



The newsletter of *The Judges' Page* website – October 2006

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*We owe it to the children involved in the dependency system to share best practices and learn from one another so that children's opportunities can be maximized and their trauma from the experience minimized. This issue of the Judges' Page is dedicated to best practices in court-CASA/GAL program relations. - Judge J. Dean Lewis, Editor*

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## Editor's Page— Best Practices in Court-CASA/GAL Program Relations



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

### Summary

Collaboration between systems and accountability to one another and the children we serve are cornerstones to an improved dependency court system.

The first CASA program was established by a judge, and judges continue to play a key role in developing new CASA/GAL programs, sustaining existing programs and expanding the network. An effective relationship between the program and the court is essential to CASA programs' ability to provide effective volunteer advocacy for abused and neglected children.

In 2003, the National CASA Association and the National Council of Juvenile and Family Court Judges (NCJFCJ) entered into a partnership to establish the Judicial Liaison Committee. The committee is dedicated to identifying all judges who hear child welfare cases and providing them with access to technical assistance and education offered by both national organizations. To that end, the two organizations have sponsored the following:

- The National CASA Association and the National Council of Juvenile and Family Court Judges sponsor the *Judges' Page*. Subscription is free and is not limited to judges. ([nationalcasa.org/JudgesPage/index.htm](http://nationalcasa.org/JudgesPage/index.htm))
- The Judicial Liaison Committee assisted in the development of the *Judges' Guide to CASA/GAL Program Development* ([casanet.org/download/guides-manuals/ncasa-judges-guide.pdf](http://casanet.org/download/guides-manuals/ncasa-judges-guide.pdf)). An executive summary is located at the *Judges' Page* website. ([nationalcasa.org/download/Judges\\_Page/0408\\_resource\\_summary\\_judges\\_guide\\_casa\\_program\\_development\\_0036.pdf](http://nationalcasa.org/download/Judges_Page/0408_resource_summary_judges_guide_casa_program_development_0036.pdf)) The publication has chapters on "The Role of the Judge" and "Judicial Ethics." National CASA and NCJFCJ are joint sponsors of this publication.
- The Judicial Liaison Committee also sponsored a DVD/video about the judicial role in strengthening CASA/GAL programs in the community. It may be found on the the *Judges' Page* ([nationalcasa.org/JudgesPage/index.htm](http://nationalcasa.org/JudgesPage/index.htm)) in the "Of Continuing Interest" sidebar.

Members of the Judicial Liaison Committee include NCJFCJ judges, CASA state directors and staff from both national organizations. Fostering the relationship between the CASA program and the judge is important. NCJFCJ and National CASA are actively involved in supporting these relationships at the national, state and local levels.

This issue is dedicated to best practices in court-CASA/GAL program relations:

- [Judge Leonard Edwards \(retired\)](#) shares his views on the judge's role in strengthening local programs.

- [Judge Douglas Johnson](#) offers ethical considerations regarding the court-CASA program relationship.
- [Judge Michael Key and Angela Tanzella](#) of Georgia explain how courts and CASA programs can develop reciprocal accountability through open communication and dialogue.
- [Carmela Welte](#), National CASA deputy CEO, shares the results of a survey of judges and commissioners regarding the types of cases in which a CASA volunteer is most likely to be appointed and judicial satisfaction with the work of volunteers.
- [Michael Piraino](#), National CASA CEO, helps clarify the advocacy role of CASA volunteers—which can vary by state and even locality—and explains the advantage to party status for the child’s advocate.
- [Sally Erny](#), National CASA director of program development, gives an overview of the sections of the newly revised *Standards for Local CASA/GAL Member Programs* that directly affect the court, including the specific duties of the volunteer.
- [Janet Ward](#), National CASA program specialist, explains the role of the judiciary in CASA volunteer training and the importance of communicating the court’s expectations to new volunteers.
- [Judge Leslie Kirkland Riddle](#) and CASA program manager [Lela Allen Haines](#) describe the importance of collaboration between the court and the CASA program in developing the content and format of the court report.
- [Judge Michael Key and Angela Tanzella](#) of Georgia report that “cross-site visits” between local Georgia teams are an effective way to share best practices and procedures in dependency cases.
- [Judge Michael Nash](#) of Los Angeles, California was chosen as the 2006 National CASA Judge of the Year. A profile of Judge Nash’s contributions to dependent children at the local, state and national level is included in this issue.
- [Chris Bailey](#), director of the Permanency Planning for Children Department of the National Council of Juvenile and Family Court Judges, shares the results of the *National Judicial Leadership Summit on the Protection of Children* that was held in September 2005.

We owe it to the children involved in the dependency system to share best practices and learn from one another so that children’s opportunities can be maximized and their trauma from the experience minimized. Collaboration between systems and accountability to one another and the children we serve are cornerstones to an improved dependency court system.

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## ***Strengthening Your CASA/GAL Program: A Judge's Perspective***

*Judge Leonard Edwards (retired)*

### **Summary**

To strengthen and expand the GAL network, judges must share their knowledge about CASA programs with their peers and community members and actively work to promote and improve their local program.

Judges have long recognized the value of a CASA/GAL program to support the work of the juvenile court in child abuse and neglect cases. It was a juvenile court judge who created the first program almost 30 years ago, and judges have led the creation and strengthening of CASA programs across the nation. Moreover, judges offer the greatest praise for these programs because they know how much difference trained citizen volunteers can make in the lives of dependent children and how valuable the volunteers are to judicial decision-making.

*What can judges do to strengthen an existing program? What are some of the innovations that judges might suggest to the program director? How can judges make their programs even more effective?*

The answers to these questions are the focus of this article.

