



The JUDICIAL ROLE in Creating and Supporting CASA/GAL Programs

Court Appointed Special Advocate (CASA) and guardian *ad litem* (GAL) programs provide critical support for abused and neglected children who are under the protection of the juvenile or family court. Since the first CASA program was started in 1977 by a juvenile court judge, trained, court-appointed volunteers have demonstrated that they effectively support abused and neglected children in addition to providing the court with important information concerning the children they work with.

This article describes how judges can create, support, and sustain CASA programs in their own jurisdictions so that these children will be better served. With more than 60 years of judicial experience among us, we draw upon our time on the juvenile court bench and from our numerous contacts with judicial colleagues around the country in presenting suggestions about how judges can help make their local CASA programs as effective as possible.

by Judge Leonard Edwards, Judge Ernestine Gray, Judge J. Dean Lewis (ret.)

Why is a CASA Program Important for the Judge?

Much has been written about why a CASA program is important for the juvenile or family court judge. According to the *Judges' Guide to CASA/GAL Program Development*,* a CASA program can provide a number of benefits:

- Better information is available to the judge in child abuse and neglect cases;
- The CASA volunteer adds great value to the team of professionals working on behalf of these children;
- The CASA volunteer adds consistency to the child's life where professionals often change;
- The CASA volunteer becomes one of the most informed members of the community regarding the workings of the child protection system and the needs of abused and neglected children; and
- These programs are cost effective.

Having a CASA program is recognized nationally as an important part of a Model Juvenile Dependency Court, and almost all of the Model Courts in the NCJFCJ's Victims Act Model Courts Project have a CASA program. The Conference of Chief Justices has also praised CASA for its work in the nation's juvenile and family courts.

We have found that what most judges want to know is what steps to take in creating a CASA program, and, if they already have a program, how they can expand and improve that program. It may be that there is no program in the jurisdiction and the judge is interested in starting one. Perhaps the judge has recently been assigned to the juvenile court and wants to know how he or she can help improve an existing program. Perhaps the judge simply wants to know how to learn more about the existing program so that he or she can make informed decisions about judicial input into the program.

Creating a CASA Program

We were all involved in the creation of our local CASA programs during the 1980s, and learned about CASA from judicial colleagues whom we met within our states and around the country, principally through contacts with the NCJFCJ. Our approaches were

* The *Judges' Guide to CASA/GAL Program Development* is available online at <http://www.casenet.org/download/guides-manuals/ncasa-judges-guide.pdf>.

different in some respects because we come from small and large jurisdictions, but they were also very similar. After convening a group of interested community leaders and asking them to help create a CASA program, we utilized the technical assistance and expertise of colleagues to answer our questions and guide us during the difficult formative years. We all provided leadership in the community for the creation of a CASA program. By letting it be known that this was a project that the Presiding or Lead Judge supported, opposition faded and supporters came to the table. Then, step-by-step, we supported the growth of the program, met with other community leaders, and convened meetings to move the program forward.

Throughout the CASA program creation process, we were aware of the ethical constraints placed on judges through the Canons of Ethics. The Canons guided us to convene the community in order to "improve the law" and also reminded us to be careful of using our judicial office for fundraising purposes. We wish we had had the ethical guidelines contained in the *Judges' Guide to CASA/GAL Program Development*, an excellent roadmap to ethical issues. Today that resource is available to all judges.*

Sustaining and Improving a CASA/GAL Program

Creation of a CASA/GAL program is only the beginning. Throughout our judicial careers we have continued to work with the program to strengthen its capacity and make it more useful to the court. We have learned that the stronger the program, the better the

results for the children in our courts. We have several suggestions regarding the court's role in sustaining and improving the local program.

- There is no better recruiter of volunteers or spokesperson for the CASA program than the juvenile court judge. Whenever we speak in the community—whether it is at service clubs, at schools, or at public forums—we always emphasize the need for volunteers in the juvenile court. Usually, people ask "What can we do to help?" and our answer is that you can become a CASA, and serve one child.

- We also run interference for the program. Each of us discussed the CASA program with our respective Presiding Judges to make certain they would support our efforts to create and sustain the program. No judge wants to "surprise" the Presiding Judge with some new initiative, particularly one that will receive public attention such as CASA. Additionally, we have always been prepared to and do talk with other community leaders who may have questions or concerns about the CASA program.

