

**THE CASA KANE COUNTY
CASA/GAL TRAINING PROGRAM**



**READING PACKET
NO. 1**

Objectives for the CASA Kane County Initial Advocate Training Course

By the end of the Initial Advocate Training Course, the prospective CASA/GAL will be able to:

1. Describe the major roles and responsibilities of the CASA/GAL and how they differ from those of the caseworker and others involved in the case.
2. Exhibit, during class activities, communication skills needed by a CASA/GAL (e.g., establishing trust and rapport with all parties using a strengths-based approach; being an active listener; respecting perspectives, values, and input from others; effectively advocating for the needs of the child; interviewing skills).
3. Describe the Kane County court process (e.g., names and purposes of different hearings, people involved in the hearings, concurrent planning, options for permanence), the role of the CASA/GAL in the courtroom (e.g., behaviors, attire, verbal and non-verbal communication), and important laws related to the work of the CASA/GAL.
4. Describe DCFS' role in relation to the children in a case and in the Kane County court process.
5. Use a child development chart and other resources to examine a child's current level of development, to help assess his/her needs, and to assist in making appropriate recommendations to the Court.
6. Explain factors that contribute to neglect and abuse cases (e.g., substance abuse, domestic violence, mental illness, poverty, attachment) and how these factors may affect children/families and CASA/GAL's recommendations to the Court.
7. Explain ways that trauma, separation, and loss can affect children/families and factors that contribute to a child's resilience.
8. Discuss how cultural competency can impact the actions/dispositions of a CASA/GAL and recognize/challenge one's own biases about diversity, mental illness, substance abuse, domestic violence, and minimum sufficient level of care (MSL).
9. Use Optima to accurately document child visits, interviews, and administrative tasks (e.g., attendance at meetings, attendance at hearings, report writing) and to download/upload documents, add new information, add continuing education information, and use the search function.
10. Write CASA/GAL Reports to the Court that align with the rubrics for the Dispositional Report to the Court and the Permanency Review Hearing Report to the Court and with the data in the Optima case database.

History of the CASA/GAL Volunteer Role

GUARDIAN AD LITEM

The term “ad litem” means “for the suit” or “for the court case.” It is an old concept—in Anglo Saxon times, at common law, the king appointed a guardian ad litem to speak on behalf of a child or incompetent person.

As part of their general powers, judges today have the discretion to appoint a guardian ad litem (GAL) in all types of court matters. Some states require that the guardian ad litem be an attorney; others do not.

In 1974, the Child Abuse Prevention and Treatment Act (CAPTA) mandated the appointment of a guardian ad litem in child abuse and neglect cases; it was no longer up to the judge’s discretion.

VOLUNTEER GUARDIANS AD LITEM

Judge David Soukup (Juvenile Court, King County, Seattle, Washington) was dissatisfied with the same case plans and same recommendations for child after child; he believed more individualized attention would produce better outcomes. Judge Soukup solicited ideas for system improvement from court staff. Out of these ideas evolved the idea for community volunteers to act as child advocates.

The Volunteer Guardian ad Litem Program began in King County in 1977. The guardian ad litem did not have to be an attorney. The program recruited volunteers from the community and provided training and support. Similar programs were developed in other states/localities as judges spread word of the concept.

NATIONAL CASA

The National Court Appointed Special Advocate Association (National CASA) was created in 1982 to support volunteer child advocate programs and increase the number of volunteer child advocates nationwide.

Hallmarks of a CASA/GAL volunteer program include:

- Advocacy for abused and neglected children in court
- Volunteers who are recruited, screened, trained, supervised, and supported
- Adherence to national standards

Programs go by many names—CASA, GAL, ProKids, Voices for Children, Child Advocates—but all have this in common: volunteers who advocate for abused and neglected children in the court system.

UNIT
1

UNIT
2

UNIT
3

UNIT
4

National CASA Mission

The National CASA Association, together with its state and local members, supports and promotes court-appointed volunteer advocacy for abused and neglected children so that they can thrive in safe, permanent homes.

National CASA standards describe the major criteria the CASA/GAL volunteer must meet. The following statements describe the CASA/GAL volunteer:

- An individual who has been screened and trained by the CASA/GAL program and appointed by the court to advocate for children who come into the court system primarily as a result of alleged abuse or neglect
- An individual who respects a child's inherent right to grow up with dignity in a safe environment that meets that child's best interests
- An individual who assures that the child's best interests are represented in the court at every stage of the case

CASA Kane County

Mission · Vision · Values



“YOU START OUT CHANGING A CHILD’S LIFE AND DISCOVER
YOU HAVE CHANGED YOUR OWN.” CASA VOLUNTEER

MISSION:

CASA Kane County is a nonprofit, volunteer organization that advocates for the best interests of abused and neglected children within the Juvenile Court system.

