

SB

176

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

Bill Version: Senate Bill No. 176

Publish Date: \_\_\_\_\_

**REQUEST:** \_\_\_\_\_

Revision Date: \_\_\_\_\_  
 Title: An Act relating to the Office of  
 Public Advocacy & Volunteer GAL  
 Sponsor: Uehling  
 Requestor: \_\_\_\_\_

Agency Affected: Division of Family & Youth  
 Social Services  
 BRU: Youth Services  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
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<b>REVENUE</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS:**

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

N/A

Prepared by: Yvonne M. Chase, Director *JMC* Phone: 465-3170  
 Division: Division of Family & Youth Services Date: 3/17/87

Approved by Commissioner: Myra M. Munson, Commissioner  
 Agency: Department of Health & Social Services Date: 3/20/87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version: SB 176 b  
Publish Date: 3/19/87 - 2-1-87

Revision Date: \_\_\_\_\_  
Title: "An Act relating to volunteer guardian ad litem program..."  
Sponsor: Uehling  
Requestor: Senate Judiciary

Agency Affected: Administration  
BRU: Office of Public Advocacy

Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		53.1	84.2	87.6	91.1	94.7
TRAVEL		3.6	3.7	3.8	4.0	4.2
CONTRACTUAL		2.0	0	0	0	0
SUPPLIES		2.0	2.1	2.2	2.3	2.4
EQUIPMENT		2.4	9.3	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		63.1	99.3	93.6	97.4	101.3

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		63.1	99.3	93.6	97.4	101.3
FEDERAL FUNDS						
OTHER						
TOTAL		63.1	99.3	93.6	97.4	101.3

POSITIONS:

FULL-TIME		1.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

\_\_\_\_\_  
*Philip J. McLeath*  
 Prepared by: Brant McGee, Public Advocacy  
 Division: Office of Public Advocacy

Phone: 274-1684

Date: \_\_\_\_\_

Approved by Commissioner: Garrey Paska  
 Agency: Department of Administration

Date: 3/20/87

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agencies
  - Senate Secretary

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 176

This bill relates to the establishment of a volunteer guardian ad litem program within the Office of Public Advocacy. This bill would substantially improve the ability of the Office of Public Advocacy to provide guardian ad litem representation to children in abuse and neglect cases as well as contested custody cases.

It is anticipated that the Office of Public Advocacy would need a program director position in FY88 and a clerk typist III position in FY89 in order to implement a volunteer guardian ad litem program.

BUDGET ANALYSIS

<u>Personal Services</u>	<u>FY88</u>	<u>FY89</u>
Associate Attorney II - Range 19/A (FY88)	53.1	55.2
Clerk Typist III - Range 08/A (FY89)	0	29.0
	<u>53.1</u>	<u>84.2</u>
<u>Travel</u>		
3 Trips to Ketchikan		
3 Trips to Fairbanks	3.6	3.7
<u>Contractual</u>		
Advertising		
Printing Training Material	2.0	0
<u>Supplies</u>	2.0	2.1
<u>Equipment</u>		
Associate Attorney II (FY88)	2.4	
Clerk Typist III (FY89)		9.3
	<u>2.4</u>	<u>9.3</u>
TOTAL:	63.1	99.3

Position Title		Associate Attorney II		Nu. of Positions	I	Range/Step	19/A	Barg. Unit	X
Time Status	Staff Months			Location		Election District			
PFT	12			Anchorage-EBA		8			
Type of Expenditure		Amount		Justification					
1	2	3		An Associate Attorney II position to act as program director is essential if the CASA, volunteer guardian ad litem program is to be successfully implemented. It is not possible for present staff positions to carry a full guardian ad litem case-load and assume the duties of establishing and coordinating the volunteer program. The half-time position that is currently funded by federal and private money is inadequate and ends in February, 1988. It is anticipated that the program director will coordinate recruitment, screening and training of volunteers in the Anchorage area. The program director will also be responsible for establishing similar volunteer programs in Fairbanks and Ketchikan, and will study the feasibility of establishing such a program in the rural areas of Alaska. Additionally, the position will be devoted to extensive community education and fundraising for the project.					
Salary	40,236								
Benefits	12,882								
Premium Pay									
Other									
Total Personal Services		53,118							
Travel									
Contractual		2,000							
Commodities		2,000							
Equipment		2,429							
Other									
Total Cost		59,547							
Funding Source for Total Cost									
Federal Receipts	1002								
G. F. Match	1003								
General Fund	1004	59,547							
I A Receipts	1006								
CP Receipts	1001								
Other									

Request For  
New Position

Agency Department of Administration  
 DRU Office of Public Advocacy  
 Component Office of Public Advocacy

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 Revised Date

FY 88

Position Title <b>Clerk Typist III</b>		No. of Positions <b>1</b>	Range/Step <b>08/A</b>	Barg. Unit <b>G</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Anchorage-EBA</b>		Election District <b>8</b>
<b>Justification</b>				
A Clerk Typist III position will be needed to provide clerical support to the volunteer guardian ad litem program director. At present, Office of Public Advocacy has only 3 clerical support positions who provide clerical support to a professional staff of 12 in the Anchorage office. It is not possible for the present secretarial positions to absorb the additional clerical support generated by the program director and the volunteer program.				
<b>Type of Expenditure</b>		<b>Amount</b>		
<b>1</b>	<b>2</b>	<b>3</b>		
Salary	<b>21,078</b>			
Benefits	<b>7,954</b>			
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>29,032</b>		
Travel				
Contractual				
Commodities				
Equipment		<b>9,338</b>		
Other				
<b>Total Cost</b>		<b>38,370</b>		
<b>Funding Source for Total Cost</b>				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	<b>38,370</b>		
IA Receipts	1006			
CFP Receipts	1061			
Other				

**Request For  
New Position**

Agency Department of Administration  
 DRU Office of Public Advocacy  
 Component Office of Public Advocacy

**1<sup>st</sup> Y 89**

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 Revised Date



# Alaska State Legislature

## Senate

SENATOR RICK UEHLING

P.O. BOX V  
State Capitol  
Juneau, Alaska 99811

Official Business

Senate Finance  
Committee

To; Senator Mitch Abood, Chairman  
Senate State Affairs Committee  
From: Senator Rick Uehling

Subject: SB 176, "An Act relating to the office of public advocacy and volunteer guardians ad litem."

Date: March 19, 1987

I have asked staff to provide the following background and information regarding SB 176, "An Act relating to the office of public advocacy and volunteer guardians ad litem."

The Office of Public Advocacy was created in 1984 to provide guardian ad litem representation to abused and neglected children who are the subject of child in need of aid actions and delinquency proceedings.

This legislation would allow the Office of Public Advocacy to develop and coordinate a volunteer guardian ad litem program and allow the agency to accept grants of funds from local governments and private persons.

The Office of Public Advocacy has begun a pilot volunteer guardian ad litem project with a Federal Grant of 23,000 dollars and a grant of 11,000 dollars from the National Council of Juvenile and Family Court Judges. However, these funds will run out in February, 1988. The program currently has 12 volunteers who have completed training with another 12 soon to complete training. The program has been a success so far and SB 176 will allow the program to continue.

There is a fiscal note of 60,000 dollars which would allow the Department to hire a program coordinator.

In addition, there is one amendment I wish to have made which clarifies questions about civil liability and requires that volunteer guardian ad litem do not act as attorneys. This would bring SB 176 into conformance with its companion bill, HB 7.

A M E N D M E N T

Offered in the SENATE

By Uehling

TO: SB 176

Page 2, lines 19 - 21:

Delete "the federal government, local governments, and [FROM] private persons [FOUNDATIONS],"

Insert "governments [THE FEDERAL GOVERNMENT] and from persons [PRIVATE FOUNDATIONS],"

Page 2, line 23:

Delete "a new section"

Insert "new sections"

Page 2, line 24, following "GUARDIANS."

Insert "(a)"

Page 2, following line 28:

Insert the following to read:

"(b) This section does not affect the civil liability of the office of public advocacy.

Sec. 44.21.460. NONATTORNEY VOLUNTEER GUARDIANS AD LITEM. A nonattorney volunteer guardian ad litem may not give legal advice or act in the capacity of attorney for a minor before a court or administrative agency.

Sec. 44.21.490. DEFINITION. In AS 44.21.410 - 44.21.490,  
"volunteer guardian ad litem" means a court-appointed special advocate  
(CASA)."

POSITION PAPER

SENATE BILL NO. 176

For an Act entitled: "An Act relating to the office of public advocacy and volunteer guardians ad litem."

This bill amends AS 44.21.410 to allow the Office of Public Advocacy to expand services of guardians ad litem by developing and maintaining a corps of volunteer guardians ad litem.

AS 47.17.030(e) states that "in all" actions taken by the Department or a Health and Social Services agency of a local government under this chapter that result in a judicial proceeding, the child shall be represented by a guardian ad litem in that proceeding. Funds available for salaried guardians ad litem are not adequate to retain sufficient personnel to serve all Alaskan children, who have a legal right to the services of a guardian ad litem under AS 47.17.030(e). This results in assignment of guardians only to those cases determined to be the most complicated and a lowering in quality of guardian services due to excessive caseloads. The average caseload in Anchorage is 150 cases per guardian ad litem. This is well above the level at which adequate services can be provided.

Volunteer guardian ad litem programs such as proposed in this bill have proven successful in many states. A stable corps of paid professional staff would be able to maintain a quality service at an expanded level by providing necessary recruitment, training, and supervision for a volunteer corps.

The Department strongly supports this bill.

RECOMMENDED:

Worne M. Chase  
Worne M. Chase, Director  
Division of Family  
and Youth Services

DATE:

March 17, 1987

APPROVED:

Myra M. Munson  
Myra M. Munson, Commissioner  
Department of Health  
and Social Services

DATE:

March 20, 1987

*Backup SB176*

POSITION PAPER

SB 176

An Act relating to Volunteer Guardian  
ad litem/Court Appointed Special Advocates  
(VGAL/CASA) in the Office of Public Advocacy

Senate Bill 176 mandates that the Office of Public Advocacy (OPA) develop a volunteer guardian ad litem program and allows the agency to receive funds from additional sources for this purpose.

The following review of the history of OPA and the volunteer concept will provide the background underlying the OPA's support of SB176.

HISTORY AND DUTIES OF OFFICE OF PUBLIC ADVOCACY:

The Office of Public Advocacy was created and placed within the Department of Administration in the Spring of 1984. The Office of Public Advocacy is required by Statute (A.S. 44.21.410) to provide services in the following three areas.

(1) Guardian ad litem representation to abused children in Child In Need of Aid proceedings, guardian ad litem representation of children in custody disputes, legal representation of parents in Child In Need of Aid proceedings where there is a conflict with the Public Defender's Office, guardian ad litem activities in guardianships for minors, and a host of other civil functions, including legal representation of parents involved in custody disputes where the other party is represented by a public agency, i.e. Alaska Legal Services.

(2) Legal representation of indigent persons charged with crimes where the Alaska Public Defender Agency has a conflict of interest;

(3) Public Guardian services as well as payment to visitors, experts and attorneys for the respondent.

Prior to 1984, the Alaska Court System had provided these services primarily through a system of court appointed attorneys. The Public Guardian function was also within the Alaska Court System.

RESPONSIBILITIES OF A VOLUNTEER GUARDIAN AD LITEM/COURT APPOINTED SPECIAL ADVOCATE:

A Court Appointed Special Advocate/Volunteer Guardian ad litem (hereinafter known as VGAL/CASA) is an individual who is an advocate for a child's best interests in court proceedings. A

VGAL/CASA does not have the legal authority to make decisions effecting the child's person or property, i.e. medical decisions or financial investments. A VGAL/CASA's obligation is to objectively insure that the court receives all pertinent information necessary to make a decision which is in the child's best interest. A major difference between an attorney appointed to represent a child and a VGAL/CASA for a child is that the VGAL/CASA may disagree with the position of the child. A guardian ad litem from the Office of Public Advocacy or its contractors are appointed for every child for which the State of Alaska, Department of Health and Social Services petitions to be a Child In Need of Aid under A.S. 47.10.010 due to abuse or neglect. A child may also have a GAL in contested divorce custody proceedings, contested adoptions, and guardianships.

### HISTORY OF CASA

In 1976, King County, Seattle, Washington, Superior Court Presiding Judge David W. Soukop began exploring ways to insure abused and neglected children's best interests were consistently presented to the court. Traditionally, the court appointed attorneys to serve as guardians ad litem for these children. However, due to the high number of cases involving children and the lack of adequate training by many attorneys, as well as cost considerations, Judge Soukop decided to recruit and train community volunteers who would be asked to make a long-term commitment to each child for whom they serve as GAL. The term Court Appointed Special Advocates (CASA) was coined by the National Council of Juvenile and Family Court Judges in 1982. This organization of judicial experts also recommended that every juvenile court in the United States implement a CASA project.

In May of 1985, the Office of Public Advocacy became a member of the National Court Appointed Special Advocate Association and began exploring the feasibility of a VGAL/CASA program in Alaska. The Office of Public Advocacy had informal meetings in Anchorage with judges, family and children's court masters, the Division of Family and Youth Services, Alaska Youth Advocates, the District Attorney's Office, Attorney General's Office, Public Defender's Office, community mental health providers, and the Alaska Bar Association to request their input and recommendations as to whether or not a VGAL/CASA program would be acceptable in the Anchorage area. Due to the overwhelming support of the concept, the Office of Public Advocacy recruited and trained five volunteers in the summer of 1985. The five volunteers were screened by an Advisory Committee. The Advisory Committee continues to assist Office of Public Advocacy staff in the development and operation of the VGAL/CASA program.

### THE OFFICE OF PUBLIC ADVOCACY'S SUPPORT FOR SENATE BILL 176:

The Office of Public Advocacy strongly supports passage of SB176. The Office of Public Advocacy would request that the statute be amended to state Volunteer Guardian ad litem/Court

Appointed Special Advocate so as to be able to utilize the efforts of the National Court Appointed Special Advocate Association. The passage of SB176 would require that the Office of Public Advocacy recruit and develop a permanent VGAL/CASA program. Passage of SB176 would require creating the position of Program Director. It is believed that a non-attorney should be hired in order to implement the VGAL/CASA program first in Anchorage, then in Fairbanks and Ketchikan, and then study the feasibility of developing such a program in other areas of Alaska.

