

# Management Procedures For Volunteer Coordinator



**Voices for Children, Inc.  
CASA of Brazos Valley  
115 North Main  
Bryan, TX 77803  
(979) 822-9700  
1-866-413-9182  
(979) 822-9777 (fax)  
[Vfc@voicesforchildreninc.org](mailto:Vfc@voicesforchildreninc.org)**

**VOICES FOR CHILDREN, INC.  
VOLUNTEER MANAGEMENT PROCEDURES**

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**NOTE:**

**The Court Appointed Special Advocate (CASA) volunteer will be referred to hereafter as “Advocate.”  
The Advocate’s supervisor, the Volunteer Coordinator, will be referred to as “VC.”**

## **CASE ASSIGNMENT**

### **Objectives:**

The Volunteer Coordinator (VC) will:

- 1) become acquainted with the Advocate and their ability
- 2) give the Advocate the necessary tools to begin the case and a clear understanding of where to find answers
- 3) empower the Advocate to set goals for the case and effectively advocate for the child(ren)

The Advocate will gain an understanding of:

- 1) the specifics of the case
- 2) the steps that will be taken.
- 3) where to find information and answers to questions

### **Volunteer Personnel File:**

The Volunteer Personnel File may contain:

- personal Interview notes completed by the Executive Director
- evaluations of the Advocate's previous performance, if applicable
- identification of the Advocate's strengths, needs, and any previously noted areas of supervisory concerns

The file should be carefully reviewed when working with a new Advocate.

The Advocate File Folders will:

- be prepared and given to the Advocate as their working file
- be prepared using Advocate file "shell" folders and contain the necessary documents for case acceptance
- include copies of new case files received by the CASA program
- follow a standard format by placing the case information on the right side of the folder

Referring to the report obtained by the CASA program begin to fill out the New Case Data Sheet and contact the CPS caseworker to include any missing facts.

After gaining a clear understanding of the case and gathering the preliminary information, make contact with the Advocate.

### **First Contact:**

Contact the Advocate within five days of court appointment, introducing yourself if necessary. State that a case has been matched to their profile, and ask if they will consider accepting it.

Information at this point will be limited. Give the Advocate the general case specifics omitting confidential information (i.e. number and ages of children, reason for removal, current placement). If the Advocate is interested in accepting the case schedule an appointment at the Voices For Children, Inc. (VFC) office within the next 1-2 days to review the file. At that time the Advocate will formally accept or decline the assignment.

### **Formal Acceptance:**

The VC will arrange a private location for the Advocate to review the Advocate File Folder, explain the organization of the material and present any new information. The Advocate will review the material and make note of questions concerning the case. The VC should check with the Advocate periodically during their review of the case.

After the review is complete the Advocate will either accept or decline the case. If the Advocate accepts they will sign the Case Acceptance and Case Confidentiality forms in the Advocate file folder. If the Advocate declines they should be reminded that the confidentiality agreement signed during training forbids release of any information related to the case.

The questions that developed during the review may indicate areas in which the Advocate needs clarification. The VC will use this opportunity to review possible sources of information and begin to guide the Advocate in the role of CASA.

### **Case Review:**

The next step is to complete an Initial Case Review, found in the Advocate file folder or the electronic version. Complete the checklist at the top of the page. Identify areas that may be of concern for the Advocate. Complete, with the Advocate, the Tentative Plan, recording the agreed procedure which will include: read the case files at CPS; meet the child and foster parents, and parents if applicable; introduction to Attorney ad Litem (AAL) and CPS caseworker; gather information about potential relative placements for the child; and any other steps the VC and Advocate agree need to be taken in these first weeks. Inform the Advocate that the VC will notify all parties that the case has been accepted. Schedule a Case Review, to be held in two weeks. Establish possible dates and times when the Advocate will be free to read the CPS file.

**Before the Advocate leaves:**

Make two copies of the Case Acceptance and Case Confidentiality forms and one copy of the Initial Case Review sheet. Place a copy of each in the Advocate's File Folder. Explain the forms in the case plan and remind them that the Case Related Time Logs begin with the acceptance meeting. Confirm that the Advocate has all the VC's contact information and answer any questions that may remain. Identify the location of the Advocate mail folders and explain that case documents and other communication will be placed there.

**After the Advocate leaves:**

Place original Case Data Sheet, Case Acceptance, Case Confidentiality, and Initial Case Review in the Case File and a copy of each in the Advocate's Personnel File . Notify all parties by letter or fax of the Advocate's assignment within 2 working days. Schedule a time for a meeting with the caseworker and the Advocate to read CPS files. Notify the Advocate of the appointment. Submit a New Case Data Sheet to the Program Director within 3 working days of acceptance.

## **READING CPS CASE FILES**

### **Objectives:**

The VC will:

- 1) instruct the Advocate on the reading of the file and how to obtain relevant information

The Advocate will:

- 1) become familiar with the format of CPS files and forms
- 2) learn to locate needed information
- 3) become familiar with the facts of the case

### **Preparation:**

Establish the date and hour for the appointment at the CPS office with an approximate length of time necessary to accomplish the objective.

Review the rules of confidentiality especially with regard to maintaining the anonymity of the abuse reporter.

### **Reading the Case File:**

New Advocates will need assistance during the first case reading. Explain each section of the CPS records. The Advocate should make note of appropriate information for future use and indicate which pages need to be copied.

Discuss questions that may emerge during the reading. Encourage further investigation of the case (i.e. Attention Deficit Hyperactive Disorder (ADHD), special medical disorders, etc.) and identify sources for relevant information (internet, books, Court Appointed Special Advocate (CASA) resources). Commend the Advocate for insight into specifics of the case.

If copies of records are needed determine with the caseworker who will be responsible for this task. Locate the equipment and demonstrate its operation.

### **Conclusion:**

Establish with all Advocates a routine for dialogue regarding the facts of the case and their personal reaction. Explain that meetings with the VC are the appropriate setting for discussion of questions, problems, and emotional responses.

Reactions of the Advocate will allow the VC to clarify misconceptions or biases, identify emotional involvement, gain a better understanding of their assessment skills, and plan for future guidance.

## MEETING THE CPS CASEWORKER

### Objectives:

The VC will:

- 1) help establish a positive working relationship with the CPS caseworker
- 2) provide guidance in the most effective method to obtain information from the caseworker

The Advocate will:

- 1) build a positive working relationship with the caseworker
- 2) listen to the caseworker's perception of the case
- 3) obtain additional information related to the case

### Preparation:

Schedule a meeting with the caseworker, immediately following the reading of the files if possible.

Prior to the meeting review the role of the caseworker, the numerous tasks for which they are responsible, and the demands of their job. Discuss methods of communication that have been successful (e-mail, telephone, fax, etc.) with that particular caseworker.

Identify questions the Advocate needs to ask. Review what information is appropriate from the caseworker and possible alternative sources for other details. Remind the Advocate of the need to remain independent, neutral and to corroborate information from the original source. For example: The caseworker could report that the mother in the case has not been attending parenting classes: the Advocate would need to verify this with the parenting class provider's attendance records.

Discuss with the Advocate strategies to build a positive working relationship with the caseworker, recognizing that they both are working toward a common goal with the welfare of the child at the center.

Consider what contact information should be obtained from the caseworker and what should be shared. *Remember that it is VFC policy not to give out advocate's personal contact information to anyone other than professionals involved with the case and their consent must first be obtained.*

**Meeting the Caseworker:**

Accompany new Advocates to the first meeting with the caseworker. After introductions explain that you and the Advocate work together, but the Advocate will be the primary contact person and will be responsible for court appearances, observational visits, and case contacts. Confirm dates for future hearings or meetings and request that the Advocate be appraised of changes in dates or times. Provide contact information for you and the Advocate.

At this time the Advocate will take charge of the meeting asking the predetermined questions.

**Conclusion:**

After the meeting answer any questions the Advocate may have about the meeting or the caseworker. Clarify any misconceptions or biases that may have emerged about the caseworker or CPS. Use this opportunity to assess the professional interaction skills of the Advocate.

Review the plan for the case and encourage the Advocate to contact you at any time with questions or concerns. Confirm the next scheduled meeting.

## MEETING THE CHILD(REN) AND FOSTER PARENTS

### Objectives:

The VC will help the Advocate:

- 1) establish their role as the Court Appointed Special Advocate.
- 2) establish a positive relationship with the child(ren) and foster parents.
- 3) develop a procedure to obtain information about the child from the foster parents or caretaker.
- 4) develop techniques for handling difficult questions.

The Advocate will:

- 1) begin to establish a positive relationship with the child(ren) and foster parents.
- 2) obtain information from the foster parents or caretakers regarding the child(ren).