VISION:

We believe that every child has the right to a safe, nurturing and permanent home, and deserves the support and involvement of their community to make this all possible.

VALUES:

Well-chosen values serve as meaningful guidelines for every program or activity, regardless of whether the stakeholders are volunteers, staff, advising boards or others. Many individuals and organizations enable CASA Kane County to successfully set and achieve its goals. Establishing values helps everyone check the suitability of any program or activity.

CASA Kane County’s paramount value is integrity, without which all else loses its worth. Morality, ethics and law each help guide the many decisions made each day. Following closely are respect and passion, which connect each stakeholder to CASA Kane County’s mission.

Everything CASA Kane County is and does centers around service for the children, providing them with what they need most, now and in the future. Key needs include safety, stability and permanency. And we measure our results by our consistency, accessibility, accountability, stewardship, professionalism and reliability.

Ever determined to provide the best for the children who come into its care, CASA Kane County makes certain to work within this value structure.



The Volunteer Role

What to Expect During Training

As a participant, you are expected to:

- Complete Pre-Work between the training sessions
- Attend all training sessions
- Participate in the activities
- Ask questions
- Take responsibility for your own learning

You can expect the facilitator to:

- Establish an environment conducive to learning
- Keep things moving
- Adjust the activities or timing to better meet the needs of the group
- Be a resource for participants

Evidence of Effectiveness



A child with a CASA/GAL volunteer is more likely to find a safe, permanent home:

- More likely to be adopted
- Half as likely to re-enter foster care
- Substantially less likely to spend time in long-term foster care
- More likely to have a plan for permanency, especially children of color

Children with CASA/GAL volunteers get more help while in the system . . .

- More services ordered for the children

...and are more likely to have a consistent, responsible adult presence:

- Volunteers spend significantly more time with the child than a paid guardian ad litem.

Evidence of Effectiveness, Cont'd.

Children with CASA/GAL volunteers spend less time in foster care and are less likely to be bounced from home to home. CASA/GAL volunteers...

- Improve representation of children
- Reduce the time needed by lawyers
- Are more likely than paid lawyers to file written reports
- Are highly effective in having their recommendations adopted by the court

Children with CASA/GAL volunteers do better in school...

- More likely to pass all courses
- More likely to receive quality educational services
- Less likely to have poor conduct in school
- Less likely to be expelled

...and score better on nine protective factors:

- Neighborhood resources
- Interested adults
- Sense of acceptance
- Controls against deviant behavior
- Models of conventional behavior
- Positive attitude towards the future
- Valuing achievement
- Ability to work with others
- Ability to work out conflicts

From www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.5332511/k.7D2A/Evidence_of_Effectiveness.htm.

Key Components of the CASA/GAL Volunteer Role



Information Gathering

Carry out an objective examination of the situation including relevant history, environment, relationships and needs of the child.

Facilitation

Identify resources and services for the child and facilitate a collaborative relationship between all parties involved in the case, helping to create a situation in which the child's needs can be met.

Advocacy

Speak up for the child by making fact-based recommendations regarding the child's best interest in a written court report.

Monitoring

Keep track of whether the orders of the court and the plans of the child protective services agency are carried out, and report to the court or collaborate with the child protective services agency when any of the parties do not follow those orders and plans.



CASA/GAL volunteers are expected to perform the tasks listed below. These tasks constitute what is *minimally* required to effectively fulfill the role as an advocate for a child in the child welfare system:

- Review/research case information.
- Participate in case staffings, family team meetings, court hearings, school-related meetings, etc.
- Establish rapport and relationships with the child and all other parties in the case.
- Meet with the child regularly (at least once per month, or per your program's requirements) and monitor his/her placement.
- Assess the child's physical, mental, behavioral and educational needs.
- Observe parent-child interactions.
- Monitor adherence to court orders to ensure compliance.
- Identify needs and advocate for services (make referrals as needed).
- Stay abreast of the most up-to-date case information.
- Check for accountability in service planning and delivery to ensure for quality.
- Document all activities, accurately taking note of any concerns, progress or lack thereof.
- Identify resources within the child's family and help build/maintain connections.
- Facilitate communication among parties while maintaining confidentiality.
- Submit required reports and case updates on or before the specified due date.
- Monitor compliance with court timelines to expedite permanency.
- Maintain consistent contact with the CASA/GAL supervisor (at least monthly).
- Complete a minimum of 12 hours of in-service training each year.

CASA/GAL Volunteer Tasks, Cont'd.

- Comply with CASA/GAL policies, procedures and ethical guidelines that promote and protect the CASA/GAL program.
- Remain appointed until the case is closed.
- Maintain monthly contact with caregiver.
- Maintain monthly contact with service providers.
- Maintain documentation required by local CASA/GAL staff.