A national survey of all VGAL/CASA programs in the nation was undertaken by the National Court Appointed Special Advocates Association in July, 1985. This nationwide survey found that the average volunteer handled 2.56 cases. It is the belief of the Office of Public Advocacy that a VGAL/CASA program in Anchorage would result in the recruitment of at least 30 volunteers in its first year who could be assigned at least 60 cases. It is believed that a system could be developed in 3 years to have in excess of 100 volunteers in the Anchorage area providing advocacy services to children.

Passage of SB176 would substantially improve the ability of the Office of Public Advocacy to provide guardian ad litem representation to children. Since the Anchorage Office of Public Advocacy began accepting guardian ad litem cases, approximately 1200 cases in Anchorage alone have been opened from the period of January, 1955 through January, 1987. The Office of Public Advocacy currently has two attorney and two associate attorney positions who handle guardian ad litem responsibilities. Under Alaska law a guardian ad litem does not need to be an attorney. The Office of Public Advocacy is attempting to use non-attorneys with training in the needs of children to provide the effective delivery of guardian ad litem services.

A 1985 national study by Donald N. Duquette, J.D., of the Child Advocacy Law Clinic at the University of Michigan Law School and Sarah H. Ramsey, J.D. of the Syracuse College University of Law clearly indicates that a trained and supervised VGAL/CASA provides superior services than an attorney without specific training in child abuse, and services equal to that of trained social workers and attorneys. However, it is essential that non-attorney VGAL/CASA's have the backup support of an attorney to ensure that the best interests of the child are adequately litigated in contested court cases. Staff attorneys at the Office of Public Advocacy would provide this function.

It is anticipated that the trend of dramatic increases in child abuse and neglect cases will continue. Additionally, the State of Alaska, Department of Health and Social Services' decision in October of 1985 to be in compliance with the Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, will result in the involvement of the guardian ad litem past the

dispositional stage of a Child In Need of Aid proceeding. The effect of Public Law 92-272 will be higher caseloads for the Office of Public Advocacy due to the continued monitoring of cases by a guardian ad litem. With current average caseloads of 150 children per staff person at the Anchorage Office of Public Advocacy, there is grave concern that the quality of representation will decline with these projected increases. The implementation of the VGAL/CASA project is a viable solution to this impending crisis.

AR Philip S. McCarthy SR  
Brant McGee  
Public Advocate

March 19, 1987  
Date

Garrey Peska  
Commissioner Garrey Peska  
Department of Administration

3/20/87  
Date

*What is a Volunteer  
Guardian Ad Litem?*

An  
Informational  
Pamphlet  
for  
Potential  
Volunteer  
GALs

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STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
Office of Public Advocacy  
900 W. 5th Avenue, Suite 525  
Anchorage, Alaska 99501  
(907) 274-1684

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## What is a guardian ad litem?

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A Guardian Ad Litem (GAL) is a legal term meaning guardian for a court case. A GAL does *not* have the legal authority to make medical or legal decisions affecting the child's person or property. The role of the GAL is to be an advocate for the child and to represent to the court what is in the best interest of the child. The GAL independently investigates the child's case, talking with parents, social workers, counselors and teachers as well as the child. Sometimes the GAL and the child may not agree about what is in his/her best interest. In the event the child and GAL disagree, the GAL still has the responsibility of telling the court what he or she truly believes is in the child's best interest as well as the child's position and the reasons they do not agree. GALs are appointed in any abuse or neglect case where the State of Alaska has filed a Child In Need of Aid petition with the court. Additionally, children may need a GAL in contested child custody or adoption cases.

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## Who qualifies as a GAL?

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The Office of Public Advocacy is appointed as GAL for a child. Through the volunteer guardian ad litem program,

individuals from the community can be trained to perform this role. Almost anyone who cares about children and who can help the court make informed decisions can be a GAL.

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## What would my TIME commitment be?

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Initially, the volunteer guardian ad litem would be screened by the Office of Public Advocacy and then attend training sessions designed to further explain one's role as GAL. Once training is completed, a post-screening process is conducted before a volunteer GAL is assigned a case.

Time commitments will vary with the individual case, but the volunteer GAL can usually be expected to attend at least three court hearings over the period of one year. The GAL will also meet with the child in person or contact them by telephone on a regular basis depending on the nature of the case. The GAL also maintains contact with social workers, counselors and teachers who are working with the child. The volunteer GAL's supervisor will be able to provide guidance as to the amount of time necessary for each case.

If the volunteer GAL's individual case requires the assistance of legal counsel, an attorney with the Office of Public Advocacy will be available to assist the volunteer.

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## What kind of TRAINING will I receive?

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During the training sessions, the volunteer GAL will be presented information on many topics. Included in the curriculum will be the following:

- (1) child abuse and neglect issues,
- (2) the role of the GAL in court,
- (3) special considerations for Native American children, and
- (4) working with the various members of the child protection system.

Additional training sessions will be conducted on an ongoing basis after one has become an active volunteer GAL.

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## How can I get more information?

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To learn more about the volunteer GAL program, contact the program coordinator at:

**(907) 274-1684**

or write to the:

**Office of Public Advocacy  
900 W. 5th Avenue, Suite 525  
Anchorage, Alaska, 99501**

Periodic orientation sessions to provide information will be scheduled throughout the year for persons who are interested in learning more about the program.

POSITION PAPER  
House Bill 7

An Act relating to Volunteer Guardian  
ad litem/Court Appointed Special Advocates  
(VGAL/CASA) in the Office of Public Advocacy

House Bill 7 mandates that the Office of Public Advocacy (OPA) develop a volunteer guardian ad litem program and allows the agency to receive funds from additional sources for this purpose.

The following review of the history of OPA and the volunteer concept will provide the background underlying the OPA's support of HB7.

HISTORY AND DUTIES OF OFFICE OF PUBLIC ADVOCACY:

The Office of Public Advocacy was created and placed within the Department of Administration in the Spring of 1984. The Office of Public Advocacy is required by Statute (A.S. 44.21.410) to provide services in the following three areas.

(1) Guardian ad litem representation to abused children in Child In Need of Aid proceedings, guardian ad litem representation of children in custody disputes, legal representation of parents in Child In Need of Aid proceedings where there is a conflict with the Public Defender's Office, guardian ad litem activities in guardianships for minors, and a host of other civil functions, including legal representation of parents involved in custody disputes where the other party is represented by a public agency, i.e. Alaska Legal Services.

(2) Legal representation of indigent persons charged with crimes where the Alaska Public Defender Agency has a conflict of interest;

(3) Public Guardian services as well as payment to visitors, experts and attorneys for the respondent.

Prior to 1984, the Alaska Court System had provided these services primarily through a system of court appointed attorneys. The Public Guardian function was also within the Alaska Court System.

RESPONSIBILITIES OF A VOLUNTEER GUARDIAN AD LITEM/COURT APPOINTED SPECIAL ADVOCATE:

A Court Appointed Special Advocate/Volunteer Guardian ad litem (hereinafter known as VGAL/CASA) is an individual who is an advocate for a child's best interests in court proceedings. A

VGAL/CASA does not have the legal authority to make decisions effecting the child's person or property, i.e. medical decisions or financial investments. A VGAL/CASA's obligation is to objectively insure that the court receives all pertinent information necessary to make a decision which is in the child's best interest. A major difference between an attorney appointed to represent a child and a VGAL/CASA for a child is that the VGAL/CASA may disagree with the position of the child. A guardian ad litem from the Office of Public Advocacy or its contractors are appointed for every child for which the State of Alaska, Department of Health and Social Services petitions to be a Child In Need of Aid under A.S. 47.10.010 due to abuse or neglect. A child may also have a GAL in contested divorce custody proceedings, contested adoptions, and guardianships.

#### HISTORY OF CASA

In 1976, King County, Seattle, Washington, Superior Court Presiding Judge David W. Soukop began exploring ways to insure abused and neglected children's best interests were consistently presented to the court. Traditionally, the court appointed attorneys to serve as guardians ad litem for these children. However, due to the high number of cases involving children and the lack of adequate training by many attorneys, as well as cost considerations, Judge Soukop decided to recruit and train community volunteers who would be asked to make a long-term commitment to each child for whom they serve as GAL. The term Court Appointed Special Advocates (CASA) was coined by the National Council of Juvenile and Family Court Judges in 1982. This organization of judicial experts also recommended that every juvenile court in the United States implement a CASA project.

In May of 1985, the Office of Public Advocacy became a member of the National Court Appointed Special Advocate Association and began exploring the feasibility of a VGAL/CASA program in Alaska. The Office of Public Advocacy had informal meetings in Anchorage with judges, family and children's court masters, the Division of Family and Youth Services, Alaska Youth Advocates, the District Attorney's Office, Attorney General's Office, Public Defender's Office, community mental health providers, and the Alaska Bar Association to request their input and recommendations as to whether or not a VGAL/CASA program would be acceptable in the Anchorage area. Due to the overwhelming support of the concept, the Office of Public Advocacy recruited and trained five volunteers in the summer of 1985. The five volunteers were screened by an Advisory Committee. The Advisory Committee continues to assist Office of Public Advocacy staff in the development and operation of the VGAL/CASA program.

#### THE OFFICE OF PUBLIC ADVOCACY'S SUPPORT FOR HOUSE BILL 7:

The Office of Public Advocacy strongly supports passage of HB7. The Office of Public Advocacy would request that the statute be amended to state Volunteer Guardian ad litem/Court

Appointed Special Advocate so as to be able to utilize the efforts of the National Court Appointed Special Advocate Association. The passage of HB7 would require that the Office of Public Advocacy recruit and develop a permanent VGAL/CASA program. Passage of HB7 would require creating the position of Program Director. It is believed that a non-attorney should be hired in order to implement the VGAL/CASA program first in Anchorage, then in Fairbanks and Ketchikan, and then study the feasibility of developing such a program in other areas of Alaska.

A national survey of all VGAL/CASA programs in the nation was undertaken by the National Court Appointed Special Advocates Association in July, 1985. This nationwide survey found that the average volunteer handled 2.56 cases. It is the belief of the Office of Public Advocacy that a VGAL/CASA program in Anchorage would result in the recruitment of at least 30 volunteers in its first year who could be assigned at least 60 cases. It is believed that a system could be developed in 3 years to have in excess of 100 volunteers in the Anchorage area providing advocacy services to children.

Passage of HB7 would substantially improve the ability of the Office of Public Advocacy to provide guardian ad litem representation to children. Since the Anchorage Office of Public Advocacy began accepting guardian ad litem cases, approximately 1200 cases in Anchorage alone have been opened from the period of January, 1985 through January, 1987. The Office of Public Advocacy currently has two attorney and two associate attorney positions who handle guardian ad litem responsibilities. Under Alaska law a guardian ad litem does not need to be an attorney. The Office of Public Advocacy is attempting to use non-attorneys with training in the needs of children to provide the effective delivery of guardian ad litem services.

A 1985 national study by Donald N. Duquette, J.D., of the Child Advocacy Law Clinic at the University of Michigan Law School and Sarah H. Ramsey, J.D. of the Syracuse College University of Law clearly indicates that a trained and supervised VGAL/CASA provides superior services than an attorney without specific training in child abuse, and services equal to that of trained social workers and attorneys. However, it is essential that non-attorney VGAL/CASA's have the backup support of an attorney to ensure that the best interests of the child are adequately litigated in contested court cases. Staff attorneys at the Office of Public Advocacy would provide this function.

It is anticipated that the trend of dramatic increases in child abuse and neglect cases will continue. Additionally, the State of Alaska, Department of Health and Social Services' decision in October of 1985 to be in compliance with the Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, will result in the involvement of the guardian ad litem past the

dispositional stage of a Child In Need of Aid proceeding. The effect of Public Law 92-272 will be higher caseloads for the Office of Public Advocacy due to the continued monitoring of cases by a guardian ad litem. With current average caseloads of 150 children per staff person at the Anchorage Office of Public Advocacy, there is grave concern that the quality of representation will decline with these projected increases. The implementation of the VGAL/CASA project is a viable solution to this impending crisis.

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Brant McGee  
Public Advocate

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Date

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Commissioner Garrey Peska  
Department of Administration

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Date

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## WHAT IS CASA?

Each year nearly 300,000 children in the United States are thrust into court through no fault of their own.

Some are victims of violence, psychological torment or sexual abuse. Others have been neglected or even abandoned by their own parents. Most of them are frightened and confused.

Often these children also become victims of this country's overburdened juvenile justice system -- a complex legal network of lawyers, social workers and judges who frequently are too busy to give thorough, detailed attention to each child who comes before them.

The consequences can be severe.

A nine-year-old boy is discovered in a Kentucky foster home so malnourished he weighs only 17 pounds. A child dies in a state-licensed "temporary care" shelter, where seven children had been sharing one bedroom for more than a year. An 18-year-old boy moves out of his seventh New York foster home, unable to read, write or care for himself as an adult.

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Annual foster care costs total \$2 billion

These are just three of thousands of children who will never know what it is like to have a permanent home -- with their formative years "lost" in temporary care while the court decides their fate. The annual foster care bill to the taxpayers is well over \$2 billion, but the cost in human potential is even greater. Studies show there is a very good chance many of the children will end up juvenile delinquents or adult criminals.

Enter the CASA concept. The Court Appointed Special Advocate (CASA) program was created in 1977 to make sure the abuse and neglect these children originally suffered at home don't continue as abuse and neglect at the hands of the system.

A CASA worker is a trained community volunteer who is appointed by a juvenile or family court judge to speak for children who are brought before the court. The majority of a CASA volunteer's assignments are home placement cases where an abused or neglected child has been removed for protection from the care of his or her parents.

Volunteer has three roles

As a child advocate, the CASA volunteer has three main responsibilities: 1) to serve as a fact-finder for the judge

by thoroughly researching the background of each assigned case; 2) to speak for the child in the courtroom, representing the child's best interests; and 3) to continue to act as a "watchdog" for the child during the life of the case, ensuring that it is brought to a swift and appropriate conclusion.

CASA based on child's rights

The CASA concept is based on the commitment that every child has a right to a safe, permanent home. In court jurisdictions that have adopted the program, the juvenile or family court judge turns to a specially trained pool of CASA volunteers each time a case involving a child is received.

