

MEMORANDUM OF UNDERSTANDING

Re: Court Appointed Special Advocates

Between: County Court of Common Pleas, Juvenile Division (Court)
County Children and Youth Services (CYS)
County Court Appointed Special Advocate Program (CASA/GAL)

Date: Renewal every four (4) years

I. PROCEDURES FOR REFERRAL AND ASSIGNMENT OF CASES

Objective - To establish the method by which cases are chosen and referred to the CASA/GAL program. The CASA/GAL 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.

(*Appendix A: CASA/GAL Mission Statement*) CASA/GAL assignment requires a court order. All referrals will be forwarded to the judge of record or the president judge for consideration. A CASA/GAL volunteer 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 6 will be given priority consideration, but all ages up to 18 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/GAL 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/GAL volunteer appointment and CASA/GAL assistance are appropriate. A direct referral by court order may be

initiated at any stage of the proceedings. CASA/GAL assignment requires a court order, and a specific court order outlining the appointment has been drafted for this purpose (*Appendix B*).

- a. A "CASA/GAL appointed" order is completed and signed by a judge and forwarded to both the CASA/GAL and CYS offices by the judge's secretary.
2. All other parties (Section I. B. 3-5) requesting assignment of a CASA/GAL shall complete a Referral/Enrollment Form (*Appendix C*) and submit it to the CASA/GAL Program. CASA/GAL shall review the request and make sure the information is complete and the case is appropriate for CASA/GAL involvement per the mission statement (*Appendix A*) and the priorities for case referral (Section I.A.1-5). Completed requests are prioritized, with optional input from the CASA/GAL volunteer 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/GAL volunteer - Upon receipt in the CASA/GAL office of both a court order of appointment from the judge and a completed referral/enrollment Form from the CYS caseworker:

1. CASA/GAL 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/GAL volunteer shall sign a Case Acceptance Form signifying assignment.
3. CASA/GAL 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 received one.

II. ROLES AND RESPONSIBILITIES OF THE CASA/GAL 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/GAL 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 it's decision to serve the best interest of each child.

A. Roles and Responsibilities of the CASA/GAL volunteer, under the supervision of the CASA/GAL 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/GAL 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/GAL.
4. Notifies the CASA/GAL of any changes in address, phone number or household composition of parents or child.
5. Maintains regular contact with CASA/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 the CASA/GAL volunteer.
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/GAL volunteer of plans to change the goal or placement of a child and requests a case conference as necessary.
10. Invites the CASA/GAL volunteer 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/GAL and the caseworker as circumstances require.
2. Maintains regular contact with CASA/GAL 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/GAL volunteers, CYS caseworkers and attorneys 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/GAL program coordinator. 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/GAL, 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, neglected; or 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, and working towards a resolution within a framework of 12 months

- Carrying out these goals in a timely manner

To this end, **CASA/GAL shall:**

- Provide professional staff and recruit qualified volunteers for the CASA/GAL program
- Train volunteers to fulfill their role as Court Appointed Special Advocates
- Provide CASA/GAL volunteers with professional supervision and consultation
- Assign a specific CASA/GAL volunteer (based on availability) to cases referred to the CASA/GAL 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/GAL program to CYS, the court and other related or involved service agencies
- Keep confidential all information about children and families referred to the CASA/GAL program

To this end, **CYS shall:**

- Refer dependency cases to the CASA/GAL program at the earliest possible stage of CYS involvement, according to a procedure worked out jointly
- Provide professional staff
- Help train CASA/GAL volunteers
- Cooperate with CASA/GAL upon court ordered assignment, including timely return of referral/enrollment forms, orientation of the CASA/GAL to the case and providing access to the case files, provision of copies of reports and documents as issued
- Notify CASA/GAL of all hearings and team staffings on cases referred to CASA/GAL

To this end, **the court shall:**

- Refer appropriate cases to the CASA/GAL program at the adjudication stage of the court proceedings
- Issue and send court orders appointing and removing a CASA/GAL directly to both the CASA/GAL office and CYS
- Assign a guardian ad litem to a child's case, when the case involves physical or sexual abuse
- Help train CASA/GAL volunteers
- Swear in CASA/GAL volunteers
- Support applications for CASA/GAL funding

Human Services Director
County Human Services

President Judge,
Court of Common Pleas

Program Coordinator
CASA/GAL Program

Date of Signing