

CASA: A CHILD'S VOICE IN COURT

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INTRODUCTION

Nearly 450,000 children are abused, neglected, or abandoned by their families each year. These children cannot speak for themselves in court. Instead, their voice is presented through their case worker, their guardian ad litem, and/or their CASA¹ volunteer. Attorneys and judges across Nebraska are well aware that case workers and attorneys are burdened with unimaginable workloads. Many Nebraska attorneys and caseworkers must travel great distances and expend substantial amounts of time just to make contact with the child. Because the CASA is a volunteer, the CASA *receives no financial reimbursement for time or mileage, or other related expense*, and is a true *savings to the court system, the county, and the state*. The CASA provides factual information that might take months or years for an attorney or case worker to bring to the court's attention. The CASA encourages speedy resolution of the case by moving it more quickly through the maze of foster care and thus reduces the amount of time under the court's jurisdiction. A CASA offers citizens, who normally have no contact with abused or neglected children, a unique opportunity to help these children become productive, stable members of society.

In 1977, Judge David Soukup of Seattle, Washington and his late chief of probation, George Boettineski, and George's wife, Carmen Ray Boettineski, developed the CASA concept. These individuals developed the idea that a mature, objective, screened, and well trained VOLUNTEER from the community could be a child's advocate in Juvenile Court. They saw CASAs, as trained volunteer citizens, becoming advocates for abused/neglected children in the court system.

Their plan was developed because Judge Soukup believed that children were being lost in the system. Court records and sometimes caseworkers and attorneys could not accurately tell where all the children were or what their situation was at a given time. Information was often sketchy, incomplete, or inaccurate. Some situations were

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1. "CASA" stands for Court Appointed Special Advocate.

abusive due to inappropriate placements or caseworkers that were accomplishing little or no work towards providing stability or reunification to the children. The CASA founders felt that the concept of a volunteer with no agenda other than to speak on behalf of a child's best interest to the court could make a difference.

In 1983, the National CASA Association ("NCASAA") had its first national conference to develop a nationwide support system, uniform standards, and training for CASA programs across the country. In the last sixteen years, NCASAA has developed By-laws, National Training, Program Standards, and a Code of Ethics.² The CASA mission "is to speak for the best interests of abused and neglected children in the courts."

The CASA program promotes and supports quality volunteer representation for children to provide each child a safe, permanent, nurturing home." Today there are 610 CASA programs in the fifty states, the District of Columbia, and the Virgin Islands.

On May 4th, 1996, NCASAA held its thirteenth annual conference in Washington, D.C. Training and information were provided by excellent educators, speakers, and workshops from across the country. Volunteers, directors, attorneys, congressmen, child advocates, and others attend in large numbers each year and enjoy networking and learning from each other. NCASAA is currently revising the national standards into a handbook spanning a broader area to help with the programs as they continue to grow. NCASAA helps to support local CASA programs by providing training, grants, conferences, technical advice, newsletters, and resource materials.³

THE REQUIREMENTS FOR A CASA VOLUNTEER

A CASA program recruits, screens, and trains lay citizens to advocate for an individual abused/neglected child or children in a family. The CASA volunteer acts in a capacity as either a lay guardian ad litem or as a Friend of the Court. In Sarpy County, Nebraska, the CASA is a "Friend of the Court."

Volunteers complete a ten page application and questionnaire as well as undergo a state patrol check, motor vehicle records check, local county sheriff check, and have three reference letters dispatched before the volunteer completes an office interview. Training covers a broad agenda of information established by national standards. A few of the training areas covered include roles and responsibilities; perma-

2. The National CASA Association 1994 handbook includes the code of ethics and the national standards for CASA volunteers and CASA programs.

3. For more information, contact NCASAA at 1-800-628-3233 or staff at national-casa.org or <http://www.Nationalcasa.org> on the internet.

nency planning; confidentiality and data practices; cultural awareness; child abuse/neglect; communication and information gathering; juvenile court process and local laws; observation of court; Foster Care Review Board; and local CASA policies and procedures. Typically the amount of time invested in the basic training of these volunteers ranges from nineteen to thirty hours.