### Preparation:

Preparation for the first meeting should include:

- supply the Advocate with contact information for the foster parent/caretaker
- procedure for initial contact by telephone and an age-specific introduction to the child
- review of key points such as: how to handle difficult questions, no promises are made to the child,
- review of some behaviors that might be expected from the child(ren) and an appropriate response; i.e. a child may be indiscriminately affectionate, hostile, or aloof
- reflection on rules of professional deportment; i.e. never be negative about child(ren)'s parents and maintain the boundaries of the CASA role
- need to be sensitive to age of child(ren) and appropriate interactions
- discussion of methods for securing information from caretaker with understanding that all facts should be corroborated with the original source
- reminder to schedule the appointment at a mutually convenient time and request directions
- preview of approved contact information

*The Advocate must always notify the caretakers with adequate advance notice if there is any change in the appointment.*

### Visit with the child(ren):

VFC Standards of Performance state that the Advocate should visit the child, at their place of residence, a minimum of one time per month if the child lives within 120 miles of Brazos County and a minimum of one time per quarter if the child lives within 240 miles of Brazos County.

Plan the visit:

- determine who shall take the lead in this first contact.

- observe the Advocate's performance, making suggestions when appropriate
- provide child(ren), if age-appropriate, contact information including CASA's toll-free number

*It is VFC policy for communication **from** the child to come through the VFC office. The Advocate should **not** give personal home or office numbers.*

*It is VFC policy not to give out Advocate's personal contact information to anyone other than professionals involved with the case.*

**Conclusion:**

Summarize the visit and include constructive comments on the Advocate's performance. Encourage the Advocate to voice any concerns, comments, or questions about the child's behavior or other aspects of the meeting.

Review the Advocate's plan for the case, encourage communication, and confirm next scheduled meeting.

## MEETING THE PARENTS

### Objectives:

The VC will help the Advocate:

- 1) establish their role as the CASA
- 2) establish positive relationship with the parents
- 3) develop techniques for skillfully gathering information and handling difficult questions

The Advocate will:

- 1) establish their position as a CASA.
- 2) begin to build a positive relationship with the parents if possible.
- 3) gain information about the family, history of child(ren), and present circumstances

### Preparation:

The VC will review the following with the Advocate:

- the process of introduction and techniques for developing a working relationship with the parent(s).
- how to establish that the Advocate has been appointed by the judge to be the Guardian ad Litem (GAL)
- making a differentiation between VFC and Texas Child Protective Services (TCPS)
- the meaning and role of GAL and CASA
- CASA's responsibility, which is to advocate for the *child*.

The Advocate can expect parents may be upset about the removal of their child(ren) and, therefore the first meeting may be difficult for the Advocate, especially if this is a first experience. To help prepare for the initial encounter discuss a variety of ways the parent(s) may react. Develop a plan of action for responding to difficult questions as: "Are you going to help me get my kids back?" "When can they be returned to me?"

Design questions that will reveal the parent(s) understanding of:

- why the child(ren) were removed
- what support systems the parent(s) have
- relatives who might be considered for placement of the child(ren)

Discuss additional information the Advocate would like to obtain and how to word the questions in a positive, non-accusatory manner.

Discuss the contact information that will be appropriate to give to the parent(s). Advocates should have available business cards with their name, the VFC office phone number and address.

*It is VFC policy for communication **from** the parent to come through the VFC office and not to the Advocate's personal home or office.*

If a call is made to the parents from the Advocate's home, office, or cell phone, they are encouraged to dial \*67 first to block the number and prevent the receiving party from using Caller ID. It is important that the *parent* does not experience any confusion about the CASA role and that the Advocate's personal and work identity be protected.

The first visit to the parent(s) home should be scheduled although subsequent ones may be both announced and unannounced.

If counsel has been appointed or retained by the parents the Advocate will need permission to make the initial contact and determine if the attorney wishes to be present for the first meeting.

After necessary arrangements have been made review, with the Advocate, the format for the initial visit. *Remind the Advocate to notify all parties if there is any change in the appointment.*

### **The meeting:**

VFC Standards of Performance state that the Advocate should have face to face contact with the parents a minimum of one time per month. Preferably, contact will occur at the parent's residence unless their whereabouts are unknown or there are safety concerns.

Plan the visit:

- determine who shall take the lead in this first contact.
- clarify the Advocates role
- observe Advocate's performance, making suggestions when appropriate
- pose predetermined questions to the parent(s)
- provide parent(s) with appropriate contact information

### **Conclusion:**

Following the meeting schedule time to discuss:

- reaction of the Advocate to the parent(s)
- information gathered during the interview
- assessment of parent's willingness to provide information
- evaluate the parent's understanding of why children were removed
- constructive feedback on Advocate's performance
- review advocate's plan for handling the case
- identify any initial concerns for and/or needs of the child(ren)
- encourage the Advocate to call with any concerns, questions, or problems
- confirm next scheduled appointment

## **OBSERVATION OF SUPERVISED VISITS**

### **Objectives:**

The VC will review:

- 1) rules for observation
- 2) tools to assess interaction between child(ren) and parent(s)

The Advocate will:

- 1) follow the rules for observation
- 2) assess the interaction between child(ren) and parent(s)

### **Preparation:**

VFC Standards of Performance state that the Advocate will observe a minimum of one court ordered supervised visit per month. To prepare for these observations the Advocate should have previously met with the child(ren) and the foster parents. The Advocate may decide, on occasion, to schedule an additional meeting with the child(ren), foster parents, or parents prior to or following a supervised visit, especially if the child resides out of the county.

Outline for the new Advocate how the visits are arranged by the CPS office. The caseworker should be advised of the Advocate's intent to attend and time and date should be confirmed. Supervised visitations are frequently rescheduled, therefore the Advocate may want to confirm, with the CPS worker, the day of the scheduled visit. Remind the Advocate not to interfere with the time allotted for child(ren) and parent(s) to visit.

Review:

- behaviors to be noted
- interaction of parent(s) with the child(ren)
- child(ren)'s reaction to parent(s)
- interaction to or among siblings

If relatives other than parent(s) are involved, discuss how this may influence the visit.

### **The Supervised Visit:**

Record observations of the visit. For novice Advocates the VC may be present to answer questions and interject information/directions as needed.

### **Conclusion:**

- Discuss reactions to the visit.
- Summarize observations and information gathered.
- All information must be documented.

- Remind the Advocate to contact the foster parents or caretakers within 3 days following the visit to assess any change in behavior of the child(ren)

The Advocate will observe the visit from the CPS room, not in the company of the parent(s) and child(ren). In the event of inappropriate behavior the CPS caseworker needs to be notified immediately and will intervene. If redirection of parents is warranted, it is the responsibility of the caseworker, not the Advocate.

## **TRANSPORTATION OF CHILDREN**

### **Objectives:**

The VC will:

- 1) present policy and training requirements for transportation of children
- 2) gather and provide information to the ED for a decision of approval/ non-approval
- 3) maintain transportation-approval renewal dates

The Advocate will:

- 1) understand policy and training requirements for transportation of children
- 2) complete all requirements and obtain approval before transporting any child

### **Preparation:**

For a restricted number of cases, volunteers may request to transport a child or children 12 years of age or over at the discretion of the Executive Director. If a volunteer requests to transport a child, the following information should be gathered (for each child for whom the request to transfer is being made) and submitted to the ED:

- Child's level of care
- For a child with a level of care of specialized or intense, written recommendation(s) from the therapist and/or RTC about the volunteer transporting the child
- Copy of the volunteer's current driver's license and proof of insurance
- Copy of the volunteer's returned TDPS Motor Vehicles Records Check
- Transportation Agreement signed by the volunteer, the VC, and the CPS caseworker
- Emergency Procedures signed by the volunteer and the VC

### **Conclusion:**

Once transportation of a child has been approved by the ED following VFC policy, the VC will ensure that the transportation training has been completed before the volunteer transports. The training will consist of the VC reviewing and providing the volunteer with a copy of the Transportation Policy, Transportation Agreement, Emergency Procedures. The VC will file a copy of all of the above in the Case File.

The VC will also note the date that the transportation approval will expire (6 months from date of ED approval). On or before the date of expiration of approval, the VC will submit the above again if the volunteer wishes to continue to transport.

## COURT REPORTS

### Objectives:

The VC will:

- 1) present format for the court report
- 2) assist in identifying appropriate information to be included

The Advocate will:

- 1) understand what information is necessary for an effective report
- 2) become familiar with the format for the court report

### Preparation:

Review the VFC Court Report that defines the information needed for each section and identifies the source. (i.e. "The therapist recommended that Bobby's individual counseling be increased to 2 times a week during this next transition period.")