### **Supporting the Program**

Juvenile and family court judges are necessary to the creation of a CASA/GAL program. If the judge does not want a program, it will not get off the ground. Once a program has been created, the judge has a continuing role to play. The judge must support the program or it will not grow and flourish.

Judicial support can be accomplished in a number of ways. First, the judge can inform other judges and administrators in the court system about the program and help to make them supporters as well. Many judges in the court system—particularly those in the civil and criminal dockets—know little or nothing about CASA programs and are unable to respond accurately to community inquiries. The juvenile/family court judge can increase the flow of accurate information to the community by making everyone in the court system knowledgeable about the CASA program and its value to the court.

Second, the judge can help with the recruitment of volunteers. This is a critical role. The child protection system and the juvenile dependency court are shielded from the public eye by confidentiality laws. Most people do not know what happens in juvenile dependency court, and they certainly do not know that they could have a significant role to play in that court. The judge—who has a high status in the community and knows better than anyone else the needs of the children in the court system—is in the best position to inform the community about the need for CASA/GAL volunteers. When a judge describes the need for volunteers and the help that they can provide, it is the most persuasive request that can be made.

Judges can talk about the needs of the juvenile court and the CASA program in any community setting, including at service clubs, community meetings and school settings. The judge should always be ready to answer the question: *What can I do to help the children who appear in court?*

Third, the judge can provide ideas to the program about how it can better serve the needs of dependent children. Regular meetings between those in the court system (judges, attorneys, social workers and service providers) and the CASA/GAL program staff provide opportunities for an exchange of ideas regarding improving the program's effectiveness. These meetings can be monthly or quarterly based on the size and needs of the court.

The agenda should be open to all problems and suggestions for improving the program. It cannot, however, address individual cases due to the judicial canons of ethics.

At these meetings, many judges and program directors discuss ideas that they have heard from colleagues around the country. Topics could include creating programs that more effectively address the special needs of subsets of youth in the dependency system (e.g. infants or youth aging out of the system) or working with an existing drug treatment court or other juvenile court programs.

These meetings can also address issues that are important for the operation of the program such as swearing in of volunteers, permitting volunteers in training to observe the court in action, solving problems with volunteer access to court records, creating court reports and improving volunteer relationships with attorneys and social workers.

Fourth, the judge can assist the program greatly by taking the time to educate new judges about the program and its importance in achieving better outcomes for children in the court system. When judges rotate or when a judge leaves office, a new judge who may not know much about the CASA/GAL program joins the court. It is very important that the departing judge explain the value of the program and the role of the new judge in supporting and strengthening it. Without this orientation and education, the program may not have the judicial support that it needs.

Perhaps the best introduction for a new judge coming into the juvenile court is a DVD/video about the judicial role in strengthening CASA/GAL programs in the community. This DVD was created to let judges know more about CASA programs, their value and the judge's role in supporting them. You can see the video by going to the *Judges' Page* and clicking on the fifth paragraph of the left-hand column of that page under NCJFCJ information. A copy of the DVD can be obtained at no cost from National CASA. Email [theresa@nationalcasa.org](mailto:theresa@nationalcasa.org).

## **Conclusion**

CASA/GAL programs serve the court system well. The volunteers inform the court about the needs of the children under court jurisdiction, and they work with those children, social workers, caretakers and service providers to ensure better outcomes for the child. They also inform the community about the importance of the work of the court. These programs are the most effective model we have discovered for connecting the community with the work of the juvenile/family courts. CASA programs have grown dramatically across the United States in the past decades, but in most communities there are still insufficient numbers of volunteers to meet the needs of the children in the court system. There is a need for additional volunteers and stronger programs to support these children. These goals can be reached only with the strong support of the judiciary; it is critical for judges to take an active role in strengthening CASA programs.

Read "The Judicial Role in Creating and Supporting CASA/GAL Programs" ([nationalcasa.org/download/Judges\\_Page/0506\\_judicial\\_role\\_0036.pdf](http://nationalcasa.org/download/Judges_Page/0506_judicial_role_0036.pdf)) from NCJFCJ's *Juvenile and Family Justice Today* for more information about the judge's role in strengthening the CASA network.

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## Ethics and Best Practices for Judges Involved in CASA/GAL Recruiting and Training



*Douglas F. Johnson, Treasurer,  
National Council of Juvenile and  
Family Court Judges*

### Summary

Judges should exercise caution—guided by ethical standards and precedence—when participating in the recruitment and training of CASA/GAL volunteers.

If there is a CASA/GAL volunteer program in your jurisdiction, or if there is a desire to start one, you, as a judge, probably have been or will be asked to help recruit and train the CASA volunteers. Have you considered whether there are ethical limits to your participation?

There are no judicial ethics opinions that are instructive in a proactive way, so we must positively interpret the negative as best we can. For helpful articles on judges' participation in CASA/GAL volunteer programs in general, see Judge L. Edwards, Judge E. Gray, Judge J. Dean Lewis's article, "The Judicial Role in Creating and Supporting CASA/GAL Programs," ([nationalcasa.org/download/Judges\\_Page/0506\\_judicial\\_role\\_0036.pdf](http://nationalcasa.org/download/Judges_Page/0506_judicial_role_0036.pdf)) *Today*, Spring 2005, and prior ethics articles in the *Judges' Page* newsletter. Ongoing attention to these issues can help keep a judge out of ethical hot water (i.e., avoid a "Supreme Court-ordered career shift" or lesser discipline sanction). Each state interprets individually the *Judicial Code of Ethics*, and one should check one's own existing judicial disciplinary cases and ethics advisory opinions for guidance or consider asking for an opinion, if available.