Whether the CASA volunteer serves as a lay guardian ad litem ("GAL") or a Friend of the Court, the CASA role in both cases is to represent the "child's best interests." The role of the CASA volunteer in any one county or CASA program depends on the preference of the presiding judge. As a lay GAL, the volunteer is a party to the hearing with his or her own court-appointed legal representation and has the right to file a petition and/or subpoena. Through the lay GAL attorneys, the CASA has the right to cross examine witnesses if the CASA so desires for that child's case. As a lay GAL, the CASA files his or her report with the court-appointed attorney and then the Court.

As a Friend of the Court, the CASA files his or her report directly with the presiding judge and all the parties. A Friend of the Court has legal representation through a court-appointed GAL attorney or the county attorney. If neither of these attorneys supports the CASA's recommendation, then the CASA may seek outside counsel.

Judge William D. Staley and County Attorney Pat Kelly began Nebraska's first CASA program on March 17, 1986, in Papillion, Sarpy County, Nebraska. Judge Staley felt that children who were abused and neglected needed an advocate who could bring a fresh perspective to the court as well as observe the case in person. In Sarpy County, the CASA serves as a Friend of the Court. During 1995, CASA volunteers assisted thirty-two children. Today, Sarpy County has twenty-seven active volunteers working on cases, three mentors, an advisory board of thirteen, and a fund raising committee of eight. Sarpy County CASA takes new applications on a continuing basis.

HOW AND WHY DOES A CASA BECOME INVOLVED

Since its inception in Nebraska in 1986, the Sarpy County CASA program has represented 263 children as advocates and has trained over 250 volunteers. After each training class, and each year, the advisory board evaluates the program's progress, training, interviewing, and support systems for the volunteer. The mentor program consists of seasoned volunteers who act as a sounding board for advocates who are currently working with a case. The office staff consists of one executive coordinator and a part-time administrator. Junior and senior high school students, referred to as CASA Supportive Services Corps ("C.S.S.C."), assist with non-confidential tasks like duplicating, mail-

ing, and fund raising. The advisory board, comprised of professionals from the community and CASA volunteers, provides operating and policy recommendations. The Sarpy County CASA program offers ongoing training for the volunteers in addition to monthly staffings on each individual case. An annual retreat is provided for volunteers. Once a year a fund raising event is conducted and an annual awards banquet for volunteers is held.

Cases can be assigned to the CASA from the detention stage onward. However, in Sarpy County, the majority of cases are assigned after adjudication. Appointments are made at the request of an attorney, case manager, parent, probation officer, therapist, or the Foster Care Review Board. Sometimes, the presiding judge will make a CASA appointment. When a CASA is appointed to the case, as a Friend of the Court, there is also a guardian ad litem ("GAL") appointment of an attorney. When the CASA is appointed as a lay GAL, an attorney is appointed to represent the lay GAL CASA in court.

A CASA volunteer normally remains on a case a minimum of one year. Most volunteers supervise one case at a time, but never any more than three cases at a time. CASAs receive support from the mentor and the attorney GAL and supervision from the Executive Coordinator. The CASA's time investment tends to be heavy in the beginning of their commitment due to training, reading the case files, and meeting all of the parties involved. As the case progresses, the time commitment varies or lessens as the case proceeds through the court system.

It is important that the child client does not become dependent upon the CASA volunteer. Each volunteer gradually backs out as the case progresses towards dismissal or the child is no longer in need of the CASA services. In Sarpy County, CASA volunteers meet monthly for case staffings with their peers and also have monthly contact with their mentor. In addition they have contact with their supervisor for any sticky or confusing issues. Once a year, the CASA volunteer goes through an individual evaluation process with the volunteer's supervisor.

Since 1986 in Nebraska, programs have been started in the counties of Sarpy, Dodge, Platte/Colfax, Adams, Keith, Hall, Saline, Saunders, Scottsbluff, Seward, and Red Willow. Some of these programs have just begun; most are up and running. There are other counties currently working on starting a program in their area. In Nebraska, CASA programs must now be certified to be recognized by the Nebraska CASA Association, and must be in compliance with the NCASAA standards.