To prepare for presentation in court it is important for the VC and Advocate to:

- read from each party's perspective
- remain factual
- present material in a neutral manner
- include specific requests and directions from the judge
- determine date for completion of the report allowing time for corrections or revisions

The Memorandum of Understanding (MOU) for CASA and Texas Department of Family and Protective Services (DFPS) requires the court report be sent to all parties 5 days prior to the court date. The DFPS court report will be received 10 days prior to the hearing and a copy must be given to the advocate. *Contact the CPS caseworker if the report is not received 10 days prior to the court date.*

Contact the Advocate prior to the completion deadline for the court report to clarify any questions and reconfirm the due date.

### Review of Court Report:

Read the court report, making suggestions where appropriate. (Microsoft Word has a tool that highlights editorial changes.) Determine the method for communication with the Advocate to finalize the report. Comments should highlight positive sections as well as those that need to be changed.

Although the report must have CASA program approval before being finalized it primarily represents the voice of the Advocate in court. The VC assists in the development of this document but the Advocate does the writing. *After the court report is finalized, no changes will be made to the document without the volunteer's consent.*

### **Filing and distribution of the Court Report:**

After the report is finalized, signed by the Advocate, the VC, and the Program or Executive Director, it is the responsibility of the VC to ensure that a copy of the report is filed with the court and faxed or mailed to all parties on the case. The VC, or a designated CASA staff member, will take the original and a copy to the District Clerk's office, which is located on the second floor of the Brazos County Courthouse. The original should be filed with the Clerk's office. The copy will be date-stamped and returned to the VFC office so copies can be made.

The VC must ensure that a copy is distributed to:

- AAL
- CPS caseworker
- CPS supervisor
- CPS attorney
- parent's attorney(s) if applicable

A date-stamped copy will be placed in the Case File and one given to the judge on the day of court.

## HOME ASSESSMENT

### Objectives:

The VC will review:

- 1) the VFC Home Assessment Packet
- 2) information needed to make recommendations regarding placement
- 3) the format for documenting home assessments

The Advocate will:

- 1) review the VFC Home Assessment Packet
- 2) use information to write an effective and appropriate home assessment
- 3) make informed recommendations regarding placement

### Preparation:

Step One: Consideration for placement procedure:

- identification/location of a relative for placement approval
- assemble contact information
- The VC sends Child Placement Application
- frequent contact by Advocate to answer questions about the Application
- Application may be returned to VFC office by mail, fax, or hand delivery
- background checks are made on each adult living in the household.

See procedures for running background checks.

Step Two: Interview of applicant

- review Home Assessment Interview Form
- identify needed information not addressed through the Interview form
- schedule the interview so both VC and Advocate are present
- prospective caretaker completes and signs CPS Central Registry Check
- make copy of driver's license
- the background check must be notarized by the staff notary or the potential caretaker may have the form notarized elsewhere and return it to VFC
- upon completion of the background check send it to:

**Cindy Laurence/Melissa Almaguer**  
**Texas Dept. of Family and Protective Services**  
**PO Box 149030**  
**Austin, TX 78714-9030**

Results typically take about 2-3 weeks. If the results have not been received before the completion deadline for the Home Assessment a request can be made to the caseworker to run a search in the CPS system for prior history.

If caregivers are not local the interview may be conducted over the telephone and the Central Registry Check completed, notarized, and returned by mail. The telephone interview may be scheduled so both the VC and Advocate are present.

If experienced, the Advocate may conduct the interview process including the VC as needed.

#### Step Three: Home visit

- review the Home Visit Form
- discuss method for educating potential caretakers about examination of the home (the survey is quite intense and includes inspection of refrigerator, pantry, bedrooms, bathrooms)
- schedule a time that is agreeable to all parties

If potential caretakers are not local determine if a CASA program is in their area and available to do a courtesy collaboration. See procedure for Courtesy Collaboration.

#### **Conclusion:**

- Evaluate the Advocates performance during review of the Home Assessment and redirect or educate as needed.
- Using the Reference Check form the Advocate will begin checking the references of the potential caretaker as well as adult children of the caretaker, if applicable.
- Following the VFC Home Assessment form the Advocate will write the report.
- Establish a due date for the written report.
- Upon completion the VC will read the report making positive comments and making note of parts that require clarification or information that should be included. Emphasize the positive aspects of the report.
- In person, by email, or telephone continue the editing process until the report is completed to the satisfaction of both Advocate and VC.
- The Advocate will be aware that this report is *their voice* in the placement of the child(ren) but must also have CASA program approval.

## CRIMINAL BACKGROUND CHECKS

### Objectives:

The VC will:

- 1) execute the background check

The Advocate will:

- 1) provide data necessary for the background check

To process a back ground check the following information is needed:

- full name, first, middle and last
- date of birth

Proceed as follows:

- log on to <http://records.txpds.state.tx.us/>
- click on the Log In button located on Menu at the left
- enter the following information
  - User ID: Llowey1
  - Password: brazos\*casa2005
- click "Search" Conviction Database

If the search results in no criminal history, print the first page of the results for documentation.

If the search results in a criminal history:

- a box will appear at the left of the name with a word in it.
- click on each box to view information about the charges and the results.
- the same charge and resolution may be listed under "Aliases".
- check every box to determine if they are identical or different.
- print a copy of each charge.

Record in the Background Check Log the date, name of the person checked and the child(ren) in the case.

Inform the Program Director when the account shows 3 credits or less.

If the potential caretaker has lived out-of-state within the past 5 years, explore options for a background check in that state and present to the ED for approval of cost, if any.

Contact the Advocate and advise them of the results of the background check. State that a copy of the results will be placed in the mail folder at the VFC office for their records. File the original results in the Case File.

## CHILD VICTIMS COMPENSATION APPLICATION

### **Objectives:**

The VC will:

1) Assist the Advocate in filing a Child Victims Compensation (CVC) application for each eligible child within the first 5 months of CASA's assignment to the case.

The Advocate will:

1) provide data necessary for the Child Victims Compensation application

A child is eligible to apply for CVC funds IF:

- The abuse precipitating the child's removal from the home or a more recent incident of abuse has occurred within the past 3 years, or
- An application has not already been submitted,

The VC will provide to the Advocate a Crime Victims Compensation packet including:

- CVC cover letter,
- CVC brochure,
- CVC pocket guide and
- CVC application

The VC will guide the Advocate through the process of filing an application for each child they are advocating for, if eligible.

Remind the Advocate to send the permanent caretaker or closest relative of the child a Crime Victims Compensation packet to explain the funds available to the child(ren) for needed assistance related to the recovery of their crime once Medicaid, insurance or all other forms of payment have been exhausted.

## **COURT HEARINGS**

### **Objectives:**

The VC will review:

- 1) strategies that will help the Advocate be most effective during the hearing
- 2) all stages of the court hearing

The Advocate will:

- 1) develop an understanding of the court hearing process
- 2) employ strategies that will focus on the best interest of the child(ren)

### **Preparation:**

Although the Advocate has observed at least three hours of court hearings during initial training, it is appropriate to review the format. Hearings may have different objectives and purposes so allow time prior to the appearance at each hearing to analyze the procedure and answer questions that may have arisen.

Further preparation will include:

- review of facts to support recommendations
- rehearse the presentation of Advocate's recommendations
- review of materials to bring to court (Any notes brought into the courtroom can be requested and reviewed by all parties. The Advocate may want to highlight areas of concern and vital information in their court report prior to the hearing.)
- review of order of persons participating
- reminder that each attorney has the right to question the person presenting a report
- confirm date and time of the hearing
- determine an appropriate arrival time
- a reminder that the interaction of various parties prior to the hearing could provide important information

It is the responsibility of the VC to notify the Advocate of any change in date or time of the hearings.

### **The Court Hearing:**

Upon arrival at the court provide an opportunity for the Advocate to communicate any last minute questions or concerns.

As the case is called the Advocate must give their name and relation to the case to the court reporter and take their place in the courtroom. Communication between the Advocate and VC during the hearing may take place in the form of written questions, which will be exchanged.

It is the responsibility of the VC to ensure that all parties to the suit have a copy of the CASA court report.

The Court Hearing Notes will be completed by the VC or other designated CASA staff during the proceedings.

**Conclusion:**

At the close of the hearing the VC should:

- summarize the proceedings with the Advocate.
- answer questions about the process, information exchanged or behavior of participants
- determine if there are areas in which the Advocate feels a need for more guidance
- give a constructive evaluation of the Advocate's performance with an emphasis on positive aspects of their performance
- make a copy of the completed Court Hearing Notes for the Advocate's records. If copy facilities are not available this may be done at the VFC office and placed in the mail folder.
- remind the Advocate to contact persons who need to know the outcome of the hearing (foster parents, therapists, etc.)
- express the appreciation of VFC for the Advocate's time, commitment, and dedication. Written acknowledgment by email, note or card, of their importance to the child(ren) and the case is also appropriate.