The judge appoints a volunteer to the child's case. The volunteer then becomes an official part of the judicial proceedings, working alongside attorneys and social workers as an appointed officer of the court. Unlike attorneys and social workers, however, the CASA volunteer speaks exclusively for the child's best interests.

By handling only two or three cases at a time (compared to a social agency caseworker's average load of 60-90), the CASA volunteer has the time to explore thoroughly the history of each assigned case. The volunteer talks with the child, parents and family members, neighbors, school officials,

doctors and other involved in the child's background who might have facts about the case. The volunteer then reviews all records and documents pertaining to the child. He or she then submits a formal report to the court recommending placement: should the child be returned to his or her parents, be placed in foster care, or legally freed from parents to be adopted?

If the court leaves the child in temporary care, the CASA volunteer provides continuity by staying on the case until it is permanently resolved.

#### CASA helps children nationwide

There are 201 CASA programs in 41 states. Research shows these programs utilize approximately 5,000 volunteers, who help an estimated 7 percent of the nation's abused and neglected children. In 1985, they worked with approximately 10,000 children. Local CASA programs vary in size and scope from jurisdiction to jurisdiction. The largest and oldest is the Seattle program with 375 volunteers. Newer programs start up with about 20-25 volunteers.

Programs often differ from one jurisdiction to another, with varying operating methods and sources of funding. In all states the CASA volunteer is a monitor, providing research and background, and following through on each case to see

that the court's recommendations are carried out. In some states, the CASA volunteer is a full party to court proceedings to the extent that he or she may call witnesses and solicit testimony through the services of an attorney.

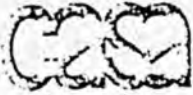
CASA also is known at the local level by a variety of other names. In Texas, for example, the program is called FOCAS; in Cincinnati, it's Pro-Kids. One of the largest CASA operations in the nation is the Florida Guardian Ad Litem program, managed by state government.

The CASA concept has been implemented in both urban and rural areas, from Los Angeles, Calif. to Lewiston, Maine. It is a young program. One-fourth of all CASA programs are less than one year old, and only three percent have been in existence for more than six years. Only five states do not have the CASA concept in at least one of their courts: Georgia, New Hampshire, North Dakota, Pennsylvania and Wyoming.

The National CASA Association, based in Seattle, Wash., was established in 1982 to provide a national focus for individual CASA programs, promote the national CASA concept, provide training assistance to new programs, and encourage volunteer recruitment and fundraising.

# # #

April, 1986



## CASA FACT SHEET

### What is CASA?

A Court Appointed Special Advocate (CASA) volunteer is a trained citizen who is appointed by a judge to represent the best interest of a child in court. Children helped by CASA volunteers include those for whom home placement is being determined in juvenile court. Most of the children are victims of abuse and neglect.

### What is the CASA volunteer's role?

A CASA volunteer provides a judge with a carefully researched background of the child to help the court make a sound decision about that child's future. Each home placement case is as unique as the child involved. The CASA volunteer must determine if it is in a child's best interest to stay with his or her parents or guardians, be placed in foster care, or be freed for permanent adoption. The CASA volunteer makes a recommendation on placement to the judge, and follows through on the case until it is permanently resolved.

### How does a CASA volunteer investigate a case?

To prepare a recommendation, the CASA volunteer talks with the child, parents, family members, social workers, school officials, health providers and others who are knowledgeable about the child's history. The CASA volunteer also reviews all records pertaining to the child -- school, medical and case worker reports; and other documents.

### How does a CASA volunteer differ from a social service caseworker?

Social workers generally are employed by state governments. They sometimes work on as many as 60 to 90 cases at a time and are frequently unable to conduct a comprehensive investigation of each. The CASA worker is a volunteer with more time and a smaller caseload (an average of 2-3 cases at a time). The CASA volunteer does

not replace a social worker on a case; he or she is an independent appointee of the court. The CASA volunteer can thoroughly examine a child's case, has knowledge of community resources, and can make a recommendation to the court independent of state agency restrictions.

How does the role of a CASA volunteer differ from an attorney?

The CASA volunteer does not provide legal representation in the courtroom. That is the role of the attorney. However, the CASA volunteer does provide crucial background information that assists attorneys in presenting their cases.

Is there a "typical" CASA volunteer?

CASA volunteers come from all walks of life, with a variety of professional, educational and ethnic backgrounds. There are between 5,000 and 6,000 CASA volunteers nationally. Local programs vary in the number of volunteers they utilize. Aside from their CASA volunteer work, 85 percent are employed in regular full-time jobs; the majority tend to be professionals. Two-thirds of the volunteers nationwide are women; one-third are men.

Can anyone volunteer to be a CASA worker?

CASA volunteers are ordinary citizens. No special or legal background is required. However, volunteers are screened closely for objectivity, competence and commitment.

What training does a CASA volunteer receive?

CASA volunteers undergo a thorough training course conducted by the local CASA program. Training requirements vary from program to program, but an average course is approximately 20 hours. Volunteers learn about courtroom procedure from the principals in the system -- from judges, lawyers, social caseworkers, court personnel, and others. CASA volunteers also learn effective advocacy techniques for children, and are educated about specific topics ranging from seminars on child sexual abuse to discussions on early childhood development and adolescent behavior.

How does the CASA volunteer relate to the child he or she represents?

CASA volunteers offer children trust and advocacy during complex legal proceedings. They explain to the child the events that are happening, the reasons they all are in court, and the roles the judge, lawyers and social workers play. CASA volunteers also encourage the child to express his or her own opinion and hopes.

How many cases on the average does a CASA volunteer carry at a time?

The number varies from jurisdiction to jurisdiction, but an average caseload is two or three.

Do lawyers, judges and social caseworkers support CASA?

Yes. Juvenile and family court judges implement the CASA program in their courtrooms and appoint the volunteers. CASA has been endorsed by the American Bar Association, the National Council of Juvenile and Family Court Judges, and the National Association of Public Child Welfare Administrators.

Does the federal government support CASA?

CASA is a priority project of the Department of Justice's Office of Juvenile Justice and Delinquency Prevention. The office encourages the establishment of new CASA programs, assists established CASA programs, and provides partial funding for the National CASA Association.

How many CASA programs are there?

There are now 175 CASA programs in 45 states. Only five states do not have CASA programs: Georgia, New Hampshire, North Dakota, Pennsylvania and Wyoming.

How effective have CASA programs been?

Preliminary findings show that children who have been assigned CASA volunteers tend to spend less time in court and less time within the foster care system than those who do not have CASA representation. Judges have observed that CASA children also have better chances of finding permanent homes than non-CASA children.

How much time does it require?

Each case is different. A CASA volunteer usually spends about 10 hours doing research and conducting interviews prior to the first court appearance. More complicated cases take longer. Once initiated into the system, volunteers work about 10-15 hours a month.

How long does a CASA volunteer remain involved with a case?

The Volunteer continues until the case is permanently resolved. One of the primary benefits of the CASA program is that, unlike other court principals who often rotate cases, the CASA volunteer is a consistent figure in the proceedings, and provides continuity for a child.

Are there any other agencies or groups that provide the same service?

No. There are other child advocacy organizations, but CASA is the only program where volunteers are appointed by the court to represent a child's best interests.

What children are assigned CASA volunteers?

Children who are victims of abuse and neglect are assigned CASA volunteers. The program is most common in juvenile and family court cases.

What is the role of the National CASA Association?

The National CASA Association is a non-profit organization that represents and serves the local CASA programs. It provides training, technical assistance, research, news and public awareness services to members.

How is CASA funded?

At the local level, CASA programs are generally funded through a state's department of justice. The National CASA Association is funded through a combination of private grants, federal funds, memberships and contributions.

How do I get more information about becoming a CASA volunteer or a joining the National CASA Association?

Write the National CASA Association office at 909 N.E. 43rd, Suite 202, Seattle, Wash. 98105-6020, or call (206) 547-1059.



### WHAT PROMPTED CASA?

In 1976, Superior Court Judge David Soukup of Seattle, Wash., saw a recurring problem in his courtroom:

"In criminal and civil cases, even though there were always many different points of view, you walked out of the courthouse at the end of the day and you said, 'I've done my best; I can live with this decision,'" he explains.

"But when you're involved with a child and you're trying to decide what to do to facilitate that child's growth into a mature and happy adult, you don't feel like you have sufficient information to allow you to make the right decision. You can't walk away and leave them at the courthouse at 4 o'clock. You wonder, 'Do I really know everything I should? Have I really been told all of the different things? Is this really right?'"

To ensure he was getting all the facts and the long-term welfare of each child was being represented, the Seattle judge came up with an idea that would change America's judicial procedure and the lives of thousands of children: He obtained funding to recruit and train community volunteers to step into courtrooms on behalf of the children: the Court

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Appointed Special Advocate (CASA) volunteers.

This unique concept was implemented in Seattle under the leadership of Carmen Ray as a pilot program in January 1977. During that first year, the program provided 110 trained CASA volunteers for 498 children in 376 dependency cases.

In 1978 the National Center of State Courts selected the Seattle program as the "best national example of citizen participation in the juvenile justice system." This recognition, along with a grant from the Edna McConnell Clark Foundation of New York City (one of CASA's earliest and strongest supporters), resulted in the replication of the Seattle CASA program in courts across the country.

As CASA projects developed, each new local program director made an on-site visit to the original Seattle host program for observation and training.

By 1982 it was clear that a national association was needed to direct CASA's emerging national presence. The National Court Appointed Special Advocate Association was formed that year.

By 1984 the National CASA Association had received financial support from several significant sources: a grant from the National Council of Juvenile and Family Court Judges, under the direction of the U.S. Department of

Justice, Office of Juvenile Justice and Delinquency Prevention; funding from the U.S. Department of Health and Human Services; and two one-year grants from the Edna McConnell Clark Foundation.

The Association then launched a national membership and fundraising drive.

On April 22, 1985, President Ronald Reagan presented the National CASA Association the President's Volunteer Action Award for "outstanding volunteer contribution, demonstrating accomplishment through voluntary action."

Today the National CASA Association represents 201 CASA programs in 41 states. It provides support with training, legal expertise, research, fundraising, news and public awareness services. The National Association is headquartered in Seattle, Wash.

# # #

July, 1986



## CASA IN ACTION

Some examples of the unique role which the CASA volunteer can play are found in the following case examples:

### Neglect

A three-year-old girl is allegedly neglected by her teenage mother. The social worker assigned to the case believes the child should be placed in a foster home. The lawyer for the state is compelled to advocate the caseworker's position. Consequently the mother has begun to view the caseworker as an adversary. The attorney for the mother staunchly supports an outright dismissal. A CASA volunteer is assigned to the case. Hoping that some middle ground can be agreed upon which would adequately protect the child, the CASA volunteer recommends homemaker services for the mother and a special school program for the child. Through these mediation efforts, an agreement is reached. This results in a treatment plan ensuring the family will receive preventative services so the child will not have to be put in foster care.

### Physical Abuse

A 14-year old boy tells his aunt he was physically abused by his stepfather. A medical examination reveals serious welts and bruises on the boy's back and arms and an old fracture which the boy says was caused when the stepfather knocked him down a flight of stairs. The social worker asks the court to place the boy temporarily in a foster home. The boy, however, is afraid of being sent to live with strangers. He wants to live with his aunt, but his mother and stepfather won't allow it. The aunt says she can't afford to keep the boy without some state aid, which the social worker says cannot be provided. The CASA volunteer successfully argues to the court that the boy be placed with his aunt, and helps the aunt obtain foster care payments for his upkeep.

### Neglect and Abuse

Police officers are horrified by a report describing

CASA in action

page 2

severe abuse of an 11-year-old girl by her mother's live-in boyfriend. The police contact the district attorney and the welfare department; and soon criminal and child neglect charges are filed against the mother and her boyfriend. This means appearances in two different courts are required for the child -- a prospect which both frightens and confuses her. Additionally she wants to live with her mother, but is scared of the boyfriend. The juvenile court judge involved in the child's neglect case appoints a CASA volunteer for the child, with instructions the CASA volunteer also attend the proceedings in the criminal court and act as the child's advocate. The CASA volunteer works closely with the child and the district attorney, preparing the girl for her testimony and pushing for a prompt trial date. As a result, the boyfriend is ordered out of the home under the threat of a long prison sentence. The mother, thankful both to be rid of the man and to get her daughter back home, openly praises the CASA volunteer's work.

Abuse -- and an unrecognized problem

A 17-year-old mother has been accused of abusing her 18-month-old son. The boy has bruises on his body and indiscriminately shows affection for strangers, a trait common among abused children. The social caseworker recommends the child be placed in foster care, apart from his mother. A CASA volunteer is assigned to the case. She spends many hours observing the boy, and has suspicions there may be more to his story. She requests the court order a complete medical examination for the boy. This study reveals he is nearly blind and suffers from a neurological disturbance that causes clumsy behavior and often makes him run into things. The boy's poor vision prevents him from recognizing individuals at a distance, and leads him to approach strangers and friends alike because touch is his only sure means of identifying people. Despite the severity of the boy's problems, his adolescent mother has never known about her son's special needs. On the CASA volunteer's recommendation, the court orders the boy returned home, with a provision the adolescent mother be taught the skills required to care for her son.

# # #



## TESTIMONIALS: BROAD SUPPORT FOR CASA

### The judges speak:

"The strongest witness we ever have in our jury cases is the CASA volunteer. I can say that of all the things I've ever had in court with regards to child abuse, the best single program, without question, has been the CASA program." -- Judge Craig Penfold, Dallas, Texas

"We find that the benefits of CASA are just fantastic. We have found we have reunited more families, freed children for adoption, and tried to stop this constant turntable of moving children from foster home to foster home and on and on." -- Judge John Mendoza, Las Vegas, Nevada

"Now we probably have 10 times more information about a child's background and family situation. CASA makes my job much easier." -- Judge Robert Burnside, Columbia, South Carolina

"Because of the professional approach the volunteers have taken, they have been able to dispel any initial suspicions. Their comments are welcome, especially by agency workers who have realized they're not out to show them up, but be of assistance to them in an area they have not had time to cover." -- Judge Edith Miller, New York, New York

### Attorneys & social workers voice support:

"We have advocated for these programs." -- Howard Davidson, Director, American Bar Association's National Center for Child Advocacy, Washington, D.C.

