shall be deemed to be given and to be effective when sent, and with respect to a telegram, such notice shall be deemed to be given and effective when the telegram is delivered to the telegraph company. If a director has designated in writing one or more reasonable addresses or facsimile numbers for delivery of notice, notice sent by mail, telegraph, telex or electronically transmitted facsimile or other form of wire or wireless communication shall not be deemed to have been given or to be effective unless sent to such addresses or facsimile numbers as the case may be.

Section 3.14 Waiver of Notice. A director may waive notice of a meeting before or after the time and date of the meeting by a writing signed by the director. Such waiver shall be delivered to the corporate secretary for filing with the corporate records, but such delivery and filing shall not be conditions to the effectiveness of the waiver. Further, a director's attendance at or participation in a meeting waives any required notice to the director of the meeting unless at the beginning of the meeting, or promptly upon the director's later arrival, the director objects to holding the meeting or transacting business at the meeting because of lack of notice or defective notice and does not thereafter vote for or assent to action taken at the meeting. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board of Directors need be specified in the notice or waiver of notice of such meeting.

Section 3.15 Telephone Meetings. The Board of Directors may permit any director (or any member of any committee designated by the board) to participate in a regular or special meeting of the Board of Directors or a committee thereof through the use of any means of communication by which all directors participating in the meeting can hear each other during the meeting. A director participating in a meeting in this manner is deemed to be present in person at the meeting.

Section 3.16 Standard of Conduct for Directors and Officers. Each director and officer shall perform their duties as a director or officer, including without limitation their duties as a member of any committee of the board, in good faith, in a manner the director or officer reasonably believes to be in the best interests of the corporation, and with the care an ordinarily prudent person in a like position would exercise under similar circumstances. In the performance of their duties, a director or officer shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by the persons designated below. However, a director or officer shall not be considered to be acting in good faith if the director or officer has knowledge concerning the matter in question that would cause such reliance to be unwarranted. A director or officer shall not be liable to the corporation for any action the director or officer takes or omits to take as a director or officer if, in connection with such action or omission, the director or officer performs their duties in compliance with this Section. A director or officer, regardless of title, shall not be deemed to be a trustee with respect to the corporation or with respect to any property held or administered by the corporation including, without limitation, property that may be subject to restrictions imposed by the donor or transferor of such property.

The designated persons on whom a director or officer are entitled to rely are: (i) one or more officers or employees of the corporation whom the director or officer reasonably believes to be reliable and competent in the matters presented; (ii) legal counsel, a public accountant, or other person as to matters which the director or officer reasonably believes to within such person's professional or expert competence; (iii) religious authorities or ministers, priests, rabbis or other persons whose position or duties in the corporation or in a religious organization with which the corporation is affiliated, the director or officer believes justify reliance and confidence and who the director or officer believes to be reliable and competent in the matters presented; or (iv) a committee of the Board of Directors on which the director or officer does not serve if the director reasonably believes the committee merits confidence.

ARTICLE IV OFFICERS AND AGENTS

Section 4.1 Number and Qualifications. The officers of the corporation shall be a president, one or more vice presidents, a secretary and a treasurer. The board of directors may also elect or appoint such other officers, assistant officers and agents, including a chairman of the board, an executive director, a controller, assistant secretaries and assistant treasurers, as it may consider necessary. One person may hold more than one office at a time, except that no person may simultaneously hold the offices of president and secretary. Officers need not be directors of the corporation. All officers must be at least twenty-one years old. Officers shall be nominated by a nominating committee established by the Board of Directors pursuant to Section 3.7, above.

Section 4.2 Election and Term of Office. The elected officers of the corporation shall be elected by the board of directors at each regular annual meeting and shall begin serving at the conclusion of the annual meeting. If the election of officers shall not be held at such meeting, such election shall be held as soon as convenient thereafter. Each officer shall hold office until his or her successor shall have been duly elected and shall have qualified, or until his or her earlier death, resignation or removal.

Section 4.3 Compensation. The compensation of the officers, if any, shall be as fixed from time to time by the board of directors, and no officer shall be prevented from receiving a salary by reason of the fact that he is also a director of the corporation. However, no payment of compensation (or payment or reimbursement of expenses) shall be made in any manner so as to result in the imposition of any liability under section 4941 of the Internal Revenue Code.

Section 4.4 Removal. Any officer or agent may be removed by the board of directors whenever in its judgment the best interests of the corporation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer or agent shall not in itself create contract rights.

Section 4.5 Vacancies. Any officer may resign at any time, subject to any rights or obligations under any existing contracts between the officer and the corporation, by giving written notice to the president or to the board of directors. An officer's resignation shall take effect at the time specified in such notice, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. A vacancy in any office, however occurring, may be filled by the board of directors for the unexpired portion of the term from nominees proposed by the nominating committee.

Section 4.6 Authority and Duties of Officers. The officers of the corporation shall have the authority and shall exercise the powers and perform the duties specified below and as may be additionally specified by the president, the board of directors, or these bylaws, except that in any event each officer shall exercise such powers and perform such duties as may be required by law. Nothing herein shall prohibit the delegation by an officer of any duty of that officer described below, but no such delegation shall operate to relieve the delegating officer from any responsibility imposed by law or these Bylaws.