## **PERMANENCY PLAN TEAM MEETING (PPT)**

### **Objectives:**

The VC will provide:

- 1) a clear understanding of the purpose and format of the PPT
- 2) information and techniques to assist the Advocate during the PPT

The Advocate will:

- 1) become familiar with their role in a PPT
- 2) develop the skills to support the cause of their child(ren)

### **Preparation:**

To prepare for this meeting the VC will:

- review the purpose of the PPT
- define the timeframe and what format can be expected
- discuss the progress of services for both parents and child(ren), if applicable
- explore services or recommendations that the Advocate may want to address during the meeting
- identify the appropriate time to advocate for these services

### **The PPT:**

The VC should attend the PPT with the Advocate to:

- provide support during the meeting
- introduce previously agreed upon topics that may be overlooked by the Advocate
- observe the Advocate's performance
- complete the PPT Meeting Notes
- file a copy of the notes in the office case file and place a copy in the Advocate's mail folder

### **Conclusion:**

- Summarize with the Advocate the information presented and any progress made during the PPT.
- Review important information gleaned during the meeting
- Identify the steps to follow up decisions made.
- Provide constructive evaluation on the Advocate's performance.
- Confirm the next scheduled meeting.
- As always, encourage the Advocate to communicate concerns or questions.

## **MEDIATION**

### **Objectives:**

The VC will:

- 1) provide a clear understanding of the purpose and format of mediation
- 2) direct the CASA in the most effective way to advocate for the child(ren)

The Advocate will:

- 1) understand the process of mediation and their role

### **Preparation:**

Clarify the purpose of mediation as it relates to the Advocate's case. Outline the recommendation of CASA and discuss the possibility of negotiations according to the best interest of the child(ren). At any time during the mediation the VC and/or the Advocate may request a recess for private discussion.

Review the rules of confidentiality. No part of the discussion during the mediation process may be repeated.

All notes taken during the session must be shredded or given to the mediator at the close of the meeting.

It is permissible to report only the results of mediation - an agreement was reached, or no agreement was forthcoming. If an agreement was successful the terms may be reported.

### **Mediation:**

The role of the VC at mediations includes:

- observation of the performance of the Advocate
- support of the Advocate
- reminding the Advocate to raise concerns information through verbal prompts or written messages
- request for private conference with the Advocate if necessary
- verification that any agreement is reviewed and signed by the Advocate and VC
- confirmation that copies of agreement are in hand at the close of mediation

### **Conclusion:**

Summarize with the Advocate the progress of the mediation. Review the agreement, if one was reached, and decide what steps are necessary to carry out its terms. Provide a positive, constructive evaluation of the Advocate's performance.

## TRIALS

### Objectives:

The VC will:

- 1) review strategies to enable the Advocate to present a strong and effective argument
- 2) clarify the format and process to assure a confident performance by the Advocate

The Advocate will understand:

- 1) the process and be confident in their role as advocator for the best interest of the child(ren)
- 2) the importance of well documented, clearly stated information supporting their recommendations

### Preparation:

The Advocate should:

- review the case file at CPS
- contact all sources just prior to the trial so information is current
- create a base of factual information, i.e. timeline, outline, etc.
- discuss this information with the VC

The VC and Advocate need to:

- meet to outline the CASA recommendations and the supporting facts
- ensure that information has been gathered from all sources and is current
- review Tips for Testifying
- understand that important information that has been omitted during questioning may be interjected through an independent statement to the court as GAL

The VC will arrange a meeting with the attorney most closely aligned with the CASA position. The attorney, VC and Advocate will discuss the upcoming trial, relevant information, grounds (if applicable) and the type of question that will be asked. If the Advocate is under time constraints regarding the trial, the attorney can advise the approximate point when they will be called to give testimony.

If termination is recommended define the evidence and ascertain that it is in accordance with the Texas Family Code and in the best interest of the child(ren).

If a court report is being filed, deadlines should be established so the process can be finalized.

The day before the trial contact the Advocate to air any concerns, discuss new information, review the recommendations, and confirm the time.

**The Trial:**

The Advocate should be prepared to pass written information to the attorney as needed during the trial. If the Advocate can be present for only a portion of the trial, the VC will fulfill that responsibility and take notes so the CASA can be fully informed. The VC should be present for the entire trial.

Prior to their testimony convey to the Advocate the confidence of the VC in their ability to perform successfully.

**Conclusion:**

At the conclusion of the trial commend the Advocate for a complicated and challenging achievement. Discuss the emotions that surfaced during the trial, the outcome, and answer any questions the Advocate may have. Inquire if there were areas where the Advocate felt that more guidance was needed.

Express the gratitude felt by all at Voices for Children for the Advocate's time, dedication, and commitment to the case. Follow up with a thank you card signed by the VC and the Executive Director and let them know that they made a real difference in the life of the child(ren).

State that contact will be made for a meeting to plan the next step or close the case, depending on the outcome of the trial.

## **CLOSING A CASE**

### **Objectives:**

The VC will:

- 1) complete forms to bring case to closure
- 2) provide time for Advocate to summarize all aspects of the case

The Advocate will:

- 1) complete closure procedures
- 2) express emotional reactions to the process, the outcome of the case and experience closure

### **Preparation:**

The VC will complete the Performance Measures and the Supervisor Evaluation of Volunteer At Case Closure forms. Select, at random, two people who were involved in the case (i.e. AAL, CPS Supervisor, parent therapist, District Attorney, etc.) and mail a Program Evaluation Survey Letter and a Program Evaluation Survey form, with a self-addressed, stamped envelope to them.

The VC, Program Director and the Executive Director will evaluate the performance of the Advocate and discuss recommendations for their continued involvement with VFC.

### **Advocate Conference:**

The VC and Advocate will bring closure to a case at a scheduled conference.

- Confirm that answers on the Performance Measures, based on the Advocate's involvement, are accurate.
- This instrument will provide the basis for evaluation, discussion of the Advocate's strengths as well as areas of growth.
- Ascertain the advocate's plans for future involvement - if it has predetermined that they are eligible to continue in the CASA role.
- If the Advocate is interested in taking another case after a period of time, discuss a target date for their return.
- The Advocate will sign the performance measures.
- The Advocate will receive a copy of their evaluation forms.
- Collect all of the Advocates records for the case. If the Advocate has additional records elsewhere, instruct the Advocate to return them to the CASA office to be shredded.

Upon closure of a case the Advocate is no longer serving as a GAL. Remind the Advocate any further contact with the child(ren) will be a personal decision with the approval of the permanent caretaker.

## **Conclusion:**

The VC will complete the following forms and distribute as stated:

- Performance Measures form: place original in the Closed Case File and give a copy to the Program Director within 3 working days.
- Supervisor Evaluation of Volunteer Form: place original in Volunteer's Personnel File and give one to the Program Director within 3 working days.
- Program Evaluation Survey: place the originals of the returned forms in the Closed Case File and give a copy to the Program Director. A copy may also be sent to the Advocate, if it is a favorable appraisal of the Advocate's involvement.

Notify the Executive Director of the Advocate's decision regarding future cases.

**\*Send the Advocate a card of congratulations for their work and helping the child(ren) achieve safety and permanency.**

## **SUPERVISION OF ADVOCATES**

### **Objectives:**

The VC will:

- 1) establish an atmosphere of trust and confidence to enhance the relationship with the Advocate
- 2) guide and supervise the Advocate through clearly stated expectations, open lines of communication, and a rapid response to questions or concerns

### **Communication:**

The VC will:

- schedule monthly meetings with the Advocate
- prepare a Case Review completing as much as possible prior to the meeting so that the time can be focused on the needs of the Advocate (In the event the Advocate is not available this should be recorded in the Supervisor/Volunteer Contact Sheet.)
- maintain frequent contact via telephone or e-mail between the scheduled meetings to sustain strong communication and provide opportunities for the Advocate to ask questions, seek guidance, or express concerns about the case

### **Tips for Supervision:**

- 1) Advocacy work is demanding, sometimes frustrating, or even frightening. Frequent contact will offer the Advocate opportunities to express concerns and frustrations.
- 2) Ensure that the Advocate is aware of the difference they are making. They have not had the opportunity to compare their case to others, which would broaden their perspective. Identify successes that have occurred because of their work.
- 3) If an Advocate has difficulty meeting deadlines or appears to struggle with management of time, schedule a meeting and express concern and a willingness to help seek a solution. The problem may be due to a need for more direction, a lack of emotional involvement with the child(ren), time constraints, or other factors. It may be helpful to remind the CASA of the important contribution they are making to the lives of the child(ren). If the problem persists discuss the Advocate's commitment and analyze their desire to continue working on the case. Further concerns should be discussed with the Executive Director.
- 4) The Advocate will experience a sense of empowerment as they successfully meet the challenges of the CASA role, employ the strategies taught during training, and receive positive reinforcement from the VC. Guide the Advocate in their performance of their role rather than doing it for them.
- 5) Plan future meetings as a team allowing the Advocate to make suggestions about areas they want to address.
- 6) Good communication concerning all aspects of the case, including the exchange of information, is vital to the Advocates confidence and success.