"The CASA volunteer enhances the caseworker's ability to do their own job by providing support, reference and community involvement." -- Elizabeth Cole, Director, Permanent Families for Children Project, Child Welfare League of America, New York City

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A government priority:

"Dedicated CASA volunteers are critical to helping the courts sustain America's families and assure hundreds of thousands of abused and neglected children of permanent, nurturing homes." -- Verne L. Speirs, Acting Administrator, Office of Juvenile Justice & Delinquency Prevention, Washington, D.C., U.S. Department of Justice.

Private supporters speak out:

"This is a movement where the community itself becomes concerned about its own kids. It gets involved not by giving money or doing something distant, but by doing something with its own time, energy, skills, and compassion." -- Peter Forsythe, Vice President, Edna McConnell Clark Foundation, New York City

CASA volunteers see results:

"My case went to court 35 times before I received it. It was a waste of time and money. I honestly believe if a volunteer hadn't come in that it would still be "status quo" for the next two years." -- Paulette Fay, Volunteer, Providence, Rhode Island

"The attorney decides what position to present, but in 99 percent of our cases they're presenting the position of the CASA volunteer." -- Margaret Brown, Program Director, Kalamazoo, Michigan

"It is hard for me to perceive what judges would do if there was not a CASA program, in terms of them not having adequate time." -- Kathy Jones, Volunteer, Seattle, Washington

# # #



A child's voice in court.

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Ricky Rogers • Staff

Locating an apartment in the James A. Cayce Homes meant a reunion for Sylvia Griffin and her son Quinston, now 10. The family is back together thanks to the efforts of Beverly Reeves, a volunteer with the CASA program.

## CASA cares about people; just ask the Griffin family

**RENEE VAUGHN**

*Staff Writer*

When Sylvia Griffin lost custody of 9-year-old Quinston, she felt powerless in her efforts to get her son back home.

Griffin, 28, a welfare mother of four, was living in a one-room, boarding house apartment. She knew she would have to find a better place for her family to live before the Department of Human Services would consider returning her son to her.

"I had one room and four kids," said Griffin, whose name had been on the waiting list for subsidized housing for several months. "The people at the housing office told me it would be several years before we could get an apartment."

One year after Quinston entered foster care — in March 1985 — nothing much had changed for the young family.

Still dependent on the income

provided by food stamps and Aid to Families with Dependent Children, Griffin saw no help in sight. With each day she grew more and more discouraged.

"I really missed my son," she said.

Then Griffin met Beverly Reeves, an energetic Belmont College junior who was assigned by Metro Juvenile Court to become a volunteer advocate for Quinston through the Court Appointed Special Advocates (CASA) program.

Griffin was surprised by Reeves' concern.

"She was the first one to ever want to help me," Griffin said. "She's the only help I ever had."

After meeting Sylvia Griffin and her other three children — Michael, 10, Deborah, 6, and Hershel, 5 — Reeve realized that the key to reuniting Quinston with his family was to find them suitable housing.

"I finally got hold of the woman

in the Metro Housing and Development Agency office five minutes before Quinston's case was to come up for DHS review," Reeves said. "I told her, 'I really want to be able to tell the review board something positive.'

"She told me I could come down the next day to talk about the case."

Griffin considers that meeting involving her, Reeves and housing officials as the end of "the run-around."

"Beverly took me down to the housing office, and we got in," said Griffin, who walked out of the housing office that day assigned to a three-bedroom apartment.

Meanwhile, Reeves was nurturing a close relationship with young Quinston, taking him to visit his family and on other special outings. ■

METRO•STATE

The TENNESSEAN SUNDAY, April 6, 1986

## Court system poised to move foster kids to new homes faster

By Kurt Greenbaum

When Jason was 2 years old, he was hospitalized suffering from malnutrition and starvation-like symptoms. During the next two years, he was hospitalized for poor nutrition and another time for having a "suspicious" head injury.

But neither the Department of Children and Family Services nor the Juvenile Court system got involved.

When he was 4, he was sexually abused by his father.

He was placed in a foster home for six months, but because of his behavior problems, he was moved to another home. He stayed there a year and a half before he was moved to a pre-adoptive home.

Because of various delays, Jason's adoption proceedings were delayed 15 months after his mother voluntarily signed papers to give up custody of the boy. He was lucky, because she voluntarily gave up custody.

About a year ago, when Jason was 3 years old, he finally was adopted.

For want of a medical report, a police witness, or because of any number of other delays, hundreds of foster children like Jason slip through the cracks of Chicago's Juvenile Court system and run an ever-increasing risk of spending their entire childhood without a stable home.

Neglected, abused and abandoned children, who become wards of the state when they are removed from their natural homes, can spend months and years in foster care, waiting for the court to decide where the best home would be.

"There's a sense of urgency that I don't believe is felt by any particular segment of the court," said Sue Hub, who directs a new volunteer program designed to speed the process and put foster children into permanent homes.

With presiding Juvenile Court Judge Arthur Hamilton, Hub soon will announce Illinois' first Court Appointed Special Advocate (CASA) program, a national program that helps move foster children more quickly through the complex legal wrangling, out of the court system and into a real home.

Hub rolls her eyes and her tone becomes laden with exasperation as she describes incident after incident in which abused, neglected or abandoned children have spent six, eight, sometimes as many as 10 years in foster care because their cases have become bogged down in court.

They live with relatives, or in group homes and other institutions, and they don't know where they will be in six months or a year.

According to the state Department of Children and Family Services, 42 percent of Illinois foster children are moved at least five times before their cases are resolved.

"They are being kept away from their parents for a severely long time, which is very damaging to kids," Hub said.

"There are all these things that could be avoided if somebody was keeping track," she explained. "Nobody is in charge of the whole case. . . . There's no one who's taking an overall look and saying, 'Now is everything ready?'"

A child's case could be resolved in just a few months if all the evidence is available on time, if all the witnesses show up at the right time and if the parents are found fit to care for the child. If not, the litigation continues and the child grows up.

So in a small third-floor office behind the stained glass and beige stonework of La Grange's First Presbyterian Church, Hub has organized a Cook County CASA program, modeled after 175 similar programs in 42 states across the nation. The program began in Seattle in 1977.

Hamilton recently swore-in 17 Cook County residents as volunteer special advocates.

Judges, attorneys, parents or caseworkers can recommend that a particular case would benefit from a volunteer advocate, Hub said. Most cases, in fact, would benefit, but with such limited initial resources, the CASA program must be very selective, she said.

Applicants to the program are carefully screened by Hub and Pam Elsner, executive director of Illinois Action for Children, a private, nonprofit organization that "serves children who are dependent on public policy for their well-being," Elsner said. CASA operates through Illinois Action.

The advocates attend two training sessions with various specialists such as lawyers, psychologists and caseworkers from the Department of Children and Family Services. Then they are assigned a child's case. During a final hands-on training session with either Elsner or Hub, the advocates learn the finer points of keeping that child's case moving.

"The training we have received has been superb," said Susan Veatch, a Northbrook resident who is among the first 17 volunteers.

Veatch serves as president of the parent-teacher association in her local school district and plans to attend law school in May, but she

isn't concerned about excessive volunteer time.

"I felt it was a program that was very, very worthwhile," she said. "They ask you whether you have the time frame for it."

Eventually, Hub said she hopes that the advocates, who often have full-time jobs, will be able to give three or four children the individual attention their case needs.

With only 17 approved volunteers now, and about 20 on line to begin training, Hub wants the advocates to handle as many cases as they can, without losing the individual attention.

More than 60 percent of the 15,000 foster children in Illinois are tied up in the Cook County Juvenile Court system, a system that the Department of Children and Family Services, local judges and attorneys all agree is overloaded.

"Although we have a staff of attorneys for children who are brought before the court, those attorneys are so overwhelmed by the volume of their cases that they need the assistance that will be afforded by volunteers," Hamilton said.

Leonard Goodman, who directs a team of lawyers who represent foster children in court, agrees that the system doesn't have the resources to deal quickly with the cases.

"That has been the bugaboo for years," he said. "But we don't have the numbers to do what we'd like. It all really gets down to lack of money."

But those who have been involved in CASA say the program has proved itself by getting tangible results.

Nationally, the number of foster children has decreased from 500,000 to about 300,000 since 1977; "even though the reporting of child neglect and abuse has increased," said Carmen Ray, executive director of the National CASA Association in Seattle.

# LIFEstyle

Alice Palach, editor

## CASA volunteers try to seal foster care cracks

By STEPHANIE HANSON

It's just one piece of paper, but it could keep a child in the county's care and out of a permanent home for up to two years.

Living in uncertainty while court battles are waged over parents' competence can do considerable and long-lasting emotional harm to a young child.

Containing that damage is the goal of the La Grange-based Court Appointed Special Advocates (CASA) program, according to executive director Sue Hub, a 20-year La Grange resident.

"The lack of a permanent, stable place for a child is very damaging," she explained. "The longer the court proceedings take, the worse the damage."

CASA, working under the auspices of the Illinois Action for Foster Children, interjects volunteers to streamline as much as possible the time a child spends out of a permanent home while courts decide dependency, abuse and neglect cases.

Permanent homes are aim Working out of a small office on the third floor of the First Presbyterian Church of La Grange, Hub and a small staff help volunteers track cases of almost 50 children in temporary foster homes.

After its inauguration last fall, CASA has graduated a crew of 42 volunteers who "do

what needs to be done" to avoid court delays and resolve a case. The aim is to provide a stable home for a child, be it re-unification with his family as is preferred by courts or placement with an adoptive family, as quickly as possible.

"The CASA worker helps... with things others have no time to do," Hub said.

Some of those tasks are as mundane as ensuring that legal notices seeking a family member run and copies are made or reminding witnesses of their court date.

Mundane or not, the information is often crucial and when it is missing court continuances can add months and possibly years to a child's stay in what is supposed to be temporary foster care.

### Focus on children

"Children can be victimized even further if their cases are delayed and delayed and delayed or if they are given inappropriate placement," she said.

One goal of CASA is to coordinate details that will speed the case through the court "so kids don't get lost in the system," she said.

The Cook County court system is one of the largest in the country. It includes a juvenile court system that handles 9,000 cases a year where children have been removed and placed in foster homes because the parent or parents have been charged with abuse or neglect.

An array of public employees from a social case worker to attorneys work on the case and its cast of involved adults. Often overlooked, however, are the children.

"CASA concentrates on just what is good for the child," Hub explains. "There is one person who is focusing on this one child."

### Volunteer is facilitator

Working as an impartial observer and "facilitator," a CASA volunteer assists the attorney working as the child's legal guardian. The volunteer also helps the social worker monitor a teen-age mother's appointments at her parenting class, helps gather legal documents, or supervises a family visit.

The program began in Seattle in 1977 and has spread to more than 130 other locations in 35 states. It was sanctioned last fall by Juvenile Court Judge Arthur Hamilton for Cook County.

Volunteers need no special education to be a CASA, Hub said. After their applications are reviewed and criminal background checks are completed, the people who emerge are screened for sensitivity, dependability, and common sense, Hub said.

They then attend two general training sessions that are followed by an individual training with Hub or another staffer.

The time a volunteer can

spend on the one to three cases he or she is assigned varies as the case goes through various stages in court. CASAs may spend a lot of time when a case begins as they investigate the circumstances of the case. That time will slack off, and Hub estimates volunteers could spend an average of 15 hours a month.

### Results immediate

"I'm so impressed with the caliber of volunteers," Hub said. "They're just terrific."

CASA provides an opportunity for volunteers to see the fruits of their labor fairly immediately, unlike many programs where results take years if they are discernible at all, Hub indicates.

"It's a program a person can actually see the impact of their efforts."

Hub's involvement seemingly is an outgrowth of her tour of duty with the Cook County Court Watching Project, initially spearheaded by the League of Women Voters in which she was involved locally.

Hub hopes the 42 trained CASAs and 12 now in training will be augmented by 50 additional volunteers a year. They will go a long way in easing the trauma of disruption for children involved in the county's 1,000 court cases of neglect and abuse. To volunteer or for more information, call 579-0179.



LIFE photo by Randy Bell

SUE HUB checks over a report submitted by a Court-Appointed Special Advocate volunteer on the case history of a foster child. Hub, director of the La Grange-based CASA program, helps volunteers speed cases of foster children through the courts to provide a permanent home as quickly as possible.

## Advocates work to aid children 'lost in system'

By DAN HORISCH  
of the Oregonian staff

"Lost in the system" conjures images of bedevilment by bureaucratic or computers, but to a small child who has been the victim of abuse or neglect, the reality of being "lost in the system" is a potentially harmful experience.

Court Appointed Special Advocates have started work to help such children avoid becoming victims of the overloaded juvenile court system — as well as of the adult ignorance or violence that put them there.

Three of the first six advocates, all volunteers, were sworn in Thursday by Multnomah County Circuit Judge Stephen B. Herrell. The six — three were unable to make the swearing-in ceremony for weather or other reasons — are the advance guard of what Susan Holloway, executive director of the Court Appointed Special Advocate project, hopes will be a force 100 strong a year from now.

Herrell said the advocates would be appointed to "tough" cases in which a child might otherwise "get caught in the foster care grip."

When children are found to be severely neglected or abused in the home, they become cases in the juvenile court system and temporarily are placed in foster homes or with other relatives. In extreme cases, they can be taken from their parents permanently and put up for adoption.

But the numbers of cases are staggering — in 1981, more than 1,800 children were in foster care in Multnomah County for an average of nine months — and the interests of the child can be misjudged or overlooked.

That can happen, Herrell said, because the various parties — parents, Children's Services Division, the district attorney's office — "get advocating for their own interests," and even the juvenile court "is caught in its own bureaucratic machinery."

Given that problem, Holloway, the coordinator of a state task force on finding permanent solutions for juvenile neglect and abuse cases, found the concept of impartial advocates appealing.



The Oregonian/JOEL DAVIS

Multnomah Circuit Judge Stephen Herrell (left) swears in three Court Appointed Special Advocates Kelly DeHart, Nick Ure, and Bob Tayler (right).

"It became obvious to me that this is at least one answer for the juvenile court system," said Holloway, whose position with the project is a part-time job.