Child Welfare History

Mary Ellens' Story

Mary Ellen's case took place in 1874. Her spirit remains with us because her case is generally regarded as the beginning of public concern for the plight of abused and neglected children.

Mary Ellen was a child whose father was dead and whose mother could not care for her because she was destitute and had to work full time. The New York Commission of Charities and Correction placed Mary Ellen with Mary McCormack Connolly and her husband, who were to care for her and report each year on her progress.

Instead, Mrs. Connolly abused her. She beat Mary Ellen, locked her in a room, rarely allowed her outside and did not provide adequate food or clothing.

Upset by the child's screaming, a neighbor told a mission worker about Mary Ellen. The mission worker could find no one to intervene; the police had no grounds because no crime was being committed, and the agencies wouldn't get involved because they did not have legal custody.

The mission worker finally appealed to Henry Bergh, the founder and president of the ASPCA, the American Society for the Prevention of Cruelty to Animals. He took up her cause and was able to persuade a judge to hear her case.

Mary Ellen was carried into the courtroom wrapped in a horse blanket. This is what the newspaper reported that she told the judge:

My father and mother are dead. I don't know how old I am. I call Mrs. Connolly mama. I have never had but one pair of shoes, but I cannot recollect when that was . . . My bed at night has been only a piece of carpet stretched on the floor underneath a window. Mama has been in the habit of whipping and beating me almost every day. She used to whip me with a twisted whip—a raw hide. [Mama] struck me with the scissors and cut me . . . I have no recollection of ever having been kissed by anyone—have never been kissed by Mama. Whenever Mama went out I was locked up in the bedroom. I do not want to go back to live with Mama because she beats me so.

Child Welfare History, Cont'd.

Mary Ellen was removed from the people who had mistreated her. Her case stirred public attention, and complaints began to pour in to Henry Bergh. So many cases of child beating and cruelty to children came to light that citizens called a community meeting and formed an association “for the defense of outraged childhood.” That association gave rise to the Society for the Prevention of Cruelty to Children, which was formally incorporated the year after Mary Ellen’s situation came to light.

Child-focused policies are relatively new:

- 1899: First juvenile court (Chicago) placed dependent and delinquent children in homes for wayward youth or reform schools.
- 1910: X-ray technology was developed, eventually allowing doctors to detect subdural (under the skin) injuries and untreated fractures.
- 1938: First legal rights of children: Fair Labor Standards Act imposed restrictions on working hours and conditions.
- 1962: Dr. C. Henry Kempe created the diagnosis for battered child syndrome.
- 1965: Mandatory reporting laws were in place in all states.

Beginning in the 1970s, the United States Congress became aware (along with the rest of the nation) that the child welfare system was not adequately protecting children. From a historical perspective, it can be said that we are still relatively new to the concepts of protecting abused and neglected children and developing appropriate systems, methods and programs to cope with the problems these children face.

The chart on the following pages outlines information about federal child abuse and neglect laws. You do not need to memorize these laws; just become familiar with them.

Federal Child Abuse & Neglect Laws

1974: Child Abuse Prevention & Treatment Act (CAPTA), P.L. 93-247, amended 1996

Created the National Center on Child Abuse and Neglect and earmarked federal funds for states to establish special programs for child victims of abuse or neglect.

This law requires that states:

- Have child abuse and neglect reporting laws
- Investigate reports of abuse and neglect
- Educate the public about abuse and neglect
- Provide a guardian ad litem to every abused or neglected child whose case results in a judicial proceeding
- Maintain the confidentiality of child protective services records

This law requires that states:

- Learn whether you, as a CASA/GAL volunteer, are a mandated reporter
- Learn whether the guardian ad litem has to be an attorney in your state

1978: Indian Child Welfare Act (ICWA), Public Law 95-608

This law requires that states:

- Recognize that Indian children have special rights as members of sovereign nations within the United States
- Responded to congressional hearings in the 1970s that revealed a pattern of public and private removal of Indian children from their homes, undermining their families and threatening tribal survival and Native American cultures

For CASA/GAL volunteers:

- Ask whether every child has Native heritage
- Investigate tribal resources and services that can benefit the child
- Be aware that jurisdiction can be transferred to the tribal court
- Pay attention to the heritage and identity needs of the child
- Remember that ASFA timelines do not apply to Indian children

Federal Child Abuse & Neglect Laws, Cont'd.