### Recruiting

The judge is often identified as the best recruiter for CASA/GAL volunteers. The public seems to love television court shows; talking to and learning from a real juvenile or family court judge gets people excited enough to get off the couch as passive observer and into a real child's life as a CASA volunteer. Some judges regularly communicate with the media about the program and its value to the court. Of course, we judges who enjoy excellent CASA programs for children in care already know how valued the volunteers are, not only to us but especially the children. Nevertheless, a judge should use great caution in the recruiting of CASA volunteers.

The direct judicial recruitment of CASA/GAL volunteers may have the appearance of a form of fundraising or membership solicitation either by the personal request of a judge or by use of the prestige of the judicial office through mailings with the judge's picture or statement of approval. Both are contrary to the *Judicial Code of Ethics*. See Model Code of Judicial Conduct Canon 4C(3)(b)(i-iv)(2003). One advisory commission opined that a judge could not provide a statement of endorsement for the local CASA organization to be included in a brochure used for the purpose of recruiting volunteers. While noting the importance of CASA in providing judges information about the best interest of abused and neglected children, "the rules prohibit a judge from using or permitting the use of the prestige of judicial office for membership solicitation." See New York Advisory Commission on Judicial Ethics, Opinion 02-80 (2005). ([nycourts.gov/ip/judicialethics/opinions/02-80\\_.htm](http://nycourts.gov/ip/judicialethics/opinions/02-80_.htm)) There are many disciplinary cases and advisory opinions about the prohibition of judges directly fundraising or soliciting membership even though the cause is noble.

Additionally, such direct recruitment or solicitation may show impartiality or favoritism of a judge toward CASA volunteers, or may give the appearance of a special relationship and influence over the judge's decision-making. Canon 2 provides that a judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities. Canon 2 B provides that a judge shall not allow anyone to influence the judge's judicial conduct or judgment and shall not lend the prestige of judicial office to advance the private interests of the judge or others. Moreover, a judge cannot convey or permit others to convey the impression that they are in a special position to influence the judge. The judge must uphold the integrity and independence of the judiciary. See Model Code of Judicial Conduct Canon 1 (2003).

On the other hand, a judge can and should engage in extrajudicial activities regarding the law, the legal system and the administration of justice. See Model Code of Judicial Conduct Canon 4 B (2003). Under the present interpretations of the canons by most states, balancing what a judge can do with what a judge cannot do may be more art than science. Still, we judges must engage in extrajudicial activities without compromising the integrity of the judicial office. It would seem that a judge may appropriately speak and offer instruction about the need for excellence in representation for all parties who appear in court. In that way, the judge could equally address the need for excellent CASA volunteers for children and excellent defense counsel for the representation of children and parents. Common sense and best practice would seem to allow a judge to speak generally and specifically about the administration of justice and the need for adequate resources in CASA volunteers, as well as any others who represent those who appear in court—prosecutors, defense attorneys, Foster Care Review Board members, probation officers, protection and safety workers and mediators, to name a few.

## **Training**

Best practice and the *Judicial Code of Ethics* allow a judge to speak, write and offer instruction regarding the law, the legal system and the administration of justice. See Model Code of Judicial Conduct Canon 4 B (2003). The commentary underscores our role to participate in avocational activities to improve the law because of our unique position and knowledge as judges. Accordingly, it makes abundant sense that judges participate in training CASA/GAL volunteers about court procedures including direct and cross-examination, hearsay rules, evidentiary rules, witness credibility, making a good record, testifying and burdens of proof.

Just as a judge cannot show bias by being an advocate for anyone, but must ensure due process for all, a judge should ensure that trainings are open to all who work in the courthouse. By way of prohibitive example, a judge was denied participation in training domestic violence volunteers (Citizens Against Spouse Abuse) due to the appearance of impropriety and the potential conflict of interest because those same volunteers would likely appear before the judge in adversary proceedings.

In responding to the call to speak, write and teach about legal matters, it is likely that many of those trained have interests that might come before a judge in court proceedings. The ethical key is that no single group appears to have special favor with the judge. Ethical trouble would probably be avoided by using the best practice of cross-training, which includes invitations to and participation of individuals representing multiple disciplines, as well as the entire bar itself. Generally, the above-cited aspects of the *Judicial Code of Ethics* as to training apply to recruiting.

## **Conclusion**

I, and countless other judges, wholeheartedly support CASA/GAL volunteer programs. However, use some caution regarding judicial participation in recruiting and training, and check the latitude of the judicial ethics in one's home state. It is best to review pertinent judicial ethics advisory opinions or ask for an advisory opinion if you are uncertain regarding a request for your participation.

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## **Court and CASA Programs: Holding Each Other Accountable**

*Judge R. Michael Key, LaGrange, GA, Board Member, National Council of Juvenile and Family Court Judges*

*Angela Tanzella, Director of Advocacy and Program Development, Georgia CASA*

### **Summary**

When adequately defined and appropriately practiced, reciprocal accountability can provide a forum for open communication between CASA programs and the court system.

Who holds a juvenile court judge accountable? Is it the Administrative Office of the Courts? Or a superior court judge? The effective operations of the court are important to all child welfare stakeholders. In some instances, it is appropriate for reciprocal accountability between the courts and CASA programs.

Certain inherent risks are involved when a CASA representative attempts to hold the court accountable for compliance with the law and with the implementation of effective practices. Therefore, it is critical to define the lines of appropriate advocacy in individual cases clearly so that CASA staff and volunteers are not afraid to question court practices. CASA program representatives should establish ethically appropriate relationships with judges that promote an open dialogue on systemic issues. In addition, while certain decisions are left to the judge's discretion, it is appropriate for CASA staff and volunteers to ensure that the court complies with Adoption and Safe Families Act timelines and effective practices.