## COURTESY COLLABORATIONS

### **Objectives:**

The VC will:

1) establish the procedure to request help from a different CASA program to obtain assistance with a case assessment.

The Advocate will:

1) understand and follow procedure when seeking help from another CASA program

### **Preparation:**

Courtesy collaborations are requests to another CASA program for assistance in gathering information about placement outside the local area. Courtesy collaborations may be requested if an emergency visit is needed or when a child is placed in another city and a potential caretaker in that city has requested to be considered for placement and a home assessment is needed. The Home Assessment Interview can then be completed by phone with the assisting CASA agency performing the home visit.

Some CASA programs do not perform courtesy collaborations. In fact, National CASA has expressed concerns regarding a potential lack of legal authority and, consequently, a breach of confidentiality in sharing information with another program. These concerns may be alleviated by providing the assisting program with a court ordered request for a courtesy collaboration .

The Texas CASA web site will identify all existing programs in the state. To access this information:

- log onto [www.texascasa.org](http://www.texascasa.org)
- in upper right hand corner there is an option "Locate a program in your area"
- pull down menu to locate the county

The National CASA web site will identify all existing programs in the United States. To access this information:

- log onto [www.nationalcasa.org](http://www.nationalcasa.org)
- click on Volunteer and then click on Find CASA in my Community (left side of the screen)
- enter zip code (city, state is optional) and select an area of circumference

If no CASA program exists in a particular area, search surrounding counties.

It is important to have all data regarding the placement and contact information available before initiating the request procedure.

### **Courtesy Collaboration:**

Once a program is located the Advocate will:

- inquire if the program performs courtesy collaborations or would be able to with a court ordered request
- if so, establish contact with the staff person who handles courtesy collaborations
- introduce him/herself and explain the request

The collaborating agency will request:

- a copy of the court order appointing VFC as Guardian ad Litem
- a letter from the Advocate identifying the person(s) to be visited
- the information needed
- contact information for placement
- and **may** request an order from the presiding judge requesting a courtesy collaboration of their program

The VC will:

- provide a copy of the Courtesy Collaboration Request form letter for completion by the Advocate and/or a court order requesting the courtesy collaboration
- obtain a court ordered request for courtesy collaboration (if needed)
- review the completed Request form letter and fax the material to the collaborating agency
- help the Advocate determine an appropriate time line to receive needed information. The Advocate will continue contact with collaborating staff personnel as needed.

### **Conclusion:**

The Advocate will complete the Thank You Letter for Courtesy Collaboration and forward it to the VC who will then review it and send it to the collaborating agency.

## VOLUNTEER INTAKE

### **Receiving the call:**

Any staff person can and should take a call from a potential volunteer. After finding out their level of familiarity with the program, talk with them more about each of the three volunteer opportunities and answer any questions they may have. Invite them to the next VOICES meeting to find out more about the different opportunities. Using the Volunteer Intake Form, gather initial information about the potential volunteer. Depending on what opportunity they are interested in, pass on a copy of the intake form to each:

Volunteer Coordinator (SVC)- Safe Harbour interest  
Receptionist- Friends of VFC interest  
PD- Child Advocate interest

Let the potential volunteer know you will be passing the information on to the appropriate person, and that they will receive a follow up call in the near future with more information from that person. *Please be sure to get all of their contact information at the top of the form* (address, phone, e-mail, etc).

### **Receiving the application:**

Stamp the application with the date the application was received. Pass on a copy of the application to the appropriate person (same as above).

## **PROCEDURES TO REPORT ABUSE OR NEGLECT**

### **Texas Department of Family and Protective Services 24-hour Child Abuse Hotline 1-800-252-5400**

Advocates who are informed of suspected abuse or neglect by professionals or others involved in a case must direct that person to make the report. They must then report the allegations and any concerns to the CPS caseworker and VC.

Any advocate who suspects abuse or neglect must report their concerns to the VC. In addition, any first hand knowledge of abuse or neglect must be reported to the DFPS Child Abuse Hotline within 72 hours. Informing the VC of the hotline call is optional.

Any Volunteer Coordinator who suspects abuse or neglect must report their concerns to the ED. In addition, any first hand knowledge of abuse or neglect must be reported to the DFPS Child Abuse Hotline within 48 hours.

## APPENDIX

### LEVELS OF CARE DEFINITIONS

To help categorize therapeutic groups, children in foster care are evaluated by their needs and limitations. These categories correspond numerically to the specific Level of Care the child requires.

There are four Levels of Care (LOC) referred to as **Basic, Moderate, Specialized and Intense Services**.

The **Basic** Service Level consists of a supportive setting, preferably in a family, that is designed to maintain or improve the child's functioning, including routine guidance and supervision, affection, reassurance, and involvement in activities. A child needing basic services is capable of responding to limit-setting or other interventions.

The **Moderate** Service Level consists of a structured supportive setting, preferably in a family, in which most activities are designed to improve the child's functioning including more than routine guidance and supervision, or possibly a child with primary medical or habilitative needs who may require intermittent care from a skilled caregiver who has demonstrated competence.

The **Specialized** Service Level consists of a treatment setting, preferably in a family, in which caregivers have specialized training to provide therapeutic, habilitative, and medical support and interventions including 24-hour supervision.

The **Intense** Service Level consists of a high degree of structure, preferably in a family, to limit the child's access to environments as necessary to protect the child. The caregivers have specialized training to provide intense therapeutic and habilitative supports and interventions with limited outside access, including 24-hour supervision.

Source: [http://www.dfps.state.tx.us/Child\\_Protection/Foster\\_Care/Care\\_Levels.asp](http://www.dfps.state.tx.us/Child_Protection/Foster_Care/Care_Levels.asp)

# TEXAS FAMILY CODE

## CHAPTER 107. SPECIAL APPOINTMENTS AND SOCIAL STUDIES

### SUBCHAPTER A. GUARDIAN AD LITEM REPRESENTATION

#### **§ 107.001. Appointment of Guardian ad Litem**

(a) In a suit in which termination of the parent-child relationship is requested, the court or an associate judge shall appoint a Guardian ad Litem to represent the interests of the child immediately after the filing of the petition but before the full adversary hearing to ensure adequate representation of the child, unless:

(1) the child is a petitioner;

(2) an Attorney ad Litem has been appointed for the child; or

(3) the court or an associate judge finds that the interests of the child will be represented adequately by a party to the suit and are not adverse to that party.

(b) In a suit filed by a governmental entity in which the entity requests the termination of the parent-child relationship or to be named conservator of a child, the court or an associate judge shall appoint a Guardian ad Litem to represent the best interests of the child immediately after the filing of the petition but before the full adversary hearing to ensure adequate representation of the child.

(c) In any other suit, the court or an associate judge may appoint a Guardian ad Litem.

(d) A Guardian ad Litem appointed under this section may be an attorney, a volunteer advocate appointed under Section 107.031, or another adult having the competence, training, and expertise determined by the court to be sufficient to represent the best interests of the child.

(e) The managing conservator may be appointed Guardian ad Litem if the managing conservator:

(1) is not a parent of the child or a person petitioning for adoption of the child; and

(2) has no personal interest in the suit.

(f) A Guardian ad Litem shall be appointed to represent any other person entitled to service of citation under this code if the person is incompetent or a child, unless the person has executed an affidavit of relinquishment of parental rights or an affidavit of waiver of interest in child containing a waiver of service of citation.

## **§ 107.002. Powers and Duties of Guardian ad Litem**

(a) A Guardian ad Litem appointed under this subchapter is not a party to the suit but may:

(1) conduct an investigation to the extent that the Guardian ad Litem considers necessary to determine the best interest of the child for whom the guardian is appointed; and

(2) obtain and review copies of the child's relevant medical, psychological, and school records.

(b) A Guardian ad Litem appointed under this subchapter shall, within a reasonable time after the appointment, interview:

(1) the child, if the child is four years of age or older; and

(2) each individual that the Guardian ad Litem considers likely to have significant knowledge of the child's history and condition.

(c) A Guardian ad Litem appointed under this subchapter is not a party to the suit but is entitled to:

(1) receive a copy of each pleading or other paper filed with the court in the case in which the Guardian ad Litem is appointed;

(2) receive notice of each hearing in the case;

(3) participate in case staffing by an authorized agency concerning the child;

(4) attend all legal proceedings in the case but may not call or question a witness unless the ad litem is a licensed attorney;

(5) review and sign or decline to sign any agreed order affecting the child; and

(6) testify in court, except as provided by Subsection (d), regarding the recommendations concerning the actions that the Guardian ad Litem considers to be in the best interest of the child, including giving reasons for the Guardian ad Litem's opposition if the Guardian ad Litem does not agree to the terms of a proposed order.