- Was designed to implement the federal government's trust responsibility to the nations by protecting and preserving the bond between Indian children and their tribe and culture
- Sets up placement preference schemes for foster care placements and adoptions of children who have been determined to be Indian children
- Establishes the right of certain entities, including the tribe and the Indian custodian, if one exists, to appear as parties to child welfare cases
- Determines when and if a case should be transferred to tribal court
- Describes rights of the Indian child and the child's tribe
- Keep in mind that ICWA takes precedence over other federal and state laws
- The National Indian Child Welfare Association has several excellent packets of ICWA information available for a small charge

1978: Indian Child Welfare Act (ICWA), Public Law 95-608

This law requires that states:

- Recruit culturally diverse foster and adoptive families
- Comply with the Indian Child Welfare Act
- Establish standards for foster family homes and review the standards periodically
- Set goals and plan for the number of children who will be in foster care for more than 24 months

For CASA/GAL volunteers:

- Consider possible placements that respect child's cultural heritage but do not limit his/her options
- Learn the name of the data collection system used in your state

Federal Child Abuse & Neglect Laws, Cont'd.

- Provide “reasonable efforts” to prevent or eliminate the need for removal of the child from his/her home or to make it possible for the child to return to his/her home
- Have a data collection and reporting system about the children in care

1990: Indian Child Protection and Family Violence Prevention Act

- Establishes federal requirements for the reporting and investigation of child abuse and neglect on tribal lands
- Requires background checks on individuals who have contact with Indian children (including foster and adoptive families)
- Authorizes funding for tribal child abuse prevention and treatment programs

1993: Court Improvement Legislation

Encourages reform in the court system

1994: Multi-Ethnic Placement Act (MEPA)

The goals of this law are to:

- Decrease the time children wait to be adopted
- Prevent discrimination on the basis of race, color or national origin in the placement of children and in the selection of foster and adoptive placements
- Facilitate the development of a diverse pool of foster and adoptive families

1996: Child Abuse Prevention and Treatment Act (CAPTA) Amended

Amended to include Court Appointed Special Advocates as guardian ad litem

Federal Child Abuse & Neglect Laws, Cont'd.

1997: Adoption and Safe Families Act (ASFA), Public Law 105-89

This act embodies three key principles:

- The safety of children is the paramount concern
- Foster care is a temporary setting and not a place for children to grow up
- Permanency planning should begin as soon as the child enters foster care

This act directs timelines within which the child welfare system operates:

- Requires permanency plan within 12 months
- Requires dispositional hearing within 12 months of placement
- Requires court reviews every six months

1997: Volunteer Protection Act

Limits liability of volunteers

1999: Foster Care Independence Act

Addresses needs of older youth in foster care, particularly those aging out of the system

This act does the following:

- Allows states to serve youth up to age 21 regardless of whether or not they are eligible for the Title IV-E Foster Care Program
- Increases federal funding to assist and serve young people transitioning from foster care

Independence Program does the following:

- States explicitly that “enrollment in Independent Living Programs can occur concurrently with continued efforts to locate and achieve placement in adoptive families for older children in foster care,” thereby clarifying that independent-living services should not be seen as an alternative to adoption for teens

Federal Child Abuse & Neglect Laws, Cont'd.

- Establishes the John H. Chafee Foster Care Independence Program, which strongly supports the dependency system's capacity to help youth make a healthy transition into adulthood (see information at right)
- Allows states to provide Medicaid to young people between the ages of 18 and 21 who were in foster care on their 18th birthday
- Increases the youth-assets limit from \$1,000 to \$10,000 without jeopardizing the youth's eligibility for Title IV-E-funded foster care
- Ensures that foster parents have adequate preparation to care for the children placed in their home. This provision can be used to strengthen the preparation of foster parents to care for adolescents.
- Provides additional funding for adoption incentive payments
- Mandates that states use a portion (up to 30%) of their independent-living program funds to provide room and board for youth 18 to 21 who have left foster care
- Requires states to train both foster and adoptive parents (as well as group-care workers and case managers) about the issues confronting adolescents preparing for independent living
- Reinforces the importance of providing personal and emotional support for children aging out of foster care, through the promotion of interactions with mentors and other dedicated adults
- Specifies that independent-living services may be provided to young people at "various ages" and various stages of achieving independence, "including children waiting for adoption or other permanent options"

Other Laws That Affect CASA/GAL Volunteer Work

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires, among other things, permission or a court order to access “protected health information” for any individual. Your program will have information on how to access health records.

Special Immigrant Juvenile Status (SIJS) assists some children, including those in foster care, in obtaining legal permanent residency.

Title VI of the 1964 Civil Rights Act says that any entity that receives federal funds must provide a professional interpreter in court.

Titles IV-B and IV-E of the Social Security Act: IV-E is the primary federal funding stream that partially reimburses states for foster care for qualified children. IV-B allots funding for targeted case management services. The state must pay all expenses for a child, who is not IV-E eligible, out of state general revenues. These expenses include foster care, therapy, etc.

The Victims of Child Abuse Act of 1990 (VOCAA) protects the privacy rights of child victims or witnesses during the investigation or prosecution of a federal crime.