Conversely, judges should be able to expect quality volunteer advocacy from a soundly administered CASA program. To this end, judges should be familiar with CASA program standards and hold their programs accountable for meeting them. Judges should request periodic statistics and progress reports to ensure that CASA programs meet operational and outcome expectations.

Across the country, some CASA programs report that reciprocal accountability already exists between the courts and their programs. Others are interested in how to start holding each other accountable.

The bottom line is that reciprocal accountability provides a forum for open communication and dialogue. Conducting regular stakeholder meetings allow both the courts and CASA programs to discuss outcome measures and performances—and to celebrate each other's successes and failures. By holding each other accountable, courts and CASA programs not only ensure that the very best practices and procedures are followed but, more importantly, that all children are adequately served.

At the National CASA conference in San Diego this past April, the authors led a discussion on the issue of reciprocal accountability. The session was attended by an overflow crowd, evidencing a strong interest in this issue. The authors believed at one time that the discussions might lead to an authoritative article on the subject of reciprocal accountability, but they have since concluded that the real value is in the discussion among the judges and CASA programs involved. Only through honest and interactive discussion can local programs move to a point where both the court and the CASA program are comfortable with this concept.

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## Judges Highly Value CASA Volunteers But Need More of Them: Considerations for Assignment of Cases

*Carmela Welte, Deputy CEO, the National CASA Association*

### Summary

Two national surveys reveal the factors affecting CASA volunteer case assignments and judicial satisfaction with the work of CASA volunteers.

In June 2005, National CASA engaged Organizational Research Services to conduct a national survey of juvenile and family court judges in jurisdictions with CASA programs. The objective of this survey was to evaluate:

- The process judges use for assigning CASA volunteers to cases
- The role CASA volunteers play in supporting judicial decision-making and court processes
- Judicial satisfaction with local CASA volunteers

A total of 564 judges and commissioners completed the survey, with representation across nearly every region of the country. The results show that judges believe that the work of CASA volunteers is high quality, beneficial to their decision-making and valuable to the children and families they serve. However, the vast majority of judges reported that there were not enough CASA volunteers to meet their caseloads. Other key findings:

- Judges are most likely to assign CASA volunteers to the most difficult and complex cases.
- Judges find CASA volunteers to be most effective in considering the best interests of the child and in monitoring the case.

Overall, respondents indicated that they assign CASA/GAL volunteers to nearly 50% of their cases, with many indicating they would welcome more volunteers to assign to their cases. In 80% of the courts, either a written court protocol or state statute is in place to guide which cases are priorities for assignment of a volunteer advocate.

The judicial survey provides valuable information for understanding case characteristics that judges consider in assigning volunteers to cases. With respect to case factors, the most influential characteristic is conflicting *case information or highly adversarial parties*. Second is *concern about implementation of services*. Considering abuse/neglect factors of the case, judges indicate that they most likely appoint volunteers to cases involving *extreme neglect, severe physical abuse and sexual abuse*. *Instability of the child's current placement* is another strong consideration in judicial determination to assign a volunteer to a case.

The assignment of CASA/GAL volunteers to cases involving extreme neglect or abuse is further validated by research conducted by Caliber Associates reported in 2004 in *Evaluation of CASA Representation*. That study found that "children with a CASA volunteer were significantly more likely than children without a volunteer to have been assessed by a caseworker as having a severe level of harm." Fully 40% of children with a CASA volunteer were rated at severe risk in contrast to 14% of children without a CASA volunteer.

Furthermore, the children assigned a volunteer advocate were more likely to have a prior report of maltreatment, a prior investigation of maltreatment, a prior substantiated incidence of maltreatment and to have previously received child welfare services.

More information about the judicial survey evaluating the impact of CASA volunteers can be found on the *Judges' Page*.

([nationalcasa.org/JudgesPage/Article/judge\\_value\\_casa\\_volunteers.htm](http://nationalcasa.org/JudgesPage/Article/judge_value_casa_volunteers.htm))

The Evaluation of CASA Representation study summary ([casanet.org/download/casa-surveys/caliber\\_casa\\_study\\_summary.pdf](http://casanet.org/download/casa-surveys/caliber_casa_study_summary.pdf)) and full report ([casanet.org/download/casa-surveys/caliber\\_casa\\_report\\_representation.pdf](http://casanet.org/download/casa-surveys/caliber_casa_report_representation.pdf)) are available on National CASA's website.

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## **CASA/GAL Volunteers: Information Sources, Advocates or Parties to the Case?**

*Michael Piraino, CEO, the National CASA Association*

### **Summary**

Recent developments, including passage of the Uniform Representation of Children in Abuse and Neglect and Custody Proceedings Act (2006), demonstrate a developing understanding of the need for clarity of roles and for a commitment to quality representation of children and young people.

As judges in this country's most important courts, you have the heavy responsibility of watching over the care and protection of highly vulnerable children. Programs that are members of the National CASA Association—whether they use the name CASA, guardian ad litem or some other local name—can help you meet that responsibility with a profound understanding of each child and family situation.

The role that CASA and guardian ad litem volunteers play varies. In some states, it is clearly and specifically defined in legislation or court rule. In others, the role may vary even from one county to the next. Some volunteers are empowered to act as fully independent parties to the case, while others act more in the role of advisors. Which roles are appropriate and contribute best to the goal of children living in safe and caring families?

The National CASA Association has long supported the strongest possible advocacy position for its volunteers. Full party status gives the greatest likelihood that the volunteer's well grounded recommendation can be adequately considered. Even when state law does not give the volunteer formal party status, many of the rights and responsibilities of a party can (and in our opinion, should) be given where possible through court rule or specific language in the order of appointment.