(d) An attorney who is appointed as Attorney ad Litem and Guardian ad Litem for a child may not testify under Subsection (c)(6).

(e) An attorney who is appointed as Attorney ad Litem and Guardian ad Litem for a child shall:

(1) become familiar with the American Bar Association's standards of practice for lawyers who represent children in abuse and neglect cases; and

(2) comply with the requirements of the Texas Disciplinary Rules of Professional Conduct.

(f) An attorney who is appointed as Attorney ad Litem and Guardian ad Litem for a child and who determines that a conflict exists by performing both roles shall:

(1) withdraw as the child's Guardian ad Litem;

(2) continue to serve as the child's Attorney ad Litem; and

(3) request appointment of a new Guardian ad Litem for the child without revealing the reason a new appointment is required.

### **§ 107.003. Immunity**

(a) A Guardian ad Litem appointed under this subchapter is not liable for civil damages arising from a recommendation made or an opinion given in the capacity of Guardian ad Litem.

(b) Subsection (a) does not apply to a recommendation or opinion that is:

(1) willfully wrongful;

(2) given with conscious indifference or reckless disregard to the safety of another;

(3) given in bad faith or with malice; or

(4) grossly negligent

### **§ 107.006. Guardian ad Litem and Attorney ad Litem Pool; Qualifications**

(a) The local administrative district judge in each county in a Department of Protective and Regulatory Services region for child protective services that contains a county having a population of 2.8 million or more shall establish a pool from which guardians ad litem and attorneys ad litem are appointed for proceedings in the district courts of the county. A local administrative district judge in any other county may establish a pool from which guardians ad litem and attorneys ad litem are appointed for proceedings in the district courts of that county. To be eligible for a pool established under this subsection, a person must:

(1) complete training approved by the State Bar of Texas in family law and the responsibilities of ad litem;

(2) complete as part of the person's annual continuing legal education requirement not fewer than three hours in family law issues; and

(3) meet other requirements established by the local administrative district judge.

(b) Before appointment as a Guardian ad Litem or an Attorney ad Litem, the person must have read, acknowledged by signing, and filed with the local administrative judge a written statement prepared by the local administrative district judge that lists the responsibilities of an ad litem, some or all of which may be appropriate to the person's specific case. The court shall retain a copy of the acknowledgment for two years. To continue to receive appointments under this section, the person must execute a new statement at least every two years.

(c) A party to a proceeding in which a person is appointed as a Guardian ad Litem or an Attorney ad Litem may object to appointment of the person at any time before the date of the trial of the proceeding. A party may object under this subsection by filing a written motion stating the grounds and facts on which the party believes that the person appointed lacks objectivity or is failing to fulfill the person's responsibilities as an ad litem as outlined in the written statement of ad litem responsibilities. The court shall promptly rule on an objection raised under this subsection and shall order the removal of the Guardian ad Litem or Attorney ad Litem if the court finds that the objection is justifiable.

(d) A person appointed as a Guardian ad Litem or Attorney ad Litem shall complete and submit to the court a voucher or claim for payment that includes the fees charged and hours worked by the ad litem. Information submitted under this section is subject to disclosure under Chapter 552, Government Code.

(e) The Bureau of Vital Statistics may compile information submitted under Subsection (d) for a county that maintains that information on an electronic database. On the request of the bureau, the county shall provide the information. Information compiled by the bureau under this section shall be made available to the Department of Protective and Regulatory Services.

## **SUBCHAPTER B. ATTORNEY AD LITEM**

### **§ 107.011. Discretionary Appointment of Attorney ad Litem**

(a) An associate judge shall recommend the appointment of an Attorney ad Litem for any party in a case in which the associate judge deems representation necessary to protect the interests of the child who is the subject matter of the suit.

(b) The court shall appoint an Attorney ad Litem for any party in a case in which the court deems representation necessary to protect the interests of the child who is the subject matter of the suit.

### **§ 107.012. Mandatory Appointment of Attorney ad Litem for Child**

In a suit filed by a governmental entity requesting termination of the parent-child relationship or to be named conservator of a child, the court shall appoint an Attorney ad Litem to represent the interests of the child immediately after the filing, but before the full adversary hearing, to ensure adequate representation of the child.

### **§ 107.013. Mandatory Appointment of Attorney ad Litem for Parent**

(a) In a suit in which termination of the parent-child relationship is requested, the court shall appoint an Attorney ad Litem to represent the interests of:

(1) an indigent parent of the child who responds in opposition to the termination;

(2) a parent served by citation by publication;

(3) an alleged father who failed to register with the registry under Chapter 160 and whose identity or location is unknown; and

(4) an alleged father who registered with the paternity registry under Chapter 160, but the petitioner's attempt to personally serve citation at the address provided to the registry and at any other address for the alleged father known by the petitioner has been unsuccessful.

(b) If both parents of the child are entitled to the appointment of an Attorney ad Litem under this section and the court finds that the interests of the parents are not in conflict, the court may appoint a single Attorney ad Litem to represent the interests of both parents.

### **§ 107.0135. Appointment of Attorney ad Litem Not Required; Certain Cases**

A court is not required to appoint an Attorney ad Litem in a proceeding in which:

(1) a suit for the dissolution of a marriage is uncontested; or

(2) the issues of possession of and access to a child are agreed to by both parents.

### **§ 107.014. Powers and Duties of Attorney ad Litem for Child**

(a) An Attorney ad Litem appointed under this subchapter to represent a child:

(1) shall investigate to the extent the Attorney ad Litem considers appropriate to determine the facts of the case;

(2) shall obtain and review copies of all of the child's relevant medical, psychological, and school records;

(3) may call, examine, or cross-examine witnesses; and

(4) shall become familiar with the American Bar Association's standards of practice for lawyers who represent children in abuse and neglect cases.

(b) An Attorney ad Litem appointed to represent a child shall within a reasonable time after the appointment:

(1) interview the child if the child is four years of age or older;

(2) interview individuals with significant knowledge of the child's history and condition, including the child's foster parents; and

(3) interview all parties to the suit.

### **§ 107.015. Attorney ad Litem Fees**

(a) An attorney appointed to represent a child or parent as authorized by this subchapter is entitled to reasonable fees and expenses in the amount set by the court to be paid by the parents of the child unless the parents are indigent.

(b) If the court or associate judge determines that one or more of the parties are able to defray the costs of an Attorney ad Litem's fees and expenses as determined by the reasonable and customary fees for similar services in the county of jurisdiction, the fees and expenses may be ordered paid by one or more of those parties, or the court or associate judge may order one or more of those parties, prior to final hearing, to pay the sums into the registry of the court or into an account authorized by the court for the use and benefit of the Attorney ad Litem on order of the court. The sums may be taxed as costs to be assessed against one or more of the parties.

(c) If indigency of the parents is shown, an attorney appointed to represent a child or parent in a suit to terminate the parent-child relationship shall be paid from the general funds of the county according to the fee schedule that applies to an attorney appointed to

represent a child in a suit under Title 3 as provided by Chapter 51. The court may not award Attorney ad Litem fees under this chapter against the state, a state agency, or a political subdivision of the state except as provided by this subsection.

**§ 107.016. Continued Representation**

In a suit brought by a governmental entity seeking termination of the parent-child relationship or appointment of the entity as conservator of the child, an order appointing the Department of Protective and Regulatory Services as the child's managing conservator may provide for the continuation of the Attorney ad Litem appointment for the child for any period set by the court.

## **SUBCHAPTER C. OTHER COURT APPOINTMENTS**

### **§ 107.031. Volunteer Advocates**

(a) In a suit filed by a governmental entity, the court may appoint a person who has received the court's approved training and who has been certified by the court to appear at court hearings as a volunteer advocate on behalf of the child.

(b) In addition, the court may appoint a group of court-certified volunteers to serve as an administrative review board to advise the court as to the conservatorship appointment and the placement of the child by the Department of Protective and Regulatory Services or authorized agency in substitute care.

(c) A court-appointed volunteer, a board member or employee of a volunteer advocate charitable organization, or a member of an administrative review board is not liable for civil damages for a recommendation made or opinion rendered while serving or having served as a court-appointed volunteer, board member or employee of a volunteer advocate charitable organization, or member of an administrative review board under this section unless the act or failure to act is willfully wrongful, committed with conscious indifference or reckless disregard for the safety of another, committed in bad faith or with malice, or is grossly negligent.

(d) This section does not prohibit the court from appointing as a Guardian ad Litem for a child under Section 107.001 a court-certified volunteer advocate appointed for the child under this section.

(e) A court-certified volunteer advocate appointed under this section for a child with a disability may be assigned to act as a surrogate parent for the child, as provided by 20 U.S.C. Section 1415(b) and its subsequent amendments, if:

(1) the child is in the conservatorship of the Department of Protective and Regulatory Services;

(2) the volunteer advocate is serving as Guardian ad Litem for the child; and

(3) a foster parent of the child is not acting as the child's parent under Section 29.015, Education Code.