- We regularly communicate with the media about the program and its value to the court and to the community's most vulnerable children. We have found the media to be receptive to stories about volunteers working with children in crisis. Of course we have to ensure that confidentiality is preserved, but that can be accomplished while still permitting the public to know about the wonderful work that CASA volunteers do.

- We also are prepared to respond to questions when there is a tragedy or a crisis regarding a child and the program. The program's successes and failures will reflect



THE NATIONAL COURT APPOINTED SPECIAL ADVOCATE ASSOCIATION

FACTS

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| Year first CASA program was established | 1977 |
| Children confirmed victims of abuse or neglect each year | More than 1 million |
| Annual cost of child abuse and neglect to taxpayers | More than \$24 billion |
| Number of CASA programs nationwide | 940 |
| Number of states with CASA programs | 49 |
| Number of children helped each year by CASA volunteers | 288,000 |
| Number of volunteers nationwide | 74,000 |
| Number of hours of service per year | 10 million |

upon the court and the Presiding Judge, in particular. We know that the public looks to the judge to be responsible for the program's activities, and we believe that the judge must have sufficient oversight to be able to respond to public inquiries.

We also believe that some sort of a collaborative relationship between the court and the program helps ensure that the program will meet the needs of the court and will promote judicial interest and support of the program. To these ends, we have additional recommendations.

1. We suggest that the judge and the CASA program director develop a Memorandum of Understanding (MOU) between the juvenile court and the program as required by the Standards for National CASA Association Member Programs (the Standards). Issues that may be addressed in the MOU include the following:

- Types of cases that are appropriate for appointment of a CASA volunteer in accordance with the Standards;
- Stage of the case when appointment of a CASA volunteer is appropriate;
- Procedure and protocol for referral of appointments by the court to the program taking into account the number of volunteers available and the capacity of the program according to the Standards;

When "Rita" came into my courtroom, she was angry at the social worker and angry at the world. She didn't trust anyone. Her parents were out of her life, and at 16 she had nowhere to turn. I appointed a CASA volunteer to speak on her behalf and changes started happening. The advocate became the only consistent person in Rita's life as the social worker was reassigned. She helped Rita find a foster home and then persuaded me, in spite of Rita's anger and record of failing in placements, that this home would work. Based on the volunteer's recommendation, I placed Rita in the new foster home.

Now several years later, Rita is completing college, has a job, and is a self-assured young woman. She is still a close friend with the CASA volunteer who continues to provide support and serve as a role model. I am certain that without the appointment of the CASA volunteer Rita would be homeless, in an unhealthy relationship, or in jail. The work of the volunteers in our court system has resulted in many similar happy endings for children. They truly help the judge, the court process, and most of all the children they speak for.

Judge Leonard Edwards

- The volunteer's role in the court process;
- The format for the CASA court report and, if written, the distribution of the reports;
- The court's expectations for screening and training of volunteers not otherwise addressed in the Standards or in state law;
- Development of a conflict of interest policy;
- Development of a protocol for addressing serious problems that may arise in program operations that may need judicial assistance;
- Development of a protocol for court input regarding program functions and activities that directly affect court operations; and
- Development of a protocol for volunteer access to court records.

2. We have found that frequent communication with the CASA program director prevents problems from arising. Regular meetings with the director (and with other participants in the juvenile dependency process) have resulted in the identification of operational problems and in improved relationships between the program and participants in the dependency court system. The agenda for these meetings may include the following:

- Expectations of CASA volunteers in court;
- CASA volunteer access to records (court, agency, educational, service provider, and more);
- CASA volunteer's oath of office;
- Access to the child by the CASA volunteer (particularly when the caretaker refuses to permit the advocate to meet with the child);
- Prohibited activities by the CASA volunteer;
- Grant applications by the program that require court input or support;
- Media access to a child when with a CASA volunteer;
- Fundraising by the program when the judiciary is involved in any way, including reference to the judge in written materials;
- Public relations and publicity about the program including how the court can assist. This should include crisis management and the role of the court when a problem arises with program operations, such as abuse of a child by a volunteer;
- National CASA Standards;
- State and/or local rules and regulations regarding CASA programs;
- How the court can assist in the expansion and strengthening of the program;
- Court participation in CASA training of volunteers;
- Issues that others in the court system, including attorneys and social workers, may have with the program;
- Procedures for the removal of a CASA volunteer from a case or from the program;
- Access to court proceedings by CASA volunteers during their training;
- The process for swearing in new CASA volunteers; and
- Support of program efforts to recruit new volunteers.