4.6.1 Chairman of the Board. The chairman of the board, if any, shall (i) preside at all meetings of the board of directors; (ii) see that all orders and resolutions of the board of directors are carried into effect; and (iii) perform all other duties incident to the office of chairman of the board and as from time to time may be assigned to him by the board of directors. Unless a separate chairman of the board is elected by the directors, the president shall act as chairman of the board.

4.6.2 President. The president shall, subject to the direction and supervision of the board of directors (i) be the chief executive officer of the corporation and have general and active control of its affairs and business and general supervision of its officers, agents and employees; (ii) see that all orders and resolutions of the board of directors are carried into effect; and (iii) perform all other duties incident to the office of president and as from time to time may be assigned to him by the board of directors.

4.6.3 Vice Presidents. The vice president or vice presidents shall assist the president and shall perform such duties as may be assigned to them by the president or by the board of directors. The vice president (or if there is more than one, then the vice president designated by the board of directors, or if there be no such designation, then the vice presidents in order of their election) shall, at the request of the president, or in the president's absence or inability or refusal to act, perform the duties of the president and when so acting shall have all the powers of and be subject to all the restrictions upon the president. In the absence of a chairman of the board, the vice president shall preside at all meetings of the Board.

4.6.4 Secretary. The secretary shall: (i) keep the minutes of the proceedings of the board of directors and any committees of the board; (ii) see that all notices are duly given in accordance with the provisions of these bylaws or as required by law; (iii) be custodian of the corporate records and of the seal of the corporation; and (iv) in general, perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to him by the president or by the board of directors. Assistant secretaries, if any, shall have the same duties and powers, subject to supervision by the secretary.

4.6.5 Treasurer. The treasurer shall: (i) be the principal financial officer of the corporation and have the care and custody of all its funds, securities, evidences of indebtedness and other personal property and deposit the same in accordance with the instructions of the board of directors; (ii) receive and give receipts and acquittance for moneys paid in on account of the corporation, and pay out of the funds on hand all bills, payrolls and other just debts of the corporation of whatever nature upon maturity; (iii) unless there is a controller, be the principal accounting officer of the corporation and as such prescribe and maintain the methods and systems of accounting to be followed, keep complete books and records of account, prepare and file all local, state and federal tax returns and related documents,

prescribe and maintain an adequate system of internal audit, and prepare and furnish to the president and the board of directors statements of account showing the financial position of the corporation and the results of its operations; (iv) upon request of the board, make such reports to it as may be required at any time; and (v) perform all other duties incident to the office of treasurer and such other duties as from time to time may be assigned to him by the president or the board of directors. Assistant treasurers, if any, shall have the same powers and duties, subject to supervision by the treasurer.

Section 4.7 Surety Bonds. The board of directors may require any officer or agent of the corporation to execute to the corporation a bond in such sums and with such sureties as shall be satisfactory to the board, conditioned upon the faithful performance of such person's duties and for the restoration to the corporation of all books, papers, vouchers, money and other property of whatever kind in such person's possession or under his or her control belonging to the corporation.

ARTICLE V INDEMNIFICATION

Section 5.1 Definitions. For purposes of this Article:

5.1.1 The terms "director or officer" shall include a person who, while serving as a director or officer of the corporation, is or was serving at the request of the corporation as a director, officer, partner, manager, trustee, employee, fiduciary or agent of another foreign or domestic corporation, nonprofit corporation or other person or employee benefit plan. A director or officer shall be considered to be serving an employee benefit plan at the request of the corporation if the director's or officer's duties to the corporation also impose duties on or otherwise involve services to the plan or to participants in or beneficiaries of the plan. The term "director or officer" shall also include the estate or personal representative of a director or officer, unless the context otherwise requires.

5.1.2 The term "proceeding" shall mean any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative, whether formal or informal, any appeal in such an action, suit, or proceeding, and any inquiry or investigation that could lead to such an action, suit, or proceeding.

5.1.3 The term "party" includes an individual who is, was, or is threatened to be made a named defendant or respondent in a proceeding.

5.1.4 The term "liability" shall mean any obligation to pay a judgment, settlement, penalty, fine (including an excise tax assessed with respect to an employee benefit plan), or reasonable expense incurred with respect to a proceeding.

5.1.5 When used with respect to a director, the phrase “official capacity“ shall mean the office of director in the corporation, and, when used with respect to a person other than a director, shall mean the office in the corporation held by the officer or the employment, fiduciary or agency relationship undertaken by the employee or agent on behalf of the corporation, but in neither case shall include service for any foreign or domestic corporation or for any other person, employee benefit plan, or other enterprise.