The question also involves the roles of other children's representatives, including attorneys and paid guardians ad litem. Recent developments, including passage of the Uniform Representation of Children in Abuse and Neglect and Custody Proceedings Act (2006), demonstrate a developing understanding of the need for clarity of roles and for a commitment to quality representation of children and young people.

The Child Abuse Prevention and Treatment Act (CAPTA), 42 U.S.C. § 5106a(b)(2)(A)(xiii) (2000), requires as a condition of funding under the Act that states appoint in every case "a guardian ad litem, who has received training appropriate to the role, and who may be an attorney or a court appointed special advocate...to represent the child in such proceedings." While the Act does not so decree, in many states this role has traditionally been that of a party who stands in the child's position during the litigation.

Although the Uniform Act attempts to standardize the law around representation of children in abuse and neglect proceedings, it does not specifically resolve the issue of party status. Whether the Act is eventually enacted in your state or not, orders of appointment can clarify the role. Where possible, rights similar to those of parties will enable the volunteer to provide the most effective input.

One of those rights which is not consistent from state to state is the right to participate in an appeal, or even to initiate one. CASA and guardian ad litem programs have periodically, if not often, found that appellate participation has been useful to continue to represent the child's best interests in the proceeding.

More commonly, legislation, court rules or court appointment orders give the volunteer the right to receive copies of all pleadings, receive notice of and attend hearings and present a report with recommendations. These rights are recognized in the Uniform Act as “important elements in allowing the CASA volunteer, or any court-appointed advisor,” to provide effective advocacy. The ability to file motions can also enhance the volunteer’s ability to fully present a view of the case which may not be represented by other parties.

This strong advocacy role is supported by National CASA standards which require, among many other things, that the volunteer have access to legal counsel. This helps ensure that the volunteer is not at a disadvantage in presenting his or her recommendations, compared to other parties. It also should mitigate concerns about non-lawyers acting in a lawyer’s capacity in court.

In 2005, a [survey](#) (see Carmela Welte’s article on page 11 of this edition of the *Judges’ Page*) of judges conducted for the National CASA Association showed that judges think very highly of the work of CASA and GAL volunteers. They find the information and recommendations brought forth by these advocates to be very useful in reaching crucial decisions about a child’s future. The volunteer’s ability to participate in the proceedings on a level with other parties to the case enhances the volunteer’s value to the court.

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## Revised National CASA Association Standards Affect Judges' Work with Volunteers

*Sally Erny, Director of Program Development, the National CASA Association*

### Summary

There are several facets of the National CASA Association standards and quality assurance system with which judges should be familiar.

The primary purpose of the National CASA Association standards and quality assurance (QA) system is to support our mission of quality volunteer advocacy and help ensure that each child will thrive in a safe, permanent home. As a judge who appoints CASA/GAL volunteers to advocate for children, there are certain facets of the standards and QA system with which you should be most familiar.

**Standard 1, Program Mission and Purpose** requires the program to have the recognition and support of the local court. Included in the requirements of this standard are:

- Nonprofit and publicly administered CASA/GAL programs have a written agreement, which must be renewed every four years, with the juvenile or family court that defines the working relationship between the program and the court.
- The court-based CASA program abides by the statutes or court rules which govern the relationship with the court.
- The CASA program has regular communication with the court in order to evaluate the court's satisfaction with the program and to obtain the court's recommendations for improving the effectiveness of the program.

Sample written working agreements between the court and program (also known as memoranda of understanding) can be found in Appendices L and M of the Judges' Guide to CASA/GAL Program Development. ([casanet.org/download/guides-manuals/ncasa-judges-guide.pdf](https://casanet.org/download/guides-manuals/ncasa-judges-guide.pdf))

In **Standard 7, Volunteer Management**, the roles and responsibilities of CASA/GAL volunteers are described in detail as are the caseload size for both volunteers and their supervisors. Standard 7 has the following requirement:

- The roles and responsibilities of the CASA/GAL volunteer are clearly communicated through written policies, job descriptions and training. Roles are reinforced through the supervisory process.
- The CASA/GAL program volunteer policies and procedures specify the role of the volunteer and are developed with the input and approval of the court (if not already determined by statute). The role requires that volunteers:
  - Obtain a clear understanding of the needs and situation of the child by reviewing all relevant documents and records and interviewing the child, parents, social workers, teachers and other persons to determine the facts and circumstances of the child's situation.
  - Identify and advocate for the best interest of the child.
  - Seek cooperative solutions by acting as a facilitator among parties.
  - Provide at every hearing a report which includes findings and recommendations.
  - Appear at all hearings to advocate for the child's best interests and provide testimony when necessary.

- Have regular and sufficient in-person contact with the child to ensure in-depth knowledge of the case and make fact-based recommendations to the court. The CASA/GAL volunteer shall meet in-person with the child once every 30 days at a minimum. An exception may be granted at the discretion of program staff; however, the justification and reasons for a decision to permit less frequent in-person contact must be documented.
- Make recommendations for specific, appropriate services for the child and, when applicable, the child's family.
- Determine whether a permanent plan has been created for the child.
- Monitor implementation of service plans and court orders ensuring that court-ordered services are implemented in a timely manner and that review hearings are held in accordance with the law.
- Inform the court promptly of important developments in the case through appropriate means as determined by court rules or statute.
- Advocate for the child's best interests in the community by interfacing with mental health, educational and other community systems to ensure that the child's needs in these areas are met.
- Participate in all scheduled case conferences with supervisory staff.
- Participate in in-service training.
- Maintain complete records about the case, including appointments, interviews and information gathered about the child and the child's life circumstances.
- Return case files to the program after the case is closed.