The program began in 1977 in King County, Wash., and has spread to 140 programs in 44 states. The 1985 Oregon Legislature mandated two pilot projects, one in Multnomah County and another in Josephine County. The Multnomah County project was started with a \$17,000 grant from the National Council of Child Abuse and Neglect and will have to raise additional funds to meet an annual budget of nearly \$60,000.

Jamie Tillman, former director of

the Greenhouse, a downtown shelter for street youths, is program manager for the project, which has offices in the county Juvenile Court building at 1401 N.E. 68th Ave.

The three people sworn in Thursday were Nick Ure, 25, a former counselor at the Greenhouse; Bob Tayler, 52, a member of the faculty at Portland State University who works in university relations; and Kelly DeHart, 25, a social worker at Harry's Mother, a youth program, and another former counselor at the Greenhouse.

DeHart said she already had been assigned a case and would be attending the pre-trial hearing the next day.

Volunteer advocates will be

assigned to one or two cases at a time and will investigate the child's home and school life, health and other circumstances. The advocate also will participate — on equal footing with the state and the parents — in the court hearings and offer an impartial review of the child's situation. As long as the child remains in the system — and that could be 18 months or more — the volunteer will monitor the case to see that all parties are in compliance with court orders.

The responsibilities and time required could be intimidating, but the new advocates look forward to their tasks.

Ure said he became involved

because "I've got some skills to offer, and I'd like to use them with abused children. They need all the support they can get."

Tayler said that his wife, Faye Lindemann-Tayler, is a Children's Services social worker in Salem, and he has become aware of "how destructive" child abuse can be.

Holloway said the next group of volunteers will start training March 20 and that people interested can reach Tillman at the project's office.

Marty Gruhr, the program manager for the Josephine County Juvenile Department, attended the Thursday session. He said the pilot project there will begin in April or May.

## USING LAY VOLUNTEERS TO REPRESENT CHILDREN IN CHILD PROTECTION COURT PROCEEDINGS

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**Abstract**—Despite a widespread conviction that children ought to be independently represented in child protection court proceedings in the United States, there is little consensus as to what the role of that independent child advocate ought to be or, indeed, who should fulfill that role. This study accomplished three purposes: (1) articulated an aggressive, ambitious and continuous role for the child's representative which encompassed a broad range of the child's interests, both legal and nonlegal; (2) provided training in this role to demonstration groups of attorneys, law students and lay volunteers; and (3) compared the effectiveness of each of the three demonstration groups in representing children to one another and to a control group of attorneys who received no special training from the research team. The findings indicate that carefully selected and trained lay people representing children in child abuse and neglect legal proceedings under lawyer supervision performed similarly to trained lawyers and law students in the way they approached their duties and in case outcomes achieved and significantly different from attorneys who, consistent with the practice in nearly all the United States, received no special training in child advocacy.

**Résumé**—Il existe une croyance généralisée selon laquelle les enfants devraient être représentés de façon indépendante dans les audiences des tribunaux chargés de la protection de l'enfance aux Etats-Unis. Cependant, personne n'est d'accord sur le rôle que doit jouer le défenseur indépendant de l'enfant dans ces tribunaux ni non plus sur la définition de la personne qui doit jouer ce rôle. L'étude présentée ici a atteint les buts suivants: (1) Elle a défini un rôle agressif, ambitieux, ininterrompu pour le représentant de l'enfant, rôle tenant compte dans une large mesure des intérêts de l'enfant à la fois juridiques et non juridiques. (2) Elle a été didactique, par la création de groupes de démonstration composés d'avocats, d'étudiants en droit, et de personnes bénévoles non professionnelles. (3) Elle a permis de comparer l'efficacité de chacun des trois groupes de démonstration dans leur tentative mutuelle de représenter les enfants; un groupe de juristes qui n'avaient pas reçu une formation particulière de la part de l'équipe conduisant la recherche, a servi de groupe témoin. Il est apparu d'après cette étude que des bénévoles bien choisis et bien entraînés chargés de représenter les intérêts des enfants dans les cas de maltraitement ou de négligence venant devant les tribunaux, à condition qu'ils soient guidés par un avocat, s'en sont tirés au moins aussi bien que les avocats et les étudiants en droit ayant subi une formation spéciale. Ces bénévoles ont démontré une compétence certaine dans la façon dont ils ont conçu leurs responsabilités et ils ont obtenu des résultats en audience nettement meilleurs que les avocats qui eux n'avaient reçu aucune formation dans le rôle de défenseur d'enfants. Les juristes américains sont mal préparés à assumer le rôle de représentants des enfants maltraités ou négligés devant les tribunaux.

### THE PURPOSES OF THE STUDY

WHAT SHOULD BE the duties and responsibilities of the child advocate in civil child protection proceedings? Who should represent the child in such cases? How can effective representation of the child be accomplished? This study accomplished three purposes: (1)

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The research reported here was awarded the 1985 Research in Advocacy Award by the National Court Appointed Special Advocate (CASA) Association.

conceptualized the role of the child's representative as aggressive, ambitious and encompassing a broad range of the child's interests—both legal and nonlegal; (2) provided training in this role to demonstration groups of attorneys, law students and lay (nonlawyer) volunteers; and (3) compared the effectiveness of each of the three demonstration groups in representing children to one another and to a control group of attorneys who received no special training from the research team.

#### *Search for Alternative Representation for Children*

Most people recognize the need for children to be independently represented in child abuse and neglect proceedings [1-4] but dissatisfaction with the representation as it is currently provided is widespread [5-10]. There is no consensus on what the role and responsibility of the child's representative ought to be and little consistency among lawyers in fulfilling this responsibility or in preparing for it [11-12]. There is little in the education and training of lawyers that necessarily enables them to properly serve the special interest of the child [13] and because law schools usually do not provide training in this nontraditional role, "many lawyers are uncomfortable with the nonlegal responsibilities they may have in abuse and neglect cases" [14]. The dissatisfaction and uncertainty about the role of the child's representative has provided an impetus for clarifying those duties and responsibilities and for searching for alternative ways to represent children.

*The CASA movement.* The search for ways to improve the representation of children in child abuse and neglect court proceedings has taken many forms. Communities throughout the United States have experimented with trained lay volunteers to either represent the child or to assist a lawyer in representation of the child. Seattle, Washington, began its Guardian ad Litem Program in 1977 using the title, court appointed special advocate (CASA) to designate the lay volunteer who represents children in child protection cases [12, 15]. These Seattle CASAs, who worked under the supervision of a social worker and a lawyer, were viewed as a substitute for court-appointed lawyers for children [15].

The National Council of Family and Juvenile Court Judges (NCFJCJ) has encouraged CASA program development in many ways, including sponsoring national CASA seminars and programs [16]. NCFJCJ also developed an earlier volunteer child advocate program called the Children in Placement Program (CIP), a post-disposition monitoring process in which a trained lay volunteer tracked children placed out of their homes and advocated for meaningful court review of each child's placement with a goal of returning the child to his original family as soon as possible or moving to free the child for adoption [17]. NCFJCJ, among others, has actively pressed for use of lay volunteers in foster care review boards which are active in several jurisdictions [18]. The National Council of Jewish Women, having adopted CASAs as a special community service project, developed an extensive manual for CASA programs and sponsored programs around the country [19]. Over 173 such programs now exist in 39 states [20]. An active National Association of Court Appointed Special Advocates has been organized that provides a national newsletter, an annual meeting and other services [21].

The role of CASAs and other lay volunteer child advocates varies greatly from community to community. The volunteer may operate independently or may be paired with an attorney and become the "eyes and ears" of the child's legal representative, doing separate investigations and independent advocacy for the child. Still other volunteer advocates function as assistants or adjuncts to caseworkers.

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*Non-lawyer representation of children.* The question of whether someone other than a lawyer should represent the children has been raised in several quarters. The ABA Juvenile Justice Standards Project comments:

While independent representation for a child may be important in protective and custodial proceedings, a representative trained wholly in law may not be the appropriate choice for this function. . . .

Accordingly it would not seem irresponsible to suggest that a professional trained in psychology, psychiatry, social psychology or social welfare be assigned the initial responsibility for protecting children under these circumstances. There is, however, no evidence that this alternative is presently available, either in terms of numbers of competent personnel or in terms of occupational independence from official and interested agencies.

. . . until there are sufficient numbers of independent, competent personnel trained in other disciplines who will undertake to ascertain and guard the child's interests in these proceedings, continued reliance on legal representation for the child is necessary. [22, 23]

To encourage exploration and evaluation of alternative ways of providing representation to children, the National Center for Child Abuse and Neglect (NCCAN) funded 28 demonstration projects around the country since 1978 in which children are represented by volunteer lawyers, law students, multidisciplinary child advocate offices, and lay volunteers [24]. The study reported here is one of these.

#### ROLE DEFINITION OF THE CHILD ADVOCATES

Before addressing the question of a training curriculum for child advocates, some working assumptions about the role of that representative and about what might constitute the child's "best interests" were developed. The study began with a definition of the child advocate role that is aggressive, ambitious, continuous, and encompasses both legal and nonlegal interests of the child. That is, advocacy for a child, under this role definition, emphasized the personal interests of the child and was broadly defined to include not just courtroom advocacy but also out-of-court advocacy with agencies and other service providers and in informal meetings and telephone calls with social workers and other parties to the case. This model emphasized the interests and needs of the child beyond those typically identified by statutes and court rules.

#### *Seeking the "Best Interests of the Child"*

A major ambiguity in representing children in court stems from the admonition to represent the "best interests" of the child. But what are the child's best interests?

Deciding what is best for a child often poses a question no less ultimate than the purposes and values itself. Should the decision maker be primarily concerned with the child's happiness or with the child's intellectual and religious training? Is the primary goal long-term economic productivity when the child grows up? Are the most important values of life found in warm relationships? In discipline and self-sacrifice? Are the most important values of life found in intellectual stimulation? These questions could be elaborated. And yet, where is one to look for the set of values that should guide decisions concerning what is best for a child? . . . (If one looks to our society at large, one finds neither a clear consensus as to the best strategies, nor an appropriate hierarchy of ultimate values. [25, 26])

Thus, "best interests" is far from being an objective legal standard, but is instead a statement of a very nebulous goal. Nonetheless, even recognizing the imprecision and indeterminance of the best interests standard, the advocates were trained in identifying and pursuing goals which the research team, based on their experience, believed most likely to be "best" for most children. Public Law 96-272 (Adoption Assistance and Child Welfare Act of 1980) and its underlying rationale provided the basis of many of the sub-

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jective choices as to what is likely to be in the best interests of most children. Individual judgment on behalf of specific children remained necessary however. The training received by the demonstration groups was intended to provide a basis for making their own judgments and for evaluating the judgments made by others such as social workers and court officials.

#### *Identifying the Interest of the Child*

Certain interests of the child were emphasized by the project including the importance of a careful assessment of the family situation and development of timely and specific case plans. The project emphasized that the child's interests included preserving his placement with his parent or parents, if at all possible, consistent with his well-being and safety. A "child's sense of time" [27] was discussed to demonstrate that if the child is removed from his family it should be for the shortest time possible and his placement should generally be one that is the most familiar to him (the least restrictive, most family-like setting) [28-30]. Contact with the family should ordinarily be maintained through regular visits. If services to the child or his family were needed before he could return home, the project recommended that they should be identified accurately and provided promptly.

Certainly to be protected from physical and emotional harm and to be provided minimally adequate food, clothing, shelter, guidance and supervision is in the child's "best interests." The social worker and the court generally addressed obvious deficiencies in the child's care in these areas without the need for intervention by an independent child's representative. Other interests are more subtle however, and may easily be overlooked by all but the child's representative.

The state intervention itself presents additional risks to the child for which the child advocate must be wary. The demonstration groups were advised that the interests of the individual child are not always consistent with those of the state agency. Because of high caseloads, agencies may be unwilling or unable to meet each child's individual needs, e.g., for frequent visitation. An overburdened caseworker may not be as sensitive, as careful, or as skilled in judgment as she or he would be under less taxing circumstances. Consequently, the child runs the risk of either being inappropriately separated from his familiar surroundings or of having an inadequate assessment of his home situation, so that remedies prescribed are inappropriate, inadequate or too late. If the child is removed from home, the child runs the risk of being placed in multiple foster homes, of being abused in foster care, of being placed in inappropriate institutions, and of not having visits with his parents and family often enough. Reasonable case plans may be developed by social agencies but not be implemented properly or quickly, thus adding to the length of time the child is out of his home and lessening the child's chances of ever returning home.

In coming to a "best interests" position for the child, the child's representatives were trained to ascertain the facts of the case as clearly as possible by interviewing family members, neighbors, and others as necessary. The suggestion was made that the representatives also might rely on a thorough protective services investigation in some circumstances. The child advocate was advised to meet the child client in every case even if the child was an infant, if only for the purpose of getting a feel for the child as a real person facing a serious personal problem. The goal was to personalize the child to the advocate beyond the paper work of court petitions and social work reports.

#### *Wishes of the Child vs. Best Interests*

The traditional lawyer role is to advocate for goals as defined by the client. In some cases what a child wished to see happen would, in fact, be "best" for the child in the eyes of the lawyer, but this would not always be true. If the child wanted to go home, for

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example, but the child advocate felt that the home was unsafe, there would be a conflict between the child's wishes and the representative's view of the child's best interests. In a situation where the advocate pressed for a position inconsistent with what the child wanted, the child would effectively be denied a voice in the legal proceedings.

The project responded to this ambiguity by taking a flexible, child-centered approach to representation. Advocates were expected to always meet the child and, to the extent possible, find out what the child wanted. The wishes of a child were treated with respect and, with older children, would typically guide the representative's actions. In the case of young children, those under age 9 or so, representatives considered what the child's wishes were but typically advocated what the representative identified as the client's "best interests" [26, 31-34].

#### *Independence of the Child Advocate*

The project stressed that the child's representative ought not agree with the social worker's recommendations without question. While maintaining a cooperative spirit, the representative should question the worker closely and extract the underlying basis for the caseworker's positions and recommendations. The advocate's conclusions should be reached independently. The advocate should strive to identify what the determinates of the problem are. Once the underlying determinates are identified, the advocate can help discover ways to ease them. Thus, the demonstration child advocates were encouraged to take a broad view of the child's interests, in the context of his family and to avoid a piecemeal approach to the child and his family's problems.