Section 5.2 General Provisions. The corporation shall indemnify any person who is or was a party or is threatened to be made a party to any proceeding by reason of the fact that such person is or was a director or officer of the corporation, against expenses (including attorneys, fees), liability, judgments, fines, and amounts paid in settlement actually and reasonably incurred by such person in connection with such proceeding if such person: [i] acted in good faith, [ii] reasonably believed, in the case of conduct in an official capacity with the corporation, that the conduct was in the best interests of the corporation, and, in all other cases, that the conduct was at least not opposed to the best interests of the corporation, and [iii] with respect to any criminal proceeding, had no reasonable cause to believe that the conduct was unlawful. However, no person shall be entitled to indemnification under this Section 5.2 either: [i] in connection with a proceeding brought by or in the right of the corporation in which the director or officer was adjudged liable to the corporation; or [ii] in connection with any other proceeding charging improper personal benefit to the director or officer, whether or not involving action in that person’s official capacity, in which the officer or director is ultimately adjudged liable on the basis that the director or officer improperly received personal benefit. Indemnification under this Section 5.2 in connection with a proceeding brought by or in the right of the corporation shall be limited to reasonable expenses incurred in connection with the proceeding. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction or upon a plea of solo contender or its equivalent shall not of itself be determinative that the person did not meet the standard of conduct set forth in this Section 5.2.

Section 5.3 Successful Defense on the Merits; Expenses. To the extent that a director or officer of the corporation has been wholly successful on the merits in defense of any proceeding to which he was a party, such person shall be indemnified against reasonable expenses (including attorneys’ fees) actually and reasonably incurred in connection with such proceeding.

Section 5.4 Determination of Right to Indemnification. Any indemnification under Section 5.2 of this Article (unless ordered by a court) shall be made by the corporation only as authorized in each specific case upon a determination that indemnification of the director or officer is permissible under the circumstances because such person met the applicable standard of conduct set forth in Section 5.2. Such determination shall be made: [i] by the Board of Directors by two-thirds vote of a quorum of disinterested directors who at the time of the vote are not, were not, and are not threatened to be made parties to the proceeding; or [ii] if such a quorum cannot be obtained, by the vote of two-thirds of the members of the Executive Committee of the Board of Directors, provided that committee shall consist of two or more directors who are not parties to the proceeding (directors who are parties to the proceeding may participate in the designation of directors to serve on such committee); or [iii] if such a quorum of the Board of Directors cannot be obtained or there is no Executive Committee, or even if such a quorum is obtained or the Executive Committee exists, but such quorum or committee so directs, then by independent legal counsel selected by the Board of Directors in accordance with the preceding procedures. Authorization of indemnification and evaluation as to the reasonableness of expenses shall be made in the same manner as the

determination that indemnification is permissible, except that, if the determination that indemnification is permissible is made by independent legal counsel, authorization of indemnification and evaluation of legal expenses shall be made by the body that selected such counsel.

Section 5.5 Advance Payment of Expenses; Undertaking to Repay. The corporation shall pay for or reimburse the reasonable expenses (including attorneys, fees) incurred by a director or officer who is a party to proceeding in advance of the final disposition of the proceeding if: [i] the director or officer furnishes the corporation a written affirmation of the director's or officer's good faith belief that the person has met the standard of conduct set forth in Section 5.2; [ii] the director or officer furnishes the corporation with a written undertaking, executed personally or on the director's or officer's behalf, to repay the advance if it is determined that the person did not meet the standard of conduct set forth in Section 5.2, which undertaking shall be an unlimited general obligation of the director or officer but which need not be secured and which may be accepted without reference to financial ability to make repayment; and [iii] a determination is made by the body authorizing indemnification that the facts then known to such body would not preclude indemnification.

Section 5.6 Other Employees and Agents. The corporation shall indemnify such other employees and agents of the corporation to the same extent and in the same manner as is provided above in Section 5.2 with respect to directors and officers, by adopting a resolution by two-thirds of the members of the Board of Directors specifically identifying by name or by position the employees or agents entitled to indemnification.

Section 5.7 Insurance. The Board of Directors may exercise the corporation's power to purchase and maintain insurance (including without limitation insurance for legal expenses and costs incurred in connection with defending any claim, proceeding, or lawsuit) on behalf of any person who is or was a director, officer, employee, fiduciary, agent or was serving as a director, officer, partner, trustee, employee, fiduciary of another domestic or foreign corporation, nonprofit corporation or other person or an employee benefit plan of the corporation against any liability asserted against the person or incurred by the person in any such capacity or arising out of the person's status as such, whether or not the corporation would have the power to indemnify that person against such liability under the provisions of this Article.

Section 5.8 Non-exclusivity of Article. The indemnification provided by this Article shall not be deemed exclusive of any other rights and procedures to which one indemnified may be entitled under the Articles of Incorporation, any bylaw, agreement, resolution of disinterested directors, or otherwise, both as to action in such person's official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director or officer, and shall inure to the benefit of such person's heirs, executors, and administrators.

ARTICLE VI MISCELLANEOUS

Section 6.1 Account Books, Minutes, Etc. The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its board of directors and committees. All books and records of the corporation may be inspected by any director or his or her accredited agent or attorney, for any proper purpose at any reasonable time.

Section 6.2 Fiscal Year. The fiscal year of the corporation shall be as established by the board of directors.