## **SUBCHAPTER D. SOCIAL STUDY**

### **§ 107.051. Order for Social Study**

(a) The court may order the preparation of a social study into the circumstances and condition of the child and of the home of any person requesting managing conservatorship or possession of the child.

(b) The social study may be made by a private entity, a person appointed by the court, or a state agency, including the Department of Protective and Regulatory Services if the department is a party to the suit.

(c) In a suit in which adoption is requested or possession of or access to the child is an issue and in which the Department of Protective and Regulatory Services is not a party, the court shall appoint a private agency or another person, including a domestic relations office, to conduct the social study.

### **§ 107.0511. Pre-adoptive Home Screening**

(a) In this section, " department" means the Department of Protective and Regulatory Services.

(b) A pre-adoptive home screening shall be conducted as provided by this section to evaluate each party in a proceeding described by Subsection (c) who requests termination of the parent-child relationship or an adoption.

(c) Except for a suit brought by a licensed child-placing agency or the department, the home screening under this section shall be filed in any suit for:

(1) termination of the parent-child relationship in which a person other than a parent may be appointed managing conservator of a child; or

(2) an adoption.

(d) Other than in a suit in which a licensed child-placing agency or the department is appointed managing conservator of the child, the home screening under this section must be filed with the court before the court may sign the final order for termination of the parent-child relationship.

(e) The costs of a home screening in a suit for adoption under this section shall be paid by the prospective adoptive parent.

(f) Unless otherwise agreed to by the court, the home screening under this section must comply with the minimum requirements for the screening under rules adopted by the Board of Protective and Regulatory Services.

(g) In a stepparent adoption, the pre-adoptive home screening under this section and the post-placement adoptive report under Section 107.052 may be combined.

### **§ 107.052. Post-placement Adoptive Report**

(a) In a proceeding in which a pre-adoptive home screening is required by Section 107.0511 for an adoption, a post-placement adoptive report must be conducted and filed with the court before the court may render a final order in the adoption.

(b) Unless otherwise agreed to by the court, the post-placement adoptive report must comply with the minimum requirements for the report under rules adopted by the Board of Protective and Regulatory Services.

### **§ 107.053. Prospective Adoptive Parents to Receive Copy**

In all adoptions a copy of the report shall be made available to the prospective adoptive parents prior to a final order of adoption.

### **§ 107.054. Report Filed With Court**

The agency or person making the social study shall file with the court on a date set by the court a report containing its findings and conclusions. The report shall be made a part of the record of the suit.

### **§ 107.055. Introduction of Report at Trial**

(a) Disclosure to the jury of the contents of a report to the court of a social study is subject to the rules of evidence.

(b) In a contested case, the agency or person making the social study shall furnish copies of the report to the attorneys for the parties before the earlier of:

(1) the seventh day after the date the social study is completed; or

(2) the fifth day before the date of commencement of the trial.

(c) The court may compel the attendance of witnesses necessary for the proper disposition of the suit, including a representative of the agency making the social study, who may be compelled to testify.

### **§ 107.056. Preparation Fee**

If the court orders a social study to be conducted and a report to be prepared, the court shall award the agency or other person a reasonable fee for the preparation of the study that shall be taxed as costs and paid directly to the agency or other person. The person or agency may enforce the order for the fee.

## **CODE OF ETHICS FOR MEMBERS**

This Code of Ethics provides Voices for Children, Inc. members with guidelines for professional behavior and ethical conduct. Voices for Children, Inc. may not, however, be held liable for the actions of its members.

### **CONDUCT**

1. Members of Voices for Children, Inc. will abide by the Voices for Children Code of Ethics and all laws and regulations governing their activities.
2. Members of Voices for Children, Inc. will uphold the credibility and dignity of the CASA concept by conducting all business in an honest, fair, professional and humane manner.
3. Employees of CASA programs and CASA volunteers will not use their authority inappropriately, nor condone any illegal act or unethical practices related to their program or community.
4. CASA programs and individuals who are members of Voices for Children, Inc. may not use CASA to promote personal gain.
5. Members of Voices for Children, Inc. will avoid any action which could adversely affect the confidence of the public and the integrity of Voices for Children, Inc.
6. Voices for Children, Inc. and its member programs will serve and respond to requests without bias because of race, religion, gender, age, national origin or handicap.

### **CONFIDENTIALITY**

7. CASA programs and volunteers will respect the right to privacy of all individuals, and will keep information about CASA cases confidential.
8. Persons affiliated with CASA will not use confidential information obtained through their work with CASA for personal benefit.

### **KNOWLEDGE AND UNDERSTANDING**

9. Individuals working in CASA programs as staff and/or volunteers must be trained in the operations of the court and child welfare systems, and in the nature of child abuse and neglect.
10. CASA programs and volunteers must respect a child's inherent right to grow up with dignity in a safe environment that meets the child's best interests.

**STATE AFFILIATION**

11. CASA programs which are members of Voices for Children, Inc. must operate in accordance with the Voices for Children Code of Ethics, goals and purposes.
12. Official CASA designations may be used only for purposes in accordance with the goals and purposes of Voices for Children, Inc.

**COMPLIANCE**

The Standards Committee shall monitor compliance with the Code of Ethics in accordance with the bylaws of Voices for Children, Inc.

## COMMONLY USED ACRONYMS AND ABBREVIATIONS

AAL	Attorney ad Litem
ARD	Admission Review Dismissal
BVCASA	Brazos Valley Council on Alcohol and Substance Abuse
CPS	Child Protective Services
CVC	Crime Victim's Compensation
DPRS	Department of Protective and Regulatory Services (former name of DFPS)
DV	Domestic Violence
ECI	Early Childhood Intervention
FA	Father
FBSS	Family Based Safety Services
FFA	Foster Father
FMO	Foster Mother
FP	Foster Parent
FH	Foster Home
FPU	Family Preservation Unit
FRU	Family Reunification Unit
GAL	Guardian ad Litem
H/S	Home Study
ICPC	Interstate Compact Permanency Contract
ITIO	In the Interest of
ITC	Injury to Child
JR	Judicial Review
L.O.C.	Level of Care
MGM	Maternal Grandmother
MHMR	Mental Health/Mental Retardation
MO	Mother
MOU	Memorandum of Understanding
NSUP	Neglectful Supervision
O/V	Oldest Victim
PA	Paternal Aunt
P. A. L.	Preparation for Adult Living
PC	Parenting Classes
PHAB	Physical Abuse
PPT	Permanency Plan Team (meeting)
PO	Probation or Parole Officer
Pos. Tox.	Positive Toxicology (for drugs)
P.O.S.	Plan of Service
PMC	Permanent Managing Conservatorship
R/O	Ruled Out
RAPR	Refusal To Accept Parental Responsibility (a.k.a. rapper)
RTC	Residential Treatment Center

RTB	Reason To Believe
SR	Status Review (signifies 1st review ever)
SSI	Social Services Income
SXAB	Sexual Abuse
TANF	Temporary Assistance for Needy Families
DFPS	Texas Department of Family and Protective Services
TFH	Therapeutic Foster Home
TMC	Temporary Managing Conservatorship
TPC	Temporary Possessory Conservatorship
U/A	Urine Analysis
UTD	Unable To Determine

## ***AGREEMENT BETWEEN***

**Texas Department of Family and Protective Services,  
Child Protective Services  
and  
Texas Court Appointed Special Advocates, Inc.**

- I. Introduction.** The following Memorandum of Understanding (MOU) signed by the Texas Department of Family and Protective (DFPS), Child Protective Services division (CPS) and the Texas Court Appointed Special Advocates, Inc. (CASA) represents guidelines for a mutually agreeable working relationship between CPS and CASA. Each agency is committed toward working together for the common goals of moving every child through the foster care system in a timely manner and finding a safe and permanent home for each child. CPS and CASA will not always agree, however, these guidelines are designed to facilitate an open style of communication between CPS in the regions and the local CASA programs. The mutual goal is to help the courts achieve permanency for children as quickly as possible.
- II. Appointment.**
- A. In some jurisdictions CASA will be court-appointed to a specific case through an order signed by a Family Court, Juvenile Court or Domestic Relations Court, or an associate judge. In other jurisdictions, CASA may have automatic appointments through the local District Court. A request for the appointment of CASA may also be made at a later date by making a request to the court or the local CASA program director or executive director. In CPS cases CASA will send notification of the appointment of CASA to the attorney representing CPS, the CPS caseworker, and other parties involved in the suit.
  - B. For the term of the appointment of CASA, the volunteer advocate and the CPS caseworker for the child will remain in contact conveying necessary information regarding the status of the case.
  - C. The CASA volunteer advocate is a sworn officer of the court who remains active on the case until legal permanency is attained for the child(ren) or as directed by the court.
  - D. In any case in which CASA serves as the guardian ad litem for the child(ren), the provisions of this agreement shall not be construed to

place any limitation on the powers and duties of the guardian ad litem, as contained in Section 107.002 of the Texas Family Code.