In order to ensure that a child will receive the highest quality of advocacy possible, the National CASA standards impose a caseload and supervision limit. Standard 7.E.6. states that:

- A volunteer will not be assigned more than two cases at a time. An exception may be granted at the discretion of the CASA program staff; however, the decision to permit a higher caseload, including the justification for and reasonableness of the exception, shall be documented. Under the exception, a volunteer will not be assigned to more than five cases.

Standard 7 also requires that the CASA/GAL program provide supervision which is appropriate to the volunteer's needs and complexity of the case assignment and hold volunteers accountable for the performance of assigned duties and responsibilities:

- For employees assigned to supervision as a full-time function, the employee will not supervise more than 30 volunteers with a caseload not to exceed 45 cases. In the event the employee is required to perform duties other than supervision of volunteers, the number of volunteers the employee can supervise shall be reduced pro rata.

The *Standards for Local CASA/GAL Programs* ([casanet.org/program-management/standards/Standards for Local CASA GAL Programs 2006 Edition.pdf](http://casanet.org/program-management/standards/Standards%20for%20Local%20CASA%20GAL%20Programs%202006%20Edition.pdf)) were initially approved by the National CASA board of directors in March 1997 and revised in September 2002 and again in April 2006. The document contains standards and requirements for CASA member programs. A member program is required to meet National CASA standards as well as those of the state CASA program, if a state CASA organization exists and has standards or requirements in addition to those of the National CASA Association.

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## Judges Play a Critical Role in Recruiting and Training CASA Volunteers

*Janet Ward, Program Specialist-Midwest, the National CASA Association*

### Summary

The information, support and encouragement that judges offer CASA volunteers enhance the volunteers' commitment, self-confidence and, ultimately, their ability to serve the court.

The National CASA Association *Standards for Local CASA/GAL Programs* ([casanet.org/program-management/standards/Standards for Local CASA GAL Programs 2006 Edition.pdf](http://casanet.org/program-management/standards/Standards%20for%20Local%20CASA%20GAL%20Programs%202006%20Edition.pdf)) require at least 30 hours of pre-service volunteer training. The curriculum is intended to develop advocates who are competent, reasonably autonomous and able to exercise good judgment in their role as CASA/GAL volunteers. Topics covered in the training include the role of the CASA volunteer, 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. Free downloads of the *Volunteer Training Manual* are available at [CASA.net.org](http://CASA.net.org). ([casanet.org/training/volunteer-manual/index.htm](http://casanet.org/training/volunteer-manual/index.htm))

As often as every six weeks or as infrequently as every six months, CASA program staff may call on the court to teach the segment of the volunteer training curriculum that deals with the court as well as to sanction volunteers observing in the courtroom and commission new volunteers.

The collaborating judge is often asked to present the segment of the curriculum that covers juvenile law and the courts. Having the judge participate in training provides three benefits. First, judges' role in court and familiarity with local practices and relevant laws make them the ultimate authorities 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 volunteers appearing in the courtroom. A judge can speak frankly and informally about needs and expectations of volunteers. Third, the presence of a judge, who has taken time from a crowded docket or a busy personal schedule, sends an unmistakable message to the volunteers that the court values their contribution.

While the CASA/GAL staff will communicate specific training needs to the judge and share the relevant section of the *Volunteer Curriculum Facilitator's Guide* ([casanet.org/training/volunteer-manual/index.htm](http://casanet.org/training/volunteer-manual/index.htm)), there are fairly standard areas that need 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, i.e., 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

A training session will require approximately 1½ to 3 hours.

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.

An additional component of pre-service training that does not require judicial participation but does require judicial sanction 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 upon judicial preference. Confidentiality concerns may be dealt with by having volunteers sign a confidentiality statement prior to attending a session of court. Seeing how the court operates and the ways that a CASA/GAL volunteer contributes to the process significantly enhances the learning, commitment and self-confidence of the prospective volunteer.

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 is granted by 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/GAL 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 the oath of office, which usually contains a confidentiality statement, to the group. The occasion may also be an opportunity to thank class members for their willingness to serve and to reiterate judicial expectations. Often a small reception is held afterwards, and family members are invited to attend. A swearing-in ceremony, to which members of the press may be invited, can also be used as an effective volunteer recruitment and retention tool.

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## **Thorough and Accurate Reporting Allows Child's Voice to Be Heard in Courtroom**

*Judge Leslie Kirkland Riddle, Richland County Family Court, Columbia, SC*  
*Lela Allen Haines, Program Manager, Richland County CASA, Columbia, SC*

### **Summary**

Court reports that provide visible documentation of a volunteer's involvement and that are presented in a consistent format increase a CASA volunteer's ability to give children a voice in the decision-making process.

The CASA/GAL volunteer's primary role is to be the "voice of a child." The court report is the volunteer's primary tool in effectively communicating the child's perspective. The report also ensures professionalism, consistency and objectivity. Most of the information the court receives is derived from the CASA/GAL volunteer's written documentation, which is made record at each court hearing. The court report provides a way to systematically organize pertinent information and give the court a clear mental image of the child's situation.

The facts stated throughout the report are the foundation of the CASA volunteer's recommendations and should be clear, concise and easily distinguished from opinions and assumption. When writing the document, it is imperative for the volunteer to respect all of the individuals involved in the case. A report written from an honest and objective view can eliminate defensive attitudes and ease implementation of the volunteer's recommendations. The volunteer will have greater success defending their written documentation on the witness stand and representing the best interests of the child if the report is free from bias.