Section 6.3 Conveyances And Encumbrances. Property of the corporation may be assigned, conveyed or encumbered by such officers of the corporation as may be authorized to do so by the board of directors, and such authorized persons shall have power to execute and deliver any and all instruments of assignment, conveyance and encumbrance; however, the sale, exchange, lease or other disposition of all or substantially all or the property and assets of the corporation shall be authorized only in the manner prescribed by applicable statute.

Section 6.4 Designated Contributions. The corporation may accept any designated contribution, grant, bequest or devise consistent with its general tax exempt purposes, as set forth in the articles of incorporation. As so limited, donor designated contributions will be accepted for special funds, purposes or uses, and such designations generally will be honored. However, the corporation shall reserve all right, title and interest in and to and control of such contributions, as well as full discretion as to the ultimate expenditure or distribution thereof in connection with any special fund, purpose or use. Further, the corporation shall retain sufficient control over all donated funds (including designated contributions) to assure that such funds will be used to carry out the corporation's tax exempt purposes.

Section 6.5 Conflicts of Interest. If any person who is a director or officer of the corporation is aware that the corporation may or is about to enter into any business transaction directly or indirectly with himself, any member of such person's family, or any entity in which he has any legal, equitable or fiduciary interest or position, including without limitation as a director, officer, shareholder, partner, beneficiary or trustee, such person shall (a) immediately inform those charged with approving the transaction on behalf of the corporation of such person's interest or position; (b) aid the persons charged with making the decision by disclosing any material facts within such person's knowledge that bear on the advisability of such transaction from the standpoint of the corporation; and (c) not be entitled to vote on the decision to enter into such transaction. Voting on such transaction shall be conducted as follows:

- (i) Discussion of the matter, with the interested officer or director, shall be held by the board with such person present to provide information and answer any questions.
- (ii) The interested officer or director shall withdraw from the meeting.
- (iii) Discussion of the matter, outside of the presence of the interested officer or director, shall be held by the Board.

- (iv) The remaining members of the Board shall vote. Such voting shall be by written ballot. Such ballots shall not reflect the name or identity of the person voting.

Section 6.6 Loans to Directors and Officers Prohibited. No loans shall be made by the corporation to any of its directors or officers. Any director or officer who assents to or participates in the making of any such loan shall be liable to the corporation for the amount of such loan until it is repaid.

Section 6.7 No Private Inurement. The corporation is not organized for profit and is to be operated exclusively for the promotion of social welfare in accordance with the purposes stated in the corporation's articles of incorporation. The net earnings of the corporation shall be devoted exclusively to charitable and educational purposes and shall not inure to the benefit of any private individual. No director or person from whom the corporation may receive any property or funds shall receive or shall be entitled to receive any pecuniary profit from the operation thereof, and in no event shall any part of the funds or assets of the corporation be paid as salary or compensation to, or distributed to, or inure to the benefit of any member of the board of directors; provided, however, that (a) reasonable compensation may be paid to any director while acting as an agent, contractor, or employee of the corporation for services rendered in effecting one or more of the purposes of the corporation; (b) any director may, from time to time, be reimbursed for such director's actual and reasonable expenses incurred in connection with the administration of the affairs of the corporation; and (c) the corporation may, by resolution of the board of directors, make distributions to persons from whom the corporation has received contributions previously made to support its activities to the extent such distributions represent no more than a return of all or a part of the contributor's contributions.

Section 6.8 References to Internal Revenue Code. All references in these bylaws to provisions of the Internal Revenue Code are to the provisions of the Internal Revenue Code of 1986, as amended, and shall include the corresponding provisions of any subsequent federal tax laws.

Section 6.9 Amendments. The power to alter, amend or repeal these bylaws and adopt new bylaws shall be vested in the board of directors. Amendment of any section of these bylaws requiring that two thirds of the board of directors must be present or participate in order to constitute a quorum may be effected only by the approval of two thirds of the directors.

Section 6.10 Severability. The invalidity of any provision of these bylaws shall not affect the other provisions hereof, and in such event these bylaws shall be construed in all respects as if such invalid provision were omitted.

BYLAWS CERTIFICATE

I hereby certify that the foregoing Bylaws, consisting of ____ pages including this page, constitute the Bylaws of _____, a Colorado Non-profit corporation, duly adopted by the board of directors of the corporation on the __ day of _____, 200__.

By: _____ Secretary

Date:

L. Sample Court and CASA Agreement

MEMORANDUM OF UNDERSTANDING

Re: Court Appointed Special Advocates

Between: Crawford County Court of Common Pleas, Juvenile Division (Court)
Crawford County Children and Youth Services (CYS)
Crawford County Court Appointed Special Advocate Program (CASA)

Date: **Original Agreement**—September 12, 1996
Revised Agreement—November 24, 1998

I. PROCEDURES FOR REFERRAL AND ASSIGNMENT OF CASES

Objective—To establish the method by which cases are chosen and referred to the CASA Program. The CASA Program, in cooperation with the court, retains the right to establish priorities for service as well as to determine from among cases referred for appointment, those it can serve appropriately, within the limits of its resources, capacities and mission. CASA assignment requires a court order. All referrals will be forwarded to the Judge of record or the President Judge for consideration. CASA shall be assigned at the earliest possible stage of the court proceedings.