### **III. Confidentiality.**

- A. Section 40.005 of the Texas Human Resources Code provides that a person who is authorized to receive confidential information shall maintain its confidentiality and shall prevent disclosure of the information to a person who is not authorized to receive the information. It is a Class A misdemeanor to disclose, without authorization from CPS or the court, confidential information contained in the CPS records, papers, files or communications.
- B. CASA will not release or share any information concerning CPS abuse and neglect records and/or allegations, except with the court, attorney *ad litem*, or parties to the suit, as appropriate. Pursuant to Section 264.607 (a)(3)(H) CASA will develop procedures to assure the confidentiality of all case records.
- C. CASA and CPS will provide training to all of its staff and volunteers concerning the confidential nature of CPS case records and any information relating to the child.
- D. CASA and CPS staff and volunteers will ensure the security of CPS case records.
- E. CASA assumes full responsibility to ensure that all CPS records in their possession, including any E-mail correspondence regarding this case, are destroyed once the youngest child in the home reaches eighteen (18) years of age.
- F. Volunteer advocates will not take a foster child to the home of a CASA staff person or volunteer, or to the home of a CASA friend or relative. Volunteer advocates will not take relatives or friends on visits with a foster child.

### **IV. Access to Records.**

- A. CPS will routinely provide CASA with a copy of the Family Service Plan as well as any other case records filed by CPS with the court. All CPS records, whether sent by regular mail, fax or E-mail, should only be sent to the CASA office. No information should be sent to the individual homes of the volunteer advocates. If records are faxed or mailed a cover letter should accompany the records stating "this information is bound by federal and state confidentiality laws and

violation of these laws could result in criminal and/or civil penalties.”

- B. If CASA is appointed to a case for which there are no records yet available, the volunteer advocate or a CASA professional staff person is entitled to receive verbal information from the CPS caseworker until records are received.
- C. When CASA wants to obtain additional records beyond the Family Service Plan and other records filed with the court:
  - 1. CPS will provide CASA with additional access to CPS records to the extent authorized by law and the court’s order. Under no circumstances, unless ordered by the court, are the original CPS files to be removed from the CPS office.
  - 2. When **CASA is appointed the Guardian Ad Litem** by the Court, CASA or CPS will petition the court at the ex-parte hearing to authorize the release of an unredacted copy of the complete CPS file to CASA. Attachment A includes a recommended order appointing CASA and a letter from the court for clarification.
  - 3. When **CASA is not appointed the Guardian Ad Litem** by the court, it will be the responsibility of CASA to seek clarification from the Court regarding CASA’s authority for additional access to records beyond those noted in paragraph A, above.
  - 4. CASA may call for an appointment with the CPS caseworker or supervisor to review CPS records concerning the child(ren) and to discuss the case. When seeking access to records, CASA should present to the CPS caseworker or supervisor a copy of the court’s order in the case concerning access to CPS records.

**V. CASA Visiting the Child.**

- A. The CPS caseworker and CASA will discuss and determine how the volunteer advocate will be introduced to the child in a timely manner.
- B. Foster parents (either verified by CPS or licensed by DFPS), facilities, or relatives should be given adequate notice prior to visits by CASA. The volunteer advocate will obtain the name and number of the

caretaker through the CPS caseworker.

- C. It is not necessary for the CPS caseworker to accompany CASA on visits to the foster home, facility or relative home. The volunteer advocates have been trained to explain the program and purpose should a caretaker not be familiar with CASA.
- D. CASA should not make unannounced visits to foster homes, including relative placements. If either party has concerns about the child's placement, the concerns should be reported to the other party. CASA may make unannounced home visits to foster care placement other than foster home (e.g. residential treatment centers, emergency shelters, etc.).

**VI. Notification of Staffing/Meetings/Review Hearings/Non-Suit.**

- A. CPS will notify CASA of any formal staffing, multi-disciplinary staffing (including ARD staffings), or PPTs prior to the staffing in a timely manner. Generally, formal staffings occur when people external to the agency are brought together to discuss the direction of the case and the best interest of the child(ren). Professionals invited to the staffing may include, but are not limited to, teachers, therapists, foster parents, CPS caseworkers, CASA, and attorneys.
- B. CASA will be notified in a timely manner of any changes in schedules for staffings, including PPT staffings.
- C. The court should notify CASA of the time and date of all hearings. CASA will attend all Status Hearings, Permanency Hearings, Placement Review Hearings and any other review hearings.
- D. When CPS is requesting a non-suit, CASA will be notified at least one week in advance of the non-suit.

**VII. CASA Recommendations to the Court.**

- A. Questions about services for the child or family will be raised with the CPS caseworker and/or his/her supervisor as early as possible and prior to the relevant hearing.
- B. CASA works closely with all the parties in the case but submits independent written recommendations to the court. The recommendations may or may not be in agreement with opinions of others involved in the case.

- C. CPS will provide to the volunteer advocates copies of their written court reports at least ten (10) days prior to the court hearing. CASA will provide to CPS copies of their written recommendations to the court at least five (5) days prior to the court hearing.

**VIII. Reporting Child Abuse and/or Neglect.** If an outcry or new information on an incident of child abuse or neglect is conveyed to the volunteer advocate, the new information must be reported immediately to CPS Intake at 1-800-252-5400. As a matter of courtesy, CASA should also share this information with the child's CPS caseworker and/or the CPS Supervisor.

**IX. Adoption.** CPS and CASA recognize that adoption is a sensitive situation. All efforts shall be made to share information, so the adoption may be accomplished as expeditiously as possible. Recognizing this:

- A. It is permissible for CPS to show the CASA supervisor the home studies for the families under consideration for adoption.
- B. CPS has responsibility for selecting the appropriate Adoptive Parents and home for the child. Once the selection has been made CASA shall support the child in the child's placement. CPS will also share a copy of the home study of the family selected for adoption placement with CASA.
- C. CPS shall consider CASA's recommendations in making a decision.
- D. CPS and CASA shall make every attempt to provide the child with a smooth transition from foster care to adoption.
- E. CPS and CASA shall negotiate an agreement on a local basis on individual cases regarding contact after an adoption placement has been made. The adoptive parent's preferences will be taken into consideration regarding contacts with the children.
- F. The CPS placement caseworker will notify CASA of the date and time of the hearing to consummate the adoption.
- G. Once the Adoption has been consummated, CPS and CASA no longer have an official role with the child and the adoptive family.

**X. Handling Disagreements.**

- A. When CASA or CPS have issues and concerns, they should be shared with each other as soon as they are identified.

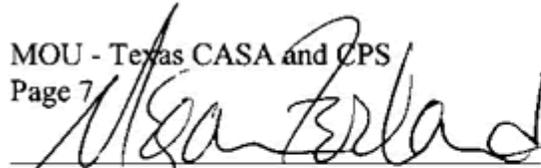
- B. Disagreements between CASA and CPS should be handled between the volunteer advocate and the CPS caseworker. If issues still exist, those issues should be discussed between the CPS supervisor and the CASA supervisor. If no resolution is reached, the CPS program director and the CASA program director should be contacted.
- C. When a difference of opinion exists between CASA and CPS, there should be communication and sharing of information. Every effort should be made for CASA and CPS to talk to each other to reach a satisfactory conclusion prior to the court hearing. This may necessitate a staffing, before the hearing, of all parties concerned. Either party may request the staffing.

**XI. Training.**

- A. CPS shall participate and assist in the orientation/training of volunteer advocates, giving presentations about the agency and its roles and responsibilities. The program administrator or designee will make these presentations.
- B. CASA shall participate and assist in the orientation/training of CPS caseworkers, giving presentations about CASA and its roles and responsibilities. The CASA Executive Director or designee will make these presentations.
- C. Whenever possible, in-service training will be a joint effort between CPS and CASA. Cross training will include the use of the CASA video entitled *Putting the Pieces Together*.
- D. Texas CASA, Inc. and DFPS may develop joint training for volunteer advocates on adoption issues as funds are available.
- E. Texas CASA, Inc. and DFPS may develop training to share recruitment efforts for CASA volunteers and foster/adoptive parents.

**XII. Implementation.** In order to facilitate the implementation of these suggested policies, every CPS worker, supervisor, program director and program administrator and every CASA volunteer advocate, supervisor and executive director shall receive a copy of these policies.

Signed this 26 day of Jan 2005

  
\_\_\_\_\_  
Megan Ferland  
Chief Executive Officer  
Texas CASA, Inc

  
\_\_\_\_\_  
Joyce James, Assistant Commissioner  
Child Protective Services,  
Texas Department of Family & Protective  
Services