### TRAINING PROVIDED

#### *Identification of Needs and Interests of Children*

The demonstration child advocates were given training intended to help them identify the needs and interests of their young clients. Films, lectures, discussions, and exercises reviewed the causes and dynamics of child abuse and neglect; suggested a process of investigation and assessment; identified aspects of child development most relevant to determining the child's psychological needs at various ages; and described intervention programs available locally that might assist families and their children.

The demonstration attorneys and the volunteers received four days of training from the University of Michigan Law School Child Advocacy Program between January 27 and February 11, 1982. The law students received similar training in their coursework at the Child Advocacy Law Clinic. All participants were given a copy of a book on social work with abused and neglected children that included contributions from a number of disciplines on topics such as sexual abuse and child development [36].

The importance of assessing parental conduct, appraising the risks to a child presented by environment, recognizing strengths in the parent-child relationship, and evaluating the soundness of an intervention strategy proposed by the social agency were emphasized. The representatives were taught that they must synthesize the results of the protective services investigation; the child's psychological, developmental, and physical needs; the child's articulated wishes; the representative's own assessment of the facts and of the treatment resources available.

#### *Advocacy Training*

In addition to being trained to identify the needs and interests of the child, the demon-

stration groups also were trained to advocate vigorously for those interests—both in the courtroom and within the child's family, with the court workers and the social agencies involved. They were taught that advocacy for the child ought to begin with the social agency which filed the petition. The child's representatives were advised to advocate in and out of court for careful assessment of the family situation, for adequate and specific case plans, and for timely implementation of the case plans.

The representatives were asked to play a significant role in facilitating negotiation and mediation. They were taught that swift resolution of the legal dispute which is as cooperative and as nonadversarial as possible and which provides the needed protection and services to the child is nearly always in the child's interest. The child's representatives were trained to encourage negotiation and to play the role of mediator and conciliator between the social agency and parents.

In court hearings the child's representatives were instructed to ensure that all the relevant facts were brought before the judge and to advocate for a resolution of the case most likely to achieve the identified interests of the child.

#### *Follow-up and Continuity*

After adjudication, the child's representative was to remain vigorous and active. The child advocate was asked to press and persuade the responsible social agencies for the services and attention that the child client (and perhaps his family) needed. Preferably such nudging would be done in a collegial, nonaccusatory manner but if social workers or agencies were not fulfilling their responsibility to a particular child (or to his parents), the child's representative was asked to insist on a higher standard of service either by a direct request to supervisors in the agency or by formally raising the issues before the court.

An additional concern of the project was that the child should have continuity in representation. Continuity would allow a representative to have the benefit of investigation and experience with the case over time and would result in a better-informed advocate. Additionally, the project felt that continuity would result in a better client-representative relationship, and in fewer delays in court proceedings. Consequently the representatives were taught that they were expected to serve for the duration of the case.

In summary, the training incorporated the project's concept of the proper role of the representative: a child-centered advocate who understood the social-psychological problems involved in the case, who understood the importance of the social service agencies in case resolution, and who was committed to actively guiding the case through to its end [37].

#### STUDY DESIGN

This study demonstrated the effects of training three different kinds of advocates for allegedly abused and neglected children in Genesee County Juvenile Court (Flint, Michigan). A goal of the study was to provide evidence as to whether some alternative to lawyer representation is both feasible and consistent with high standards of performance on behalf of the child. The demonstration groups included the following: (1) private attorneys selected at random from the court list of attorneys interested in accepting appointments in child abuse and neglect cases; (2) law students from the University of Michigan Law School Child Advocacy Law Clinic; and (3) lay volunteers under the supervision of an experienced attorney.

Under the existing system, attorneys were appointed by the court on a rotating basis to represent children. The attorneys typically were general practitioners who had no special

training in child abuse and neglect. Additionally, the attorneys did not follow a case through the entire court process. Instead, one attorney was appointed for the preliminary hearing and another was appointed to serve at subsequent hearings.

The demonstration groups differed in three respects from the existing system. First, a number of the representatives were not attorneys, but rather lay volunteers under lawyer supervision or law students from the University of Michigan Law School Child Advocacy Law Clinic. Both non-attorney groups assumed primary responsibility for the investigation and decision making in their cases. Secondly, the research team provided the demonstration child advocates with four days of training (or its equivalent in the case of the law students) as described above. Thirdly, the demonstration child advocates served for the duration of the case.

### *Selecting and Supervising the Volunteers*

Assisted by several community volunteer organizations, the project sought lay volunteers experienced in dealing with children, with formal social systems, and with the court, and for individuals whose attitudes toward child abuse and neglect was family-oriented, rehabilitative yet philosophically recognizing the need for a child to be removed from his family in some circumstances either temporarily or permanently. Ten persons received four days of training and began to represent children. The volunteers worked in teams of two initially and then alone. Because of time commitments and scheduling problems, five of the initial ten volunteers working alone or with a partner handled all the volunteer cases. The volunteers included a retired General Motors supervisor, a homemaker with a master's degree in education who was taking time out from the work force until her children were older, an executive director of a social services agency, a journalist, a college senior majoring in psychology, a former juvenile court caseworker, a department store employee, and a General Motors production worker.

The lay volunteers were supervised by an attorney in private practice who had training and experience in representing children and who appeared as the attorney of record. The supervising attorney conferred frequently with the lay volunteers as they were investigating and preparing their cases. Even as the lay volunteers gained experience, they continued to have questions about court procedure. He accompanied the volunteers in their first court appearances. Subsequently, however, he made a determination as to whether legal questions or taking of testimony required his presence. If not, he would allow the volunteer to appear in court without him. Volunteers appeared without the supervisor approximately 35% of the time. The court appearances without the supervising attorney increased as the volunteers gained experience. Even if the lawyer appeared, the volunteers presented their recommendations to the court and the lawyer rarely had to make any comments on the record. The lawyer dealt with legal issues or the taking of testimony in the few cases in which that was necessary. If the lawyer did not appear in court on a case, he remained on-call in his nearby office.

The lay volunteers had primary responsibility for representing the children with the lawyer acting in a supervisory and advisory capacity only. Although the supervisor responded to questions of law and procedure and discussed each case with the volunteers, he did not find it necessary to override any volunteer's assessment of a case or his/her proposed recommendations to the court. Occasionally the volunteer and supervisor differed on what course of action was best for a child, i.e., whether to keep the child in foster care or return him home. In no case, however, was the judgment of the volunteer on such nonlegal matters not accepted by the lawyer. The supervising attorney's attitude, and that espoused by the research team, was that the volunteers' judgments, given their individual backgrounds, training and personal contact with the case, were as good as, if not better than, the attorney's in the nonlegal areas.

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### *Data Set*

The control group consisted of 38 cases of alleged child abuse and neglect active between August 1, 1981 and October 31, 1981 and handled by attorneys who received no intervention from the research team. The demonstration groups included 53 cases active between February 1, 1982 and December 31, 1982: 16 cases handled by law students; 22 handled by volunteers; and 15 handled by the trained lawyers. All cases were heard by the same judge, Probate Judge Thomas L. Gadola. There were no changes in the local court processes, statutes, or rules governing child protection cases during the 18 months in which data collection for control and demonstration cases took place. Staff level and the operating budgets for the court and department of social services remained approximately the same during this period. A comparison of control and demonstration cases revealed no significant differences as to the types of abuse and severity of the types of abuse. There also were no significant differences between the demonstration and control groups on race, sex, and the mean number of children per case [38]. Thus the basis for comparing the control and demonstration groups seems reasonably strong.

### *Measures*

Process measures and outcome measures were developed to evaluate the performance of the child advocates. To evaluate the process of representation, i.e., what the advocates actually did to advocate for their young clients, the researchers conducted a face-to-face 45-minute interview with each representative using an instrument with structured and open-ended questions for each case that was handled. Eight different measures of outcome were developed relying on the court orders and court records of each case.

## MAJOR FINDINGS: PROCESS MEASURES

Information on the steps the advocates took to represent a child came from individual 45-minute interviews with each advocate on each case. Through the statistical technique of factor analysis, questions that actually were measuring the same underlying dimension of any activity or attitude were combined into one, more accurate, condensed scale. Using factor analysis, four standardized scales were developed [39]:

Factor 1, *Investigation-Interaction Scale*, a measure that combines the number of people representatives talked to, the total number of sources of factual information, the number of persons who urged the representatives to accept their recommendations (an indication of the representative's interaction with others), and the total number of hours spent on the case.

Factor 2, *Advocacy Scale*, a measure that combines the number of recommendations made by the representative, the number of services obtained, and the number of people monitored by the representative after the first major disposition.

Factor 3, *Motivation Scale*, a combination measure indicating the degree to which the representatives saw their role as important, were highly interested in the case and were more likely to characterize their role at the hearings as active rather than passive or neutral.

Factor 4, *Child Scale*, a measure that combines whether or not the representative met with the child, the percent of time spent talking with the child, the rank of the child as an

important source of information, the utility of contact with the child, and the degree of consideration given to the child's wishes.

Other variables that were not related to these four scales, but were of theoretical or practical significance, were retained and examined separately. For the purpose of discussion, these other variables and the factor scales were placed in the following four broad categories of process measures:

1. Investigation/Advocacy/Mediation;
2. Representative's Attitude Toward the Role;
3. Representative's Attitude Toward the Child;
4. Representative's Attitude Toward Others.

The factor scales and variables which are in each of these four categories are listed in Table 1, and include any process measure that, when used as a basis for comparison among the three demonstration groups or of the combined demonstration group with the control group, resulted in differences that were statistically significant.

#### *Differences Among Demonstration Groups*

After comparing the three demonstration groups on process measures only a few significant differences emerged. The law students scored higher on the investigation-interaction scale than either of the other groups and tried to convince more people and took significantly more actions to attempt mediation than did the volunteers. Law students were more critical of the other actors in the process than either the trained lawyers or the volunteers. Both law students and volunteers were more likely than attorneys to feel that their activity as the child's advocate made a difference in the outcome of the case for the child.

Table 1. Four Categories of Process Measures

1. Investigation/Advocacy/Mediation
Investigation/Interaction Scale (Factor 1)
Advocacy Scale (Factor 2)
People Tried to Convince (the number of different persons the representative tried to convince to accept his or her recommendations)
Follow-up Activities (yes or no)
Sum of Mediation Actions (number of different actions representative took to try to get the parties to agree, for example phone calls, meetings)
Role in Getting Services (Did the representative play a role in getting the court to order services—yes or no)
2. Representative's Attitude Toward Role
Motivation Scale (Factor 3)
Outcome Different because of Child Advocate (Did the representative think his/her presence made a difference in outcome—yes or no)
Satisfaction with Outcome (Was the representative satisfied with the outcome of the case—rating on five point scale—not at all to very much)
3. Representative's Attitude Toward Child
Child Scale (Factor 4)
Purpose of Representative's Contact with Child:
State Recommendations (yes or no)
Assessment (yes or no)
4. Representative's Attitude Toward Others
Courtworker's Competency (rated on 5 point scale—very low to very high)
Prosecutor's Competency (rated on 5 point scale—very low to very high)
Social Service Worker's Competency (rated on 5 point scale—very low to very high)
Responsiveness Agency Court Personnel (rated on 5 point scale—very low to very high)
Proceedings Moved too Slowly (yes or no)

abuse and neglect active by attorneys who received no groups included 53 cases active handled by law students: 22 cases. All cases were heard by attorneys. There were no changes in the local court cases during the 13 months as mediation took place. Staff level and court services remained approximately the same. Control and demonstration cases and severity of the types of abuse and neglect were similar to the control case [38]. Thus the basis for comparison is reasonably strong.

To evaluate the performance of the advocates, a face-to-face interview was conducted with structured and unstructured questions and different measures of outcomes were recorded for each case.

#### SURES

For each case, a child came from individual interviews. Through the statistical technique of factor analysis, the same underlying dimension was identified, condensed scale, and reliability was established [39]:

1. The scale combines the number of recommendations, the number of facts of information, the number of hours spent on their recommendations (and the total number of hours spent on the case).

2. The number of recommendations made and the number of people who made them.

3. The degree to which the advocates were interested in the case and were active rather than passive or

4. Whether or not the representative met with the child, the rank of the child as an

Overall, these few differences were not great enough to conclude that the performance of one demonstration group was substantially different from the performance of any of the others. The lay volunteers, the law students and the trained attorneys performed similar activities while representing their child clients. Given these few differences, we felt it reasonable to combine the three demonstration groups for comparison with the control groups on the process measures.

#### *Differences Between Demonstration Group and Controls*

There were many significant differences (.05 or better) between the demonstration groups and the control group on process measures. The demonstration group spent more time on their cases. For cases dismissed at preliminary hearing, the demonstration advocates spent a mean of 5.5 hours compared to a mean of 1 hour for the control. For cases going beyond preliminary hearing, the demonstration group spent a mean of 3.5 hours vs. 5.6 for the control. The demonstration group scored higher on the Investigation-Interaction Scale (indicating that they spent more time on the case, talked to more people, relied upon more sources of information and more people urged them to accept recommendations). The demonstration groups took more steps to mediate disputes at preliminary hearings, were more critical of the other actors in the process, and were more likely to engage in follow-up activities on behalf of their young clients. On cases that went beyond preliminary hearing, the demonstration child advocates rated higher on the motivation scale (i.e., saw their role as more important), and on the advocacy scale (indicating that they made more recommendations, obtained more services for their clients and monitored more persons after the first major disposition).

In all, the demonstration child advocates' performance when contrasted with the control group was in keeping with the role of the child advocates presented by the training. Thorough investigation, active advocacy and a skeptical but active role with others in the proceedings was characteristic of the representation provided by each group of the demonstration child advocates.

### MAJOR FINDINGS: OUTCOME MEASURES

Eight different measures of outcome were developed relying on the court records of each case. The outcome measures were designed to compare the actual management and resolution of the control and demonstration cases as reflected by the court's own orders. The outcome measures are

- Court Processing Time;
- Placement Orders: Home, Relative, or Other;
- Visitation Orders;
- Treatment/Assessment Orders;
- No Contest Pleas;
- Ward of Court;
- Dismissals;
- Other Procedural Orders.