A. Priorities for Case Referral:

1. Children to be served are removed from the home and/or at imminent risk of being removed from the home.
2. The case is complex, involving serious allegations of sexual or physical abuse and/or chronic neglect.
3. Permanency is an issue.
4. Children under the age of six will be given priority consideration, but all ages up to eighteen are appropriate for referral.

B. Referring Parties Include:

1. A Judge—Direct Referral

The following parties to court proceedings may make a request to the court for referral of a case for CASA appointment:

2. The Juvenile Court Master
3. Personnel of CYS; including Director, Solicitor, Supervisor and Caseworker
4. An Attorney for the child—Guardian ad litem
5. An Attorney for the child's family

C. Method of Referral:

1. A Judge or a Master concludes that a CASA appointment and CASA assistance are appropriate. A direct referral by court order may be initiated at any stage of the proceedings. CASA assignment requires a court order, and a specific court order outlining the appointment has been drafted for this purpose.
 - a. A “CASA appointed” order is completed and signed by a judge and forwarded to both the CASA and CYS offices by the judge’s secretary.
2. All other parties (Section I. B. 3-5) requesting assignment of a CASA shall complete a Referral/Enrollment Form and submit it to the CASA Program. CASA shall review the request and make sure the information is complete and the case is appropriate for CASA involvement per the mission statement and the priorities for case referral (Section I.A.1-5). Completed requests are prioritized, with optional input from CASA and CYS, and as a volunteer becomes available are forwarded to the judge for consideration of appointment by court order as above. (Section I.C.1.a.)

D. Assignment of a CASA—Upon receipt in the CASA office of both a Court Order of appointment from the Judge and a completed Referral/Enrollment Form from the CYS Caseworker:

1. CASA staff shall meet with the prospective volunteer to discuss the specifics of the case and to determine if there are any areas of conflict of interest.
2. The CASA volunteer shall sign a case acceptance form signifying assignment.
3. CASA staff shall send letters of notification of volunteer assignment to all parties to the case, including the natural parents and the foster parents. A copy of the court order may also be sent to parties who have not previously been sent one.

II. ROLES AND RESPONSIBILITIES OF THE CASA VOLUNTEER, THE CASEWORKER, AND THE ATTORNEY/GUARDIAN AD LITEM

Objective—To ensure quality representation for the best interest of the child, the partnership between the CASA Volunteer, the Caseworker and the Attorney shall be structured to facilitate communication, collaboration, and a commitment to teamwork.

At the same time, each is a parallel resource for the Court to consider in its decision to serve the best interest of each child.

A. Roles and Responsibilities of the CASA Volunteer, under the supervision of the CASA Volunteer Coordinator—A Friend of the Court:

1. Provides the court with independent and objective information regarding children involved in dependency and neglect cases.
2. Conducts an independent review, examines all relevant documents and may interview all persons directly having knowledge of the child’s and/or family’s situation to formulate an objective understanding of what is in the best interest of the child.
3. Assists the court in assuring that the best interests of the child are served at all times in relation to his or her right to a safe and permanent home.
4. Reviews issues of compliance and non-compliance with family service plans and court orders.
5. Participates in team meetings or staffings involving the child as possible and as scheduling allows.

6. Advocates for the child and for needed services in a timely manner.
7. Visits any potential caretaker.
8. Attends all court hearings and submits a written report to the court and the parties outlining the findings and the advocate's recommendations one week prior to the hearing.
9. Initiates and maintains regular contact with the child's caseworker and attorney.
10. May request a case conference if a goal change or placement change is indicated.
11. Reports any incidents of suspected child abuse or neglect to the appropriate authorities immediately.
12. Remains actively involved in the case until a permanent resolution is established for the child and/or formal discharge is ordered by the court.
13. Refrains from becoming inappropriately involved in a case by providing case management or direct counseling services to the child or family.
14. Maintains confidentiality of all information obtained, with the exception of reporting information to the court.
15. Accepts case supervision and maintains regular contact with the supervisor.
16. Obtains current Act 33 and Act 34 clearances.

B. Roles and Responsibilities of the CYS Caseworker, under the supervision of the Casework Supervisor—A Party to the Case:

1. Assumes responsibility for child protection; identifies problems or risk factors which must be addressed in order for the child to remain/return home; plans a course for treatment; initiates a Family Service Plan; and coordinates appropriate service referrals.
2. Orients CASA to a new case by meeting with them, sharing case information and providing access to the family file and the abuse file.
3. Completes the Family Service Plan (FSP) and Placement Amendment Forms in a timely manner and provides copies of each completed plan to CASA and the GAL.
4. Notifies the CASA and GAL of any changes in address, phone number, or household composition of parents or child.
5. Maintains regular contact with CASA and GAL regarding all case issues.
6. Provides access to and copies as requested of all documentation on a case, including family service plans, petitions to court, letters, reports to court, notices of hearings, and court orders in a timely manner to CASA and GAL.
7. Ensures hearings are scheduled as mandated or ordered and that all parties are notified 15 days in advance.
8. Makes a copy of the FSP available at hearings for review.
9. Informs the CASA and GAL of plans to change the goal or placement of a child and requests a case conference as necessary.
10. Invites the CASA and GAL to attend team staffings held to discuss a child's case.
11. Invokes the authority of the Juvenile Court as needed.