### **Documented Involvement Instills Credibility**

The dates of contact with the child should be listed and easy to find within the report. This allows the court to see the level of involvement of the volunteer and also strengthens the recommendations stated in the report. The CASA/GAL volunteer may have done a wonderful job in conducting a thorough investigation and gathering all the necessary information for the court hearing, but if visitation between the volunteer and the child is infrequent, the advocate has lost sight of their primary role: to be the voice of the child.

A record of frequent involvement gives the CASA/GAL volunteer credibility and helps to assure the court that the child is in a safe environment either in the child's home or in the out-of-home placement. The volunteer cannot guarantee the safety of the child but can be instrumental in monitoring the safety of the placement. The documentation of the visits with the child "personalizes" the child by giving the court the chance to get to know the child without direct personal contact. Through the report, the court is able to see the child's personality and gain insight on the attitudes and behaviors of the child. This assists the court in determining whether the decisions made are in the best interest of the child.

### **Consistent Report Formatting Imperative**

Inconsistency in court report format is particularly challenging to visiting judges. The court dockets for each county are usually large, and the cases are bound by strict time constraints; it is efficient to have a general report format throughout the judicial circuit. Consistency provides judges who reside in the district and visiting judges the same ability to quickly retrieve the important information that informs their decisions by reviewing headings and recommendations of the CASA/GAL volunteer.

The CASA volunteer is the eyes and the ears of court and allows the child to have a voice in the decision-making process. The court report is the most effective tool in representing this voice in the court system.

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## Checklists Are an Important Tool in Effective Cross-Jurisdictional Site Visits

*Judge R. Michael Key, LaGrange, GA, Board Member, National Council of Juvenile and Family Court Judges*  
*Angela Tanzella, Director of Advocacy and Program Development, Georgia CASA*

### Summary

Cross-jurisdictional site visits guided by information checklists encourage an exchange of information between CASA programs.

In 2005, the National Council of Juvenile and Family Court Judges and the National CASA Association Judicial Liaison Committee created the *Lead Judge Project* to provide specially trained judges to support and promote CASA programs within the state judiciary. Georgia's *Lead Judge Project* developed the practice of cross-jurisdictional site visits and a corresponding checklist to guide the dialogue of the visits.

Two programs in Georgia—Troup County CASA and Coastal Plain CASA—piloted the cross-site visit program in June 2006. The following describes their method and process.

### *What is the purpose of cross-jurisdictional site visits?*

Visits allow each team to learn from the relationships that another CASA program has developed with its court and other child welfare stakeholders. It is not a qualitative evaluation. The question to be answered during the visit is not "How *well* do other teams do things?" but rather "*How* do other teams do things?" Witnessing how other courts perform increases each team's ability to evaluate itself.

### *Who participates in cross-site visits?*

Two teams should be involved in each site visit. Team members are determined by the programs. At a minimum, the participants on each team should include the judge, the local CASA program director, appropriate court staff and an attorney representing children in the capacity of attorney, guardian ad litem or both. Teams may be expanded to include other participants, including the local child welfare agency. Care should be taken to match the participating teams in terms of size of jurisdiction, program constituency, etc.

### *What transpires during a cross-site visit?*

Each team designates a visit coordinator, who is responsible for coordinating the visit and providing advance materials. The visit coordinators plan the visit, develop the agenda and determine team membership. Prior to the visit, teams share samples of their CASA reports, court calendars, written policies, protocols and procedures that are identified in the cross-site visit checklist. Team members should review the materials prior to the visit.

The agenda for the day is as follows:

- Host judge welcomes the group
- Host team coordinator reviews the agenda for the day
- Entire group discusses checklist items and other identified topics

- Optional: Break-out meetings occur between peer-level positions (judges meet with judges, CASA volunteers meet with other volunteers, etc.). Meetings provide an open forum for exploring issues and perceptions.
- Full group meets for summary of day and wrap-up.

Within two weeks of the visit, the visiting team coordinator prepares a written report, providing a copy to the host team and to the state CASA office.

*What information does the checklist capture?*

In every visit, the checklist should include questions pertaining to the administration of the CASA program, CASA reports, juvenile court procedure and relationships among the stakeholders. The checklist is under constant revision and may be tailored to meet the needs of any jurisdiction. States should consider using the same checklist for every visit to ensure that uniform data is collected; supplements to the checklist may be used by individual teams to tailor the visit to the particular needs and interests of the participating teams. For example, if the Department of Social Services participates in the visit, then the checklist should be supplemented with questions unique to the relationship between the CASA program and the agency.

To obtain a copy of a recommended checklist, email a request to [atanzella@gacasa.org](mailto:atanzella@gacasa.org)

*Are court observations during the site visit encouraged?*

Pilot visit participants found that it was beneficial for the visiting team to observe in the host team's court. The visit led to conversations beyond the court/CASA relationship, and valuable information was shared that will lead to systems improvements for both teams. Teams are encouraged to spend one-half to one full day observing in court if resources permit.

### **Conclusion and Request for Input**

The site visit between Troup County CASA and Coastal Plain CASA was very beneficial. Both teams gained valuable information from learning about each other's differing practices and procedures.

Georgia's *Lead Judge Project* encourages your jurisdiction to modify the checklist to meet your needs, conduct a site visit and share your experiences with us and with others. For questions or for feedback, please contact Judge Key, (706) 884-6601 or Ms. Tanzella, (478) 464-3018.

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## The Honorable Michael Nash of Los Angeles Named National CASA's 2006 Judge of the Year



*Excerpted from an article that originally appeared in the Summer 2006 edition of National CASA's Connection magazine.*

### Summary

Judge Michael Nash was recognized with the National CASA Judge of the Year Award for his advocacy on behalf of children and commitment to CASA of Los Angeles.