In what may be the most important finding, no significant differences were found among the demonstration groups on outcome measures. That is, the case outcomes achieved by lay volunteers, lawyers and law students on behalf of their young clients were comparable. Since there were no significant differences on outcome measures

include that the performance of the demonstration attorneys performed similar to the control attorneys with few differences, we felt it was fair to compare the performance of the demonstration attorneys with the control attorneys.

Between the demonstration and control groups, the demonstration group spent more time on the court. For cases that went beyond the preliminary hearing, the demonstration group spent a mean of 8.5 hours vs. 6.5 hours for the control. For cases that went beyond the preliminary hearing, the demonstration group talked to more people, relied more on the court to accept recommendations, and were more likely to accept recommendations. On cases that went beyond the preliminary hearing, the demonstration group scored higher on the motivation and advocacy scale (indicating that they were more likely to advocate for their clients and monitor the case).

When contrasted with the control group, the demonstration group presented by the training. The demonstration group's active role with others in the court was more active than the control group by each group of the demonstration.

## RESULTS

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among the demonstration groups, they were combined for purposes of comparison with the control attorneys on outcome measures.

### Path Analysis

There were, however, a good number of significant differences between the control group and the demonstration groups. Rather than simply comparing the demonstration and control child advocates on outcome measures in a bivariate analysis, a multifactor or multivariate path analysis was pursued to examine the causal link between the treatment given to the demonstration groups (i.e., the training) with the case outcomes. The training changed how the demonstration child advocates handled their cases and this change in advocacy, in turn, affected outcome. Multivariate techniques made it possible to estimate and evaluate the strength, direction and significance of the specific steps the child advocates took which contributed to the case outcomes (40). To simplify analysis, the only process measures that were used for path analysis were the four factor scales: Investigation-Interaction, Advocacy, Motivation and Child (41). Only two of these, Investigation-Interaction and Advocacy, were found to influence the outcome measures.

The effect of type of child representative (control or demonstration) and of child representation activities (process variables) on case outcome measures are presented in Figure 1. Figure 1 gives the *Beta* weights (standardized regression coefficients) for each relationship. *Beta* weights range from a high of +1 to a low of -1. An advantage of the standardized score is that the strength and direction of the relationships among all of the variables in the model can be compared easily. For example, there is a strong positive relationship between the process measure, Investigation-Interaction, and the outcome measure, Home Placement (+.3); but a relatively weak positive relationship between Investigation-Interaction and Other Placement (+.12).

The analysis showed that the demonstration representatives did have an impact on a number of aspects of case outcome. This effect was sometimes directly related to the type of representative. For example, children represented by the demonstration representatives were less likely to be made wards of the court than were the children represented by the control representatives. This may have been due to the continuity of representation provided by the demonstration representatives, to their overall activity, or to some combination of these factors.

However, more often this effect was indirect: that is, the demonstration representatives performed differently as measured by the process variables and this difference in representational processes resulted in a change in the outcome variables. For example, the demonstration representatives were more likely to have a high score on the Advocacy Scale and a high score on the Advocacy Scale was positively related to Treatment/Assessment orders.

*Court processing time.* Court processing time was influenced by the representatives' activity as measured by the Advocacy Scale. When representatives scored high on the Advocacy Scale, the number of days in the system was significantly reduced. Further, as reported above, the demonstration representatives scored significantly higher on the Advocacy Scale. In other words, while the type of representative did not directly influence court processing time, the demonstration treatment did result in more advocacy which, in turn, produced a reduction in the number of days between the filing of the petition and the first major disposition. Delays can be very harmful to children by causing longer than necessary out-of-home placement and other disruptions to the child's stability and continuity. The advocacy activities of the demonstration groups resulted in their cases pro-

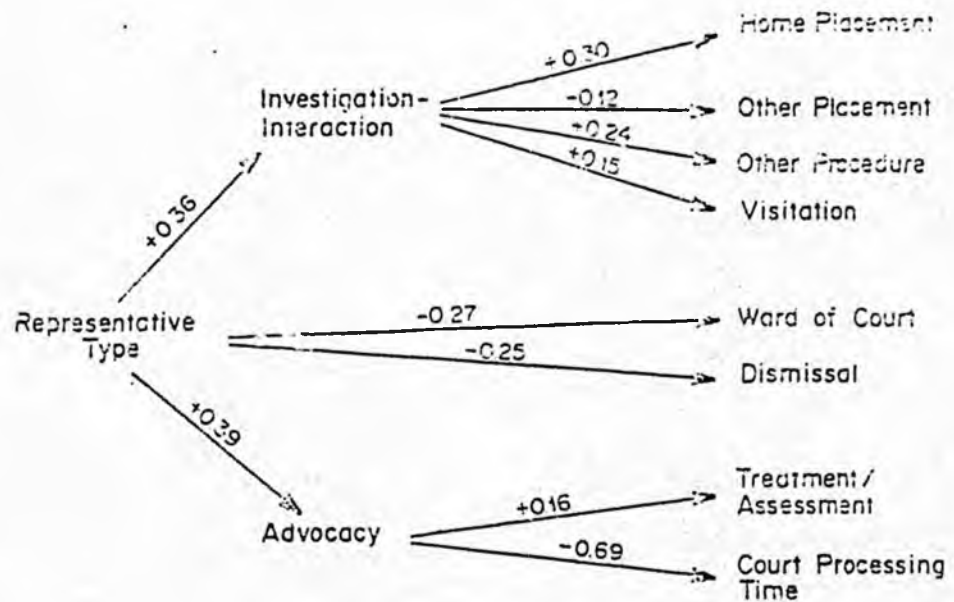


Figure 1. Path Model of the Effects of Type of Representative (Demonstration or Control) and Representative Activity (Process Measures)\*\* on Outcome\*\*\*

\* All relationships in the model are expressed as standardized regression coefficients (Beta) and are significant in the 0.10 range.

\*\* Since the Motivation Scale and the Child Scale did not influence outcome, they are omitted.

gressing more rapidly to the decision stage. On average, the demonstration cases reached the first major disposition in 37.9 days, compared with 60.6 days required by the control cases. Although this difference is statistically significant, it is important to note that the path model demonstrates that it was not representation by the demonstration representatives in itself that caused this difference, but rather the fact that demonstration representatives engaged in more advocacy activities.

Interestingly, 30% of the cases handled by the demonstration group finished the court process within four days (See Table 2). This may have been due to the continuity of representation provided by the demonstration groups. The demonstration representatives would have been able to continue to work toward a resolution of their cases whereas the responsibilities of the control representatives who served at the preliminary hearing would have ended after a single court appearance.

**Placement.** Home and other placement orders were also affected indirectly the the presence of the demonstration representatives. Demonstration representatives were more likely to score high on the Investigation-Interaction Scale and a high score on this scale was positively and strongly related to home placement and less strongly to other placement. Relative placements were not affected either directly or indirectly by the presence of the demonstration representatives and occurred at approximately the same rate for control and demonstration cases.

We had anticipated that the demonstration representatives' cases would be likely to have more home placements and fewer placements in foster care ordered by the court. That expectation was partially borne out in the increased number of home placement orders which seems to indicate a greater concern for stability and continuity of environment for the child and attempts to make the child safe in his own home whenever pos-

ey

- Home Placement
- Other Placement
- Other Procedure
- Visitation

- Word of Court
- Dismissal

- Treatment/Assessment

- Court Processing Time

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Lay volunteers in child protection court proceedings

Table 2. Percent of Cases by Case Type and Length of Time (in days) in Court System

	0-4 days	5-42	43 -	Total
Control	2.4% (1)	43% (16)	54% (21)	100% (38)
Demonstration	30% (15)	41% (21)	30% (16)	100% (52)

sible. A greater number of other placement orders (primarily orders for foster care) in the demonstration cases may indicate that these representatives were more concerned about the placement of the child clients and consequently were more likely to ask for a court order regarding placement whether the move was from home to foster care, from foster care to home or some other placement change.

*Visitation and Treatment/Assessment.* Visitation was also indirectly affected by the presence of the demonstration representatives. Orders relating to visitation were more likely when either the demonstration or control representatives had a high score on Investigation/Interaction, but the demonstration representatives were more likely to have a high score on this scale.

Orders relating to Treatment/Assessment were also indirectly affected by the representative type. Demonstration representatives were more likely to score high on the Advocacy Scale and high scores on this measure were related to more orders for treatment and assessment.

*Formal court jurisdiction.* Two variables reflecting formal court jurisdiction—ward of court and dismissals—were directly and strongly affected by the type of representative rather than indirectly affected through representative activity. The demonstration cases resulted in far fewer wards of the court (39% of the demonstration cases compared with 62% of the control cases). This may indicate a more rapid assessment of the cases and successful diversion of certain cases from the formal court process. None of the demonstration cases diverted from the court process had returned to the court six months later.

However, as the model shows, the demonstration cases, once made wards of the court, were also less likely to be dismissed. By the first major disposition, 37% of the demonstration group cases were dismissed compared with 56.4% of the control group ( $\chi^2 = 3.43$ ;  $p = .06$ ). Orders of dismissal tended to be entered at the preliminary hearing for the demonstration group, 13 of the 21 dismissal orders (62%). Of cases not dismissed at the first major disposition, the control cases had significantly more dismissals than demonstration cases within four months after the first major disposition (Demonstration, 30%; Control, 57%),  $\chi^2 = 5.6$ ,  $p = .01$ .

Thus control cases were more likely to be made wards of the court and then dismissed, whereas demonstration cases, when dismissed, tended to be dismissed without first being made wards of the court. Although demonstration cases were more likely to be dismissed at preliminary hearing, once a case reached dispositional hearing, the demonstration cases were far less likely to be dismissed. This may be attributed to more careful assessment and screening of cases by the demonstration groups at the preliminary hearing stage and perhaps to more watchful advocacy on behalf of a child once made a ward of the court. Continuity of representation may have helped the representatives make a more accurate, earlier assessment of the need for court intervention.

Importantly, a follow up after six months showed that none of the demonstration cases which had been dismissed by the court had returned for further court action.

*Impact on Case Outcome.* Other procedural orders, a miscellaneous category that included such court orders as those disposing of motions and amendments to petitions, was also positively associated with high Investigation-Interaction scores, perhaps a further reflection of the increased activity of the demonstration groups.

Another example of the demonstration representatives' acceleration of the court process is the timing of no contest pleas. Although the difference in the number of no contest pleas between the two groups is not significant, no contest pleas were entered significantly earlier in the process in the demonstration cases. In 83% of the demonstration cases in which a no contest plea was entered (15 out of 17 cases), the plea was entered at preliminary hearing or at pretrial, compared to 43% of the control cases (6 of 13); in 50% of the control cases (7 of 13) no contest pleas were entered at adjudication disposition hearings, compared with 11% of demonstration cases (2 of 17) no contest pleas,  $\chi^2 = 15.1$ ,  $p = .001$ .

Overall, the path analysis showed that the demonstration representatives did have an impact on case outcome. Orders of Ward of Court and Dismissal were less likely to occur in the demonstration cases. Cases in which the representatives scored high on the process measure, Advocacy, were more likely to pass quickly through the court system and to have orders related to treatment and assessment. High scores on the process measure, Investigation-Interaction, were positively related to orders of home placement and visitation.

#### LIMITATIONS OF THE DATA

The case outcome data does not address the question of whether particular children were better served by the court because of the efforts of their child advocates. Even if the reader shares the researcher's assumptions that the best interests of the child are generally served by timely processing of cases, frequent visitation, and diversion from the formal court process consistent with a child's safety, etc., it does not follow that these outcomes are best for each and every child in each and every case. Sometimes visitation can be harmful to a child or delay in the court proceedings can positively facilitate cooperative resolution of a family problem. Through the training, the research team attempted to instill the need for individualized judgment on behalf of the child and stressed the absence of any pat formula for resolving these troublesome dilemmas. Anecdotal information indicates that the trained advocates did, indeed, exercise individual judgment in their cases, drawing on a variety of approaches to further the interests of their young clients. The evaluation tools, however, do not make these fine distinctions. Outcome data is aggregated and only reveal general trends in case outcomes—trends that are consistent with the early assumptions as to what is "better" for most children and trends consistent with the training provided the demonstration groups. The outcome measures, however, focus on the court process and rest on certain assumptions as to what court orders indicate successful outcomes for children. The measures used do not reveal whether individual children are better off as a result of the advocacy. More empirical work on the process and effects of advocacy is necessary.

#### CONCLUSIONS AND POLICY IMPLICATIONS

The study demonstrates a model of representing children in which the child advocate's role is defined as continuous, aggressive and ambitious, encompassing both the legal and nonlegal interests of the child, and in which training in the role was provided. The demon-

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quence, better case outcomes resulted. The demonstration model appears to be a clear  
improvement over the prior system.

A second major conclusion can be drawn from the study. Since all three demonstration  
groups provided similar high quality representation, who is trained seems to be less im-  
portant than that some training take place. Since the improvement in advocacy for chil-  
dren also saved the court resources in the number of hearings and length of time it took to  
bring a case to a conclusion, the training sessions are likely to be cost beneficial.

Lay persons (nonlawyers) carefully selected, trained and under lawyer supervision per-  
formed as well as lawyers and law students in representing children. They certainly per-  
formed better than lawyers without special training. Considering the high quality of repre-  
sentation provided by lay volunteers and considering the potential cost savings of such  
volunteer programs, courts should consider initiating programs relying on nonlawyer rep-  
resentation of children under lawyer supervision with the representation provided by  
carefully selected and trained volunteers, law students or perhaps social workers, psy-  
chologists or graduate students in those disciplines.