C. Roles and Responsibilities of the GAL—Counsel for the Child:

According to Pa Statute #23 Pa.C.S.A. 6383:

- (a) **Appointment.**—When a proceeding has been initiated alleging child abuse, the court shall appoint a guardian ad litem for the child. The guardian ad litem shall be an attorney.

- (b) **Powers and duties.**—The Guardian ad litem shall be given access to all reports relevant to the case and to any reports of examination of the parents or other custodian of the child pursuant to this chapter. The guardian ad litem shall be charged with the representation of the best interests of the child at every stage of the proceeding and shall make such further investigation necessary to ascertain the facts, interview witnesses, examine and cross-examine witnesses, make recommendations to the court and participate further in the proceedings to the degree appropriate for adequately representing the child. When appropriate because of the age or mental and emotional condition of the child, the guardian ad litem shall also determine the wishes of the child concerning the proceedings and shall communicate this information to the court.

Additional Responsibilities:

1. Makes time available for consultation with the CASA and the Caseworker as circumstances require.
2. Maintains regular contact with CASA and CYS regarding all case issues.
3. Determines legal strategies for a case and files motions and petitions.
4. Participates in case conferences and team staffings as notified and available to attend.
5. Determines and presents witnesses in a formal hearing.
6. Invokes the authority of the Juvenile Court as needed.

III. EXPECTATIONS/FACILITATION OF POSITIVE WORKING RELATIONSHIPS

Objective—To delineate the joint and individual responsibilities of the participating entities.

- A. Cross-training of CASA Volunteers, CYS Caseworkers and Attorneys/GAL shall take place on a planned basis, with the planning to include a representative from each area.
- B. Periodic evaluation of the program's effectiveness and operations and of this agreement shall be conducted by the President Judge, the CYS Director, and the CASA PC. Revisions and changes shall be their joint responsibility.
- C. Interactions between all participants shall be facilitated by the respective supervisors with areas of disagreement communicated and resolved as early as possible.
- D. CASA, CYS and the Court agree to work together toward the mutual goals of:
 - Providing maximum protection and representation for children who are currently being physically, sexually, or emotionally abused; being neglected; or being exploited; and protecting children who are at risk of harm;
 - Providing a full array of social and health services to help the child and family and to prevent re-abuse of children;
 - Preserving the family as a unit when in the best interest of the child and pursuing other permanency options when that is in the best interest of the child, working towards a resolution within a framework of 12 months;
 - Carrying out these goals in a timely manner.

To this end, **CASA shall:**

- Provide professional staff and recruit qualified volunteers for the CASA program;
- Train volunteers to fulfill their role as Court Appointed Special Advocates;
- Provide CASA Volunteers with professional supervision and consultation;
- Assign a specific CASA Volunteer (based on availability) to cases referred to the CASA program by the court;
- Cooperate with CYS and the Court, including providing them with copies of reports and other documents prior to a scheduled hearing and upon request, allowing them access to all materials used to prepare those reports;
- Provide training on the CASA program to CYS, the Court and other related or involved service agencies;
- Keep confidential all information about children and families referred to the CASA program.

To this end, **CYS shall:**

- Refer dependency cases to the CASA program at the earliest possible stage of CYS involvement, according to a procedure worked out jointly;
- Provide professional staff;
- Help train CASA Volunteers;
- Cooperate with CASA upon court ordered assignment, including timely return of referral/enrollment forms, orientation of the CASA to the case and providing access to the case files, provision of copies of reports and documents as issued;
- Notify CASA and the GAL of all hearings and team staffings on cases referred to CASA.

To this end, **the Court shall:**

- Refer appropriate cases to the CASA program at the adjudication stage of the court proceedings;
- Issue and send court orders appointing and removing a CASA directly to both the CASA office and CYS;
- Assign a Guardian ad litem to a child's case, when the case involves physical or sexual abuse;
- Help train CASA Volunteers;
- Swear in CASA Volunteers;
- Support applications for CASA funding.

Human Services Director
Crawford County Human Services

President Judge, Crawford County
Court of Common Pleas

Program Coordinator
Crawford County CASA, Inc.

Date of Signing

M. Sample Court, CASA and Social Services Agreement

Achieving the goals of CASA Kankakee County requires the development of good working relationships among the Kankakee County Juvenile Court, the Illinois Department of Children and Family Services, and the CASA program. This statement of understanding identifies and clarifies the relationship between CASA Kankakee County and the Kankakee County Juvenile Court.