Attorneys and judges from across the country as well as representatives from NCASAA have helped devise the national standards. The national standards cover such areas as the purpose of a CASA volunteer and a CASA Program, the process for becoming a volunteer, the role of the volunteer, procedural standards, and the types of individuals who should not be considered for a CASA volunteer position. The standards encourage understanding and support of diversity, training requirements, and strong ethics in every area as well as a dedication to confidentiality. The national code of ethics specifically deals with conduct of the volunteer, confidentiality, the volunteer's knowledge and understanding, the program's national affiliation, and compliance with national standards. State conferences with local and national speakers are presented once a year.

WHY CASA IN NEBRASKA?

Many opponents of CASA programs believe there is no need for such volunteer involvement in the juvenile system. Many judges, however, find invaluable the information that the volunteer provides. CASA is not a run-of-the-mill volunteer job. Consequently, volunteers occasionally burn out. In reality, a CASA is a professional volunteer (unpaid). The volunteer, as an advocate, does not always receive a warm reception from everyone, because often the CASA presents unpopular suggestions to the court that are not agreed upon by all of the other parties involved. The CASA volunteer has the responsibility to ask the hard questions others do not want asked. CASAs may also look for ways to expedite a case for the sake of the child, when others may not see the need for urgency. Any attorney understands this attitude as the attorney experiences this in his or her role, but, in most instances, attorneys are paid for their efforts. These CASA volunteers perform this job for altruistic reasons as well as for the challenge this work provides.

A CASA volunteer is exposed to just about every situation imaginable and works with the child in his or her own setting, face-to-face. The CASA's view is *not* based solely on a sheet of paper, a picture, a phone call, an office interview, or an interview in the hallway of the courthouse. CASAs go into the home, foster home, school, event, or institution. A CASA program is somewhat akin to times gone by, when the milkman would make home deliveries, or the doctor would make house calls. Attorneys and social workers no longer always have the time to meet with the child face-to-face where the child lives or at the child's school. Their case loads are usually quite large and demanding.

Are CASAs infallible or the only solution? No. As the currently popular saying goes, "It takes a whole village to raise a child." Nevertheless, CASA volunteers do make a difference in one child's life, by one child's life, for a moment, a while, or a whole future.

Because of CASA programs throughout Nebraska and across the nation, there are children that finally have a safe, stable home. Children are back home because of a CASA's involvement. Children are raised in a secure environment because of CASA involvement. Because of CASAs, caseworkers and attorney GALs become aware of issues earlier than they normally might. Sometimes the children a CASA volunteer represents will have had no current work done on his or her case for some time; that is, until the CASA is appointed.

INTRUDER V. ADVOCATE

Some involved in the juvenile system argue that the case was progressing fine until the CASA became involved. This attitude generally suggests that no one was listening to the child, asking the child what he or she wanted to know or ask about. Court systems across the nation are full of abused and/or neglected children that do not have adequate representation. A CASA volunteer can make adequate representation possible.

Volunteers in turn need acceptance, understanding, and guidance from attorney GALs and attorneys who represent CASA lay GALs. These attorneys' caseloads are sizeable which inhibits their functioning as they would wish. Frequently, in juvenile cases, attorneys receive minimal reimbursement for their services, compared to the work required to adequately represent their client. An integral component of a CASA volunteer's training is the support and feedback the attorney provides. Thus, the CASA and the attorney GAL are team players advocating for the child's best interest.

Volunteers, though few, who fail to live up to NCASAA standards are the subject of discussion in some circles. However, attorneys and judges *do* know of the difference a CASA program can make. Judges and attorneys look for ways, within limited budgets, to initiate CASA programs. They see the difference the information a CASA volunteer provides makes to the child and his or her family. They recognize the great cost savings of having a trained volunteer collect and present information to the court on behalf of the child's best interests. The CASA's role terminates when the case is finished or the court's jurisdiction is terminated. Sometimes CASAs resign due to personal reasons or time constraints. Some CASAs have been released for violation of their role or commitment. Some have transferred their

cases to other volunteers. However, most CASAs like to continue until the case is finished.

PROFILE OF A CASA VOLUNTEER

The typical volunteer reads a news article, sees an advertisement on television, hears someone speak about the CASA program, or knows a CASA volunteer. When prospective volunteers contact the CASA office, an application packet is provided with a return envelope. A file is established for each returned application and the applicant is scheduled for a face-to-face interview with the CASA office at which time the applicant will receive a copy of the "CASA Handbook." Volunteers may be students, parents, those with degrees, and those without degrees. An applicant must be at least twenty-one years old; diversity is encouraged; and the volunteer must be a mature individual that has the time and ability to become a child's advocate.