An active and steadfast advocate for children and for CASA of Los Angeles for more than a decade, Judge Michael Nash was first appointed to the Los Angeles Municipal Court in 1985. Since 1989, he has held the position of either supervising judge of Dependency Court or presiding judge of the Juvenile Division with the L.A. Superior Court. As presiding judge of the largest trial court and the largest dependency system in the nation, Judge Nash faces unique challenges and extraordinary opportunities. He has made the most of these, proving himself to be a tireless advocate for children, a creative thinker and a person with the skills to bring about real change.

Accepting the award, Judge Nash said, "This can be tough work, and we need all the help we can get. And no one does a better job of providing that help than those special people called 'CASAs.' CASA volunteers provide that extra set of eyes and ears to help us make many of the difficult decisions that we must make. And at the same time, these special people become special friends to each child that they work with."

Judge Nash demonstrates his commitment to CASA of Los Angeles by supporting local outreach efforts and making it a priority to personally swear in new volunteers. His leadership in Los Angeles County has had a marked effect on the quality of the child welfare system. Among other accomplishments, he was instrumental in driving collaborative and innovative efforts such as the court's first juvenile mental health and drug courts, improving services offered to delinquent youth and their families and improving access to quality counsel for children.

Adoption Saturday was pioneered by Judge Nash in 1998, a program which has now expanded into a national effort. He consistently urges the continued support of children's agencies in tough budget times.

**Editor's Note:** To view the full *Connection* magazine article, see "2006 National CASA Awards of Excellence Presented in San Diego."

([nationalcasa.org/download/Judges\\_Page/0610\\_judges\\_awards\\_0036.pdf](http://nationalcasa.org/download/Judges_Page/0610_judges_awards_0036.pdf))

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## **Justice for Children: Changing Lives by Changing Systems, a National Judicial Leadership Summit on the Protection of Children**

*Chris Bailey, Director, Permanency Planning for Children Department, National Council of Juvenile and Family Court Judges*

### **Summary**

The first *National Judicial Leadership Summit* brought together leaders of the state judicial and child welfare systems to improve oversight, processing and services for neglected and abused children.

The *National Judicial Leadership Summit, Justice for Children: Changing Lives by Changing Systems* was held in September 2005 in Minneapolis. The National Council of Juvenile and Family Court Judges (NCJFCJ) partnered with the National Center for State Courts, Conference of State Court Administrators and Conference of Chief Justices to hold this first invitational national judicial conference focused on issues of child abuse and neglect, improving court practice in dependency cases and expediting appeals in such cases. The NCJFCJ participated in the development of the agenda, selection of faculty and compilation of meeting materials.

At the summit, more than 380 leaders of the state judicial and child welfare systems met to determine how, by working together, they could improve oversight, processing and services for neglected and abused children. Participants attended plenary sessions with nationally known experts, workshops illustrating an array of successful practices and state team work sessions.

More than 30 state chief justices attended the summit. Teams represented every state (except Louisiana), the District of Columbia and three territories (Puerto Rico, the Northern Mariana Islands and Guam). Each team was appointed by the chief justice of the jurisdiction's highest appellate court. Participants also included secretaries of human services, directors of child welfare, appellate and trial court judges, state and local court administrators, senior court and social services officials, advocates and attorneys. In addition, many National Council Model Court lead judges presented workshops to teams selected by chief justices.

Following the summit, the National Council of Juvenile and Family Court Judges drafted the Summit Proceedings [nationalcasa.org/download/Judges\\_Page/0610\\_changing\\_lives\\_by\\_changing\\_systems\\_0036.pdf](http://nationalcasa.org/download/Judges_Page/0610_changing_lives_by_changing_systems_0036.pdf) conference report. An accompanying *Call to Action* which includes the state teams' action plans to improve court practice in dependency cases was drafted by the National Center for State Courts.

The *National Judicial Leadership Summit* was a great success in terms of increasing understanding and communication among the leadership of state judicial systems and state agencies charged with serving and protecting children and families as well as motivating action across the nation. Since the summit, most states have begun implementing the action plans developed during the conference and are coordinating reform planning with state court improvement projects and with the program improvement plans generated in response to child and family services reviews.

The leadership summit was made possible through the generous support of Pew Charitable Trusts, State Justice Institute, the Annie E. Casey Foundation, the Dave Thomas Foundation for Adoption, Fostering Results and National Center for State Courts.

**Editors' Note:** With this issue of the *Judges' Page*, we say goodbye to Chris Bailey, director of the Permanency Planning for Children Department of the National Council of Juvenile and Family Court Judges. Chris is retiring this month. She served as the NCJFCJ representative on the editorial committee from the first issue of the *Judges' Page* and has been a key contributor to the success of the Judicial Liaison Committee. Mary Mentaberry, executive director of NCJFCJ and a strong supporter of the partnership between NCJFCJ and National CASA, had this to say:

"The National Council of Juvenile and Family Court Judges has benefited greatly from Chris Bailey's commitment to the organization and to improving court and systems practice nationwide. The experience that Chris brought to NCJFCJ was critical in moving our work forward. As a former juvenile probation officer, a child welfare caseworker, a member of Nevada's Legislative Counsel Bureau and an attorney, Chris came to CJFCJ with much to share. Chris has been committed to National CASA and the *Judges' Page* and to collaboration across organizations. Her leadership as director of the permanency planning for children department over the past two years has sustained past accomplishments and added new growth. As a friend and colleague, I would like to pass along the thanks and admiration of those she is leaving behind in the field. She will be greatly missed."

We wish you well in your retirement, Chris, and thank you for your commitment to the success of the *Judges' Page* and the Judicial Liaison Committee.

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