1. Cases to be appointed to CASA

It is agreed that the following categories of dependency and neglect cases under the jurisdiction of Kankakee Juvenile Court are most appropriate for appointment of a CASA:

- A. Children 17 years old and younger
- B. Children determined to be physically or sexually abused
- C. Children determined to have been neglected
- D. Children who have excessive placements within the foster care system
- E. Children at risk of losing permanency

2. Role of the CASA in Court Proceedings

It is agreed that the role of the CASA in court proceedings will adhere to the Friend of the Court model as follows:

The CASA will be appointed by the Court as an Officer of the Court in Kankakee Juvenile Court to provide the Court with independent and objective information regarding the status of children involved in dependency and neglect cases. Upon appointment, the CASA independently gathers and assesses information, develops recommendations, and submits written and verbal reports that will be considered by the Court to aid in its decisions and to protect the best interests of the child.

It is further agreed that the written reports prepared by the CASA will be submitted according to the following rules and requirements:

All reports prepared for hearings will be approved by the CASA Program Director and should be filed with the Clerk of the Circuit Court, Kankakee County Courthouse, 450 East Court St, 2nd Floor, Kankakee, IL, at least 5 court days in advance of the hearing. Copies shall also be provided to the CASA Program Director, the State's Attorney, the Department of Children and Family Services or other participating social service agency, and all parties and their attorneys, if represented.

3. Duration of Appointment

It is agreed that when CASA volunteers have been trained and certified as ready for service, the Court will conduct swearing in ceremonies, appointing the CASA volunteers as Officers of the Court. This appointment will remain in effect until such time as the CASA's service is terminated.

4. CASA Volunteers' Qualifications, Training, and Supervision

It is agreed that CASA volunteers will be qualified, trained, and supervised as follows:

- A. CASA volunteers must be of majority age in the State of Illinois, and have successfully passed screening requirements that include a written application, personal interview, and reference and criminal checks.
- B. CASA volunteers must have successfully completed a minimum of 32 hours of initial training that includes instruction on the court and child welfare system, child abuse and neglect, relevant state and federal laws, child planning and family preservation, cultural awareness, and the role and responsibility of a CASA volunteer.
- C. CASA volunteers must have made an oath not to engage in activities that jeopardize the safety of the child, the integrity of the program, or the objectivity of the volunteer, or activities that are likely to result in a conflict of interest or expose the program or volunteer to criminal or civil liability. CASA volunteers must have made an oath to abide by the National CASA Association Code of Ethics.
- D. CASA volunteers must have made an oath to respect the right to privacy and therefore keep information that would identify the parties involved in CASA cases confidential.
- E. The CASA Program Director will supervise CASA volunteers and facilitate the interaction of the CASA with the Court, DCFS, and other interested parties and agencies.
- F. The CASA Program Director may accompany the CASA during court proceedings and will substitute for the Advocate if he/she is unable to appear.
- G. The CASA Program Director and the Court will maintain open, constructive and effective communication regarding the performance of each CASA.

It is further agreed that the Court will participate in the training of CASA volunteers by teaching the Advocates about the laws governing child welfare cases and about the juvenile court system.

5. Ability of the Court to Dismiss a CASA

It is agreed that the Court has the authority to dismiss an Advocate from a case for failure to perform duties in a timely manner, breach of confidentiality, or violation of a court order.

6. Assignment of CASA's

It is agreed that assignment of Advocates to court cases will be done as follows:

The Court will identify cases for which the assignment of a CASA is desired. Cases will be identified at the earliest possible stage, at the conclusion of the initial hearing when temporary custody of the child is determined, or at such other time as the Court deems appropriate. CASA Kankakee County and DCFS or other interested agency will be notified of cases identified for referral.

Contingent upon availability of an Advocate appropriate for the case, CASA Kankakee County will assign an Advocate and will notify the Court and DCFS or other interested agency of the assignment. The Court will issue an order confirming the assignment of the CASA. This order will include a reaffirmation of the confidentiality oath and will also include a specific order allowing the CASA full access to any and all information and material relevant to the child's case.

7. Communication between the Court and CASA Kankakee County

It is agree that the Court and CASA Kankakee County will maintain open lines of communication with one another and within their own organizations to support the effective management and operations of the CASA program and, to the fullest extent possible, will coordinate and cooperate in all matters pertaining to the implementation and operation of CASA Kankakee County.

8. Acceptance

This Statement of Understanding with the Court has been reviewed and accepted by the management and governing bodies of the organizations indicated below:

Kankakee County Juvenile Court Judge	Date
--------------------------------------	------

CASA Program Director	Date
-----------------------	------

Child Network Director	Date
------------------------	------

N. Sample Court Referral to CASA Program

Form 602
(Rev. 1/01)