Once the local CASA office completes all the screening procedures the volunteer receives notification of acceptance or denial. CASAs then complete a basic training course lasting between nineteen and thirty hours and are then sworn in as officers of the court. CASAs also take an oath of confidentiality.

Volunteers are offered cases at the court's request. A volunteer is provided a synopsis of the case and after reviewing the material, is asked if the volunteer is interested in the case. If the volunteer accepts the case, the volunteer signs a contract for a minimum of one year and receives a case file in which to keep the information provided.

CASAs read both social files in the court and case records at the Social Services Office. They meet with the caseworker, the GAL, school officials, parents, foster parents, physicians, and therapists. Most importantly, the CASA meets with the child and asks the child what the child wants. Sometimes, no one has bothered to ask the child this question.

After much time spent with contacts and meetings and drafting many pages of documentation, the CASA writes a report for the court. After the CASA office reviews and edits the report with the volunteer, the volunteer then provides the final report to the judge, the parties to the hearing, the Foster Care Review Board, and the CASA office shortly before the date of the hearing. If the CASA serves in the capacity as a lay GAL, the CASA's report is first submitted to the GAL attorney. There is no greater feeling for the CASA than to finally realize somewhere in the process that the CASA has made a difference in the child's life, that someone cared, that someone was heard, and that

parties to the hearing can at times be in agreement and work together.

Attorneys find CASAs very helpful in collecting information, establishing corroborating evidence, and revealing facts frequently not known until the CASA was appointed. The information that CASA volunteers collect is based on face-to-face contact. Other parties to the hearing often do not seem to have enough time to experience face-to-face contact. This can clearly make more work for the attorney GAL or the attorney representing the CASA lay GAL, because there is more information to process and use. The attorneys appreciate the time and dedication of the CASA volunteer, because this involvement can make the job of obtaining needed information easier.

CASAs attend permanency planning reviews; Foster Care Review Board hearings; individualized school plan meetings for children who are challenged; and meetings with teachers, physicians, counselors, therapists, and, of course, attorneys and case managers. A CASA volunteer will meet weekly with the child for fifteen to twenty minutes to get to know the child and then will meet with the child every other week as the case progresses unless there is concern for the child's safety.

As CASAs see the child's placement stabilize, the volunteers dedicate more time to the collection of information and networking with the adults involved in the case, whether parent or professional. When a CASA attends a hearing, the volunteer must be well prepared. A CASA guards the information collected with great respect for confidentiality, sharing it only with the appropriate parties involved. A CASA's sole goal is the "best interest of the child." Sometimes the CASA volunteers take a break before accepting another case when their case is finalized, and sometimes they take on a new one while they still are involved with another case.

These volunteers are very special people. Many times no one will know, but the judge and the CASA, what a difference their assignment on the case made to a child's future. Typically on a case, the CASA may spend anywhere from seven to twenty hours a month depending on the stage of the case and what is happening. For volunteers to see that they made a difference, that a CASA's role matters in the life of that child, is the basic motivation. Other acknowledgements may come their way, but in the end, to see that the child is safe and secure, to see that child with a parent or parents or in a safe permanent placement is worth all the work.

CONCLUSION

Today, there is more reason than ever for CASA volunteers. The number of reported abuse/neglect cases continues to grow, and services are being curtailed or eliminated. As attorneys in the field, or attorneys to be, we ask you to consider starting or utilizing CASA programs in your area or participate on a board or committee that develops a CASA Program. It is important for the legal profession to be informed and to help the CASA program maintain its high standards and quality by offering advice, criticism, and help with training when feasible.

THE ADVOCATE

This is not about rescue, so as to feel good when the child lights up with a smile. This is not about the comfort of compassion. This is hard work, struggling with ripped families and children in clouds of pain, anger dancing round their hearts in the turmoil of a world made crazy. This is caring, yes, but also what is just, what should be demanded. It takes love and a certain measure of courage. And in the simple act of person helping person, it becomes extraordinary.

-Mercedes Lawry, NCASAA