3. We have learned that the court should collaborate with the CASA program, but that it can not and should not run the program's day-to-day operations. Furthermore, while it is important that the director collaborate with the court, except in court-operated programs, the director is responsible to a Board of Directors, which has the power to hire and fire the director.

We believe that abused and neglected children are better served by the juvenile court when CASA volunteers are available to speak on a child's behalf. Our experience leads us to urge all judges to take steps to create a CASA program if there is none in the

local jurisdiction, and to support and strengthen a CASA program if one already exists. The program will bring great benefits to the judge, but most importantly to the children for whom the judge has legal responsibility.

For more information:

The website for the National CASA Association's Judges' Page is <http://www.nationalcasa.org/JudgesPage/index.htm>.

About the Authors:

All three authors are past presidents of the National Council of Juvenile and Family Court Judges. They can be reached at:

Judge Leonard Edwards, Superior Court, County of Santa Clara, San Jose, Calif. E-mail: ledwards@sct.co.santa-clara.ca.us

Judge Ernestine S. Gray, Orleans Parish Juvenile Court, New Orleans, La. E-mail: egrays@opjc.new-orleans.la.us

Judge J. Dean Lewis (ret.), Naples, Fla. E-mail: jdeanlewis@msn.com

NCJFCJ Board of Trustees Passes Resolution Supporting Recruitment of CASA Volunteers of Color

Listen to the voice of a foster child. Hear Spanish, Ebonics, Hopi, Tagalog, or hear twelve varieties of Chinese dialects or Russian. Those voices resound in unison the richness of noble cultures past and present. The children whose faces hold those voices are as varied as the rainbow and just as beautiful.

Judges depend on CASA volunteers to be a child's voice in court. But if the translation is lost or if the culture is misinterpreted, this misunderstanding could result in a judicial finding that is not best for the child.

Minority children are over-represented in foster care. The number of CASA volunteers who identify with those racial and cultural groups is disproportionately low in comparison.

The NCJFCJ recognizes that CASA strives to serve the needs of children in a way that truly represents the child's best interests. That underlines the reason the Board recently passed a resolution calling for aggressive recruitment of CASA volunteers who reflect the racial and cultural makeup of our foster children. The Council is calling on judges to be a part of that effort.

Expanding recruitment areas of our community for seeking volunteers may be as close as our own courtrooms. Consider addressing the jury pool brought in each week. Judges could deliver a "pitch" for volunteers and distribute written applications to join CASA. The jury pool is literally a "captive audience" representing the full community.

Not all methods for recruitment mean the community comes to you. We must go out into the community. This is especially important when we are seeking to increase the number of volunteers of color in our CASA organizations. That means going into neighborhoods and to organizations that target non-traditional volunteers. We must go to the churches and encourage faith communities to enlist the volunteer services of our decent, hard-working citizens. The faith community is a strong resource for volunteer recruitment.

Don't forget that existing staffs of our criminal and civil courts, police and hospital personnel, law schools, and colleges within our geographic areas all have fertile funding pools for volunteers of color. The parents and grandparents of these workers are all potential CASA volunteers.

We must all make daily efforts to show that the courts support this recruitment effort, even by simply swearing in new CASA members in a ceremony in our courtrooms.

If you have recruitment ideas for volunteers of color, please forward them to the Diversity Committee so we can circulate them around the country. (See below for contact information.) Judges are instrumental in increasing the cultural diversity of CASA volunteers. Now is the time to act.

Resolution from the Committee on Diversity of the National Council of Juvenile and Family Court Judges

Whereas, the Committee on Diversity of the National Council of Juvenile and Family Court Judges (NCJFCJ) recognizes and acknowledges a shortage of Court Appointed Special Advocates (CASA) volunteers of color; and

Whereas, the Committee on Diversity recognizes the need for continued utilization of CASA services, as well as continued and ongoing cultural diversity training for CASA volunteers;

Now, therefore, it is the resolution of the Committee on Diversity of NCJFCJ, that Judges should assist in the recruitment of CASA volunteers in general, and of CASA volunteers of color in particular, on the local level in their respective jurisdictions;

And that Judges should be instrumental in encouraging local CASA chapters to engage in frequent recruitment and cultural diversity training of its volunteers.

By Diversity Committee members Judges Patricia A. Macias, PMacias@co.el-paso.tx.us; Wadie Thomas, Jr., (Committee Chair), WThomas@co.douglas.ne.us; and Thomas Zampino, Thomas.Zampino@judiciary.state.nj.us.