The Family Court of the State of Delaware

For ____New Castle ____Kent ____Sussex County

ORDER APPOINTING GUARDIAN AD LITEM

File

No(s)._____

1. The Court hereby appoints _____ as Court Appointed Special Advocate as Guardian Ad Litem for the following children:

Name	DOB	Mother/Father

2. Upon presentation of this Order, any agency, hospital, school, organization, division or department of the State, doctor, nurse or other health care provider, treatment facility, psychologist, psychiatrist, police department, or mental health clinic shall permit the CASA/Guardian ad Litem to inspect and copy any records relating to the child(ren) and his/her parents without consent by the child(ren) or his/her parents.
3. The CASA/Guardian ad Litem assigned for the child(ren) shall maintain any information received from any source as confidential, and will not disclose such information except in oral or written reports to the Court and other parties to this case, or as required by Court Order.
4. The CASA/Guardian ad Litem assigned for the child(ren) shall be a party to any child welfare proceeding or any other proceeding in which the child(ren) is/are the subject and shall possess all the procedural and substantive rights of a party, including, but not limited to those set forth in 13 Del.C. §732.
5. The CASA/Guardian ad Litem shall be notified of any hearing, staffing, investigations, depositions, appeals, or other proceedings concerning the child(ren), and shall be notified prior to any action taken on behalf of the child(ren) by any party.
6. The CASA/Guardian ad Litem shall appear at all Court or child welfare hearings or proceedings, relating to the child(ren) and represent the child(ren)'s best interest at said hearings unless otherwise ordered by the Court.
7. This order shall remain in full force and effect until further order of the Court. Unless otherwise ordered by the Court, this order shall terminate automatically for any child who has reached age 18, for any child for whom an order of adoption has been granted, or for any child whose permanent legal custody or guardianship is granted by this Court to the child's parent, relative, or other adult approved by the Court.

CASA/Guardian ad Litem

SO ORDERED _____
JUDGE Date

O. Sample Court Appointment of CASA Volunteer

NOTICE OF VOLUNTEER APPOINTMENT TO A CASE

IN THE MATTER OF: _____

Juvenile Court #: _____

This letter is to confirm that (volunteer name) _____ has been appointed CASA (COURT APPOINTED SPECIAL ADVOCATE) for the above-named child(ren) who is the subject of _____ Juvenile Court proceedings. This assignment was made on (date) _____.

The CASA is appointed by the court to serve as an independent advocate for the child. The CASA is involved in legal proceedings involving child. The primary responsibility of the CASA is to insure that the best interests of the child are served. This necessitates gathering information from parents, relatives, foster parents, friends, school personnel, counselors and others having knowledge relevant to the child's situation. The CASA volunteer may be contacting you to discuss information you may have concerning this case.

Any questions concerning the CASA appointed in this case should be referred to the CASA office.

Sincerely,

Volunteer Coordinator

Reprinted with permission of CASA of Jefferson County, KY

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Glossary

Web Resourc

Q. Sample Oath of Office

October 29th, 2003

I, _____, affirm under the penalties of perjury, that I will support the Constitution of the United States, and the Constitution of the State of Indiana; that I will faithfully, impartially, and to the best of my ability, discharge my duties as an officer of the Bartholomew Circuit Court in serving as a Court Appointed Special Advocate; and that all information received by me in the performance of such duties will be held in strict confidence and will be divulged only when consistent with the laws of Indiana and only in furtherance of the best interests of the child.

Court Appointed Special Advocate

Honorable Stephen R. Heimann
Bartholomew Circuit Court

R. Judge and Attorney Survey Regarding CASA Volunteers

Please try and give a general rating of your experience with volunteer CASAs/GALs and not a specific volunteer.

Please circle the number that best corresponds with your response to the following statements.

	Strongly Agree 4	Agree 3	Disagree 2	Strongly Disagree 1
1. I understand the role of the volunteer CASA/GALs.	4	3	2	1
2. Volunteer CASA/GALs act professionally.	4	3	2	1
3. Volunteer CASA/GALs understand the court system.	4	3	2	1
4. Volunteer CASA/GALs understand the child welfare system.	4	3	2	1
5. Volunteer CASA/GALs have an understanding of the needs of children.	4	3	2	1
6. Volunteer CASA/GALs respect my opinion.	4	3	2	1
7. Volunteer CASA/GALs are working for the best interest of the child(ren).	4	3	2	1
8. I find volunteer CASA/GALs helpful.	4	3	2	1
9. Volunteer CASA/GALs make a difference with the children they serve.	4	3	2	1
10. I would like to see more children served the by CASA/GAL program.	4	3	2	1
11. Volunteer CASA/GALs provide an objective opinion.	4	3	2	1
12. Volunteer CASA/GALs influence court decisions.	4	3	2	1
13. Volunteer CASA/GALs are prepared for court hearings.	4	3	2	1
14. Volunteer CASA/GALs make appropriate recommendations.	4	3	2	1
15. Volunteer CASA/GALs are valuable to the courts.	4	3	2	1
16. It is important for volunteer CASA/GALs to attend court hearings.	4	3	2	1
17. Volunteer CASA/GALs have a positive reputation in my community	4	3	2	1
18. Volunteer CASA/GALs have a good working relationship with others involved with the case.	4	3	2	1

19. What is your role (circle one)?

Judge ☐☐Attorney for Child ☐☐☐Attorney for Parent Other_____

20. In what ways could volunteer CASA/GALs better serve children?

21. In what ways could volunteer CASA/GALs better work with you?

22. Do you have any other comments about volunteer CASA/GALs?

S. Measuring Child Outcomes: A Guide to CASA Effectiveness

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