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25. MNOOKIN, R. *In the Interest of Children*, p. 18. W. H. Freeman, New York (1985).
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29. GOLDSTEIN, J., FREUD, A. and SOLNIT, A. *Beyond the Best Interests of the Child*, pp. 53-64.
30. Federal Adoption Assistance and Child Welfare Act of 1980, P.L. 961-272, 42 U.S.C.A., §675(5)(A), advocates the use of the least restrictive (or most family-like) setting available in close proximity to the parents' home, consistent with the best interest and special needs of the child.
31. ISAACS, J. L. The role of counsel in representing minors in the new family court. *Buffalo Law Review* 28:505-507 (1983).
32. INSTITUTE OF JUDICIAL ADMINISTRATION, AMERICAN BAR ASSOCIATION. *Juvenile Justice Standards: Standards Relating to Counsel for Private Parties*, pp. 1-5 and 43-100. Most recent commentators have urged that advocates for the child take the position identified by the youthful client when the young person is reasonably capable of making judgments.
33. RAMSEY, S. H. Representation of the child in protective proceedings: The determination of decision-making capacity. *Family Law Quarterly* 17:287 (1983).
34. LONG, L. When the client is a child: Dilemmas in the lawyer's role. *Journal of Family Law* 21:607, 611.
35. FALLER, K. C. (Ed.). *Social Work with Abused and Neglected Children: An Interdisciplinary Approach*. The Free Press, New York (1981).
36. DUQUETTE, D. N. Liberty and lawyers in child protection. In: *The Battered Child*, (3rd ed.), C. H. Kempe and R. E. Helfer (Eds.), pp. 316-329. The University of Chicago Press, Chicago, IL (1980).
37. In the control group there were significantly more older children (age 12 and older) than in the demonstration group and the demonstration group had a larger proportion of very young children (infant to 3 years) than did the control group. However, the mean age of children in the control group was 10.1 years compared to a mean of 7.9 years for the demonstration group, a difference that was not statistically significant. To compensate for bias that these age differences might introduce in subsequent analyses, age was used as a control variable in the early stages of all multivariate analysis and was kept in those models in which it was found to have a significant impact on outcome variables.
38. In order to enhance the interpretability of subsequent multivariate analyses, the factor scales were estimated in a manner that makes each scale statistically independent of the other (the orthogonal solution). Because the scales have been standardized, each has a mean of zero and a standard deviation of one. The factor table is available on request from the author.
39. Because the number of cases in the sample is small and because we felt that our quasi-experimental design required a more rigorous multivariate test of program impacts on the outcome variables, a more liberal inclusion level in the .10 range, rather than the traditional .05 level of statistical significance was chosen. This choice allows us to detect program effect in well-controlled models, while at the same time recognizing that the small size reduces the odds that program effects would be found at higher levels of statistical significance.
40. In control cases with more than one attorney, the performance of the attorney who represented the child at the first major disposition was used. (Demonstration cases had only one representative per case.)

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of MAR. 18 1987 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE .23

FURTHER: JUDICIARY

\*\*FISCAL NOTE(S) ATTACHED 2 \*\*  
IN ACCORDANCE WITH AS 24.08.035  
(see below)

3/10/87

DATE TURNED INTO OFFICE 3-23-87

Mr. President:

STATE AFFAIRS

Committee considered SB 176

office of public advocacy and volunteer guardians ad litem.

and recommended:

[ ] replace with CS \_\_\_\_\_ [ ] same title  
[ ] attached amendment(s) and [ ] new title

do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

[ ] letter of intent adopted and attached

\*\* Committee  attached or [ ] adopted fiscal note(s)  
[ ] zero [ ] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Jack Johnson  
Rich Uebay (DO PASS)

Your fiscal note needs to be analyzed.

Sen. [Signature]  
Chairman signature and recommendation

[ ] Committee Backup Attached



National CASA Association  
909 N.E. 43rd, Suite 204  
Seattle, WA 98105

Prepared under Cooperative Agreement #84-JS-AX-K026 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

Points of view or opinions in this brochure are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

U.S. Department of Justice  
Office of Juvenile Justice and  
Delinquency Prevention



*"I consider court appointed special advocacy an excellent way to enhance the juvenile court process and to broaden community understanding of the work of our juvenile courts. It provides a 'window into the process,' and at the same time, a contribution to the interest of children."*

Justice Andrew Jackson Higgins  
Chairman, Missouri Supreme Court  
Task Force on Permanency Planning for  
Abused and Neglected Children

## What Is a CASA Program?

Court Appointed Special Advocate (CASA) programs provide trained volunteers to serve as advocates for children whose home placement is being decided by the court—usually as a result of abuse or neglect. The program goal is to ensure that a child's right to a safe, permanent home is acted on by the court in a sensitive and expedient manner.

The CASA, as a court officer, independently investigates a case by talking with the child, parents and family members, neighbors, school officials, doctors, and others, and by reviewing all records and documents pertaining to the child. The CASA then submits a formal report to the court which includes recommendations as to what placement by the court will best serve the interests of the child.

Currently, there are more than 100 CASA programs operating in 26 States. In some States these programs are known as volunteer guardian ad litem programs. Many States now mandate the appointment of a volunteer CASA or guardian ad litem by statute. In all cases, the court having jurisdiction over dependent, neglected, and abused children is supportive of the CASA's and, in fact, must make the actual appointments.

Who speaks  
for the child  
in your court?

Judges in over 100 U.S.  
cities say Court Appointed  
Special Advocate (CASA)  
volunteers represent  
the child's best interests.

National CASA Association  
909 N.E. 43rd, Suite 204  
Seattle, WA 98105

Affix  
First Class  
Postage  
Stamp

"The CASA volunteers in our juvenile and family courts help keep the system responsive to the child's need for permanency. They assist the court in keeping constructive tension on the system. They constantly remind us not to substitute governmental neglect for parental or family neglect."

Judge John P. Sietek  
Grand Rapids, Michigan  
President, National Council of Juvenile  
and Family Court Judges

"The CASA program provides the best opportunity I know for the citizen volunteer to radically improve an abused or neglected child's chance for happiness."

James Wootton  
Deputy Administrator  
Office of Juvenile Justice  
and Delinquency Prevention

"It's knowing your efforts affected a child's life when he needed it the most."

Judy Sanders, CASA  
Seattle, Washington

"Every family court should have a CASA program. A CASA volunteer's first responsibility is to the child—advocating for the child's best interest, whether it be temporary care, return to the birth parents, or placement in an adoptive home. The value of the program—to the child and to the court—is inestimable."

Dorcas R. Hardy  
Assistant Secretary for Human  
Development Services  
Department of Health and Human Services

## The National CASA Association

The National Court Appointed Special Advocate Association, formed in 1982, seeks to enhance the degree of integrity and professionalism of its members in their responsibilities as children's advocates.

CASA volunteers are kept up to date on legislation, research, practice, program development, and case law through the association's quarterly newsletter *The CASA Connection*. The association's annual conference provides a forum in which CASA's share their experiences in all matters relating to their role as children's advocates in child abuse and neglect cases.

The CASA association also provides coordination and training for CASA/guardian ad litem programs nationwide. A CASA manual and CASA testimonial videotapes are available to introduce the concept to courts and communities interested in forming a CASA program.

Under a cooperative agreement with the National Council of Juvenile and Family Court Judges, and with funding from both the Office of Juvenile Justice in the U.S. Department of Justice and the U.S. Department of Health and Human Services, the association provides technical assistance to new or existing programs.

## You Can Become a CASA

CASA, the Spanish word meaning "home," denotes a court appointed volunteer specially trained to advise the court in the best interests of a child.

If you are a mature, responsible adult who can relate to families in stressful situations, and are willing to commit your time to ensure that the existing process for placement of children works better, you may become a CASA.

You can be helpful to the child in a frightening and confusing time, explaining the court process to him or her, and interpreting the child's needs and best interests to the attorney, the social agency, the court, and others. You can provide continuity for a child since judges, caseworkers, attorneys, and foster parents change over time.

As a CASA, you attend orientation seminars before receiving any case assignment so that you are thoroughly familiar with the legal aspects of your role as a CASA, as well as with the social services being discussed in court proceedings. Ongoing training sessions also will be available to you.

## You Can Start a CASA Program

The National CASA Association can help you start a program in your community.

As an initial step, the association will provide you with a CASA testimonial videotape featuring several judges who have successful CASA programs in operation. Comments from their own experiences underscore the value of these programs to children and the courts. Also presented is the role of the volunteer and his or her relationships with the legal community and social service agencies. Another videotape, providing specific information on the "how to's" of implementing a CASA program, is available also.

The National CASA Association additionally offers you a **CASA manual** which overviews the four primary models of a CASA program. Topics covered are funding, judicial philosophy, working with the court system, recruitment, screening, training, administration, and overcoming resistance to change.

Should your court or community need technical assistance for program planning, implementation, or ongoing consultation, it is available through the National CASA Association.

## Order Form

Please send me additional information on:

- Starting a CASA program in my city/State
- Serving as a CASA volunteer
- Receiving technical assistance for a
  - new or  existing program

Name: \_\_\_\_\_

Org./Program: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ ZIP \_\_\_\_\_

Telephone: \_\_\_\_\_

Return this form to:



National CASA Association  
909 N.E. 43rd, Suite 204  
Seattle, WA 98105

or telephone CASA (206) 547-1059.

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of MAR. 18 1987 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE .23

FURTHER: JUDICIARY

\*\*FISCAL NOTE(S) ATTACHED 2 \*\*  
IN ACCORDANCE WITH AS 24.08.035  
(see below)

3/10/87 DATE TURNED INTO OFFICE 3-23-87

Mr. President:

STATE AFFAIRS Committee considered SB 176

office of public advocacy and volunteer guardians ad litem.

and recommended:

- replace with CS \_\_\_\_\_  same title
- attached amendment(s) and  new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to \_\_\_\_\_
- letter of intent adopted and attached

\*\* Committee  attached or  adopted fiscal note(s)  
 zero  fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Rep. Joseph...  
John Uebay (DO PASS)

John Fair's fiscal note  
needs to be  
analyzed.

Sen. Mark...  
Chairman signature and recommendation

Committee Backup Attached

FISCAL NOTE

REQUEST:

Revision Date: 1/20/88  
 Title: "An Act relating to volunteer guardian ad litem program . . ."  
 Sponsor: Uehling  
 Requestor: State Affairs, Judiciary  
 Agency Affected: Administration  
 BRU: Office of Public Advocacy  
 Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		84.5	87.9	91.4	95.1	98.9
TRAVEL		3.7	3.8	3.9	4.0	4.1
CONTRACTUAL		2.6	2.1	2.2	2.3	2.4
SUPPLIES		2.0	2.1	2.2	2.3	2.4
EQUIPMENT		11.5				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		103.7	95.9	99.7	103.7	107.8
CAPITAL						
REVENUE						

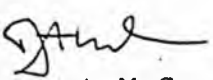
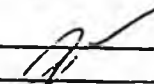
FUNDING: (Thousands of Dollars)

GENERAL FUND		103.7	95.9	99.7	103.7	107.8
FEDERAL FUNDS						
OTHER						
TOTAL		103.7	95.9	99.7	103.7	107.8

POSITIONS:

FULL-TIME		2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate   
 Division: Office of Public Advocacy  
 Phone: 274-1684  
 Date: 1/20/88  
 Approved by Commissioner: John Andrews  
 Agency: Department of Administration   
 Date: 1/27/88

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 176

This bill relates to the establishment of a volunteer guardian ad litem program within the Office of Public Advocacy. This bill would substantially improve the ability of the Office of Public Advocacy to provide guardian ad litem representation to children in abuse and neglect cases as well as contested custody cases.

## BUDGET ANALYSIS

<u>Personal Services</u>	<u>FY89</u>
Associate Attorney II - Range 19/A (FY88)	55.2
Clerk Typist III - Range 08/A (FY89)	<u>29.3</u>
	84.5
 <u>Travel</u>	
3 Trips to Ketchikan	3.7
3 Trips to Fairbanks	
 <u>Contractual</u>	
Advertising	2.0
Printing Training Material	
 <u>Supplies</u>	2.0
 <u>Equipment</u>	
Associate Attorney II	<u>11.5</u>
Clerk Typist III	
	 TOTAL: 103.7

Position Title <b>Associate Attorney II</b>		No. of Positions <b>1</b>	Range/Step <b>19/A</b>	Barg. Unit <b>X</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Anchorage-EBA</b>		Election District <b>8</b>
Justification				
<p>•An Associate Attorney II position to act as program director is essential if the CASA, volunteer guardian ad litem program is to be successfully implemented. It is not possible for present staff positions to carry a full guardian ad litem case-load and assume the duties of establishing and coordinating the volunteer program. The half-time position that is currently funded by federal and private money is inadequate and ends in February 1988. It is anticipated that the program director will coordinate recruitment, screening and training of volunteers in the Anchorage area. The program director will also be responsible for establishing similar volunteer programs in Fairbanks and Ketchikan, and will study the feasibility of establishing such a program in the rural areas of Alaska. Additionally, the position will be devoted to extensive community education and fundraising for the project.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary	40,236			
Benefits	14,777			
Premium Pay				
Other				
Total Personal Services		55,013		
Travel				
Contractual				
Commodities		2,000		
Equipment		2,000		
Other		2,429		
Total Cost		61,442		
Funding Source for Total Cost				
Federal Receipts	1002			
G. E. Match	1003			
General Fund	1004	61,442		
GF Program Receipts	1005			
Other				

**Request For  
New Position**

Agency Department of Administration  
 BRU Office of Public Advocacy  
 Component Office of Public Advocacy

Page \_\_\_\_\_ of \_\_\_\_\_  
 Revised Date \_\_\_\_\_

**FY 89**

Position Title <b>Clerk-Typist III</b>		No. of Positions <b>1</b>	Range/Step <b>08/A</b>	Org. Unit <b>G</b>
Time Status <b>PT</b>	Staff Months <b>12</b>	Location <b>Anchorage-EBA</b>		Election District <b>8</b>
Justification				
<p>A Clerk Typist III position will be needed to provide clerical support to the volunteer guardian ad litem program director. At present, Office of Public Advocacy has only three clerical support positions who provide clerical support to the professional staff of twelve in the Anchorage office. It is not possible for the present secretarial positions to absorb the additional clerical support generated by the program director and the volunteer program.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary	19,572			
Benefits	9,742			
Premium Pay				
Other				
Total Personal Services		29,314		
Travel				
Contractual				
Commodities				
Equipment		9,338		
Other				
Total Cost		38,652		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	38,652		
GF Program Receipts	1005			
Other				

**Request For  
New Position**

Agency Department of Administration  
 BRU Office of Public Advocacy  
 Component Office of Public Advocacy

Page \_\_\_\_\_ of \_\_\_\_\_  
 Revised Date \_\_\_\_\_

**FY 89**