

CASA ADVOCACY FOR YOUTH WHO ARE CONSIDERED DUAL-STATUS FREQUENTLY ASKED QUESTIONS (FAQ)

When are young people considered dual-status?

Youth are considered dual-status youth if they are involved with both the child welfare and juvenile justice (JJ) systems at the same time.

Can CASA Volunteers serve as guardian ad litem for dual-status youth on BOTH the CPS and Juvenile Justice cases?

Since 2021, CASA volunteers appointed guardian ad litem (GAL) in a Child Protective Services (CPS) court, can also be legally appointed as GAL by a juvenile court if the youth has an open case in both systems. In other words, CASA can be appointed by both courts to represent the best interest of the child in both systems. The juvenile court appointment may be made after the youth is adjudicated for their alleged crime.

Why is it beneficial for CASA to serve as GAL on both the CPS and JJ cases?

CASA volunteers can act as a bridge between systems to support the kind of coordinated, trauma-informed, rehabilitating and healing approach that every child deserves. The CASA volunteer has access to important information about the CPS case and can submit information to the judge in the JJ case with recommendations related to the youth's best interest, with both the CPS and JJ cases in mind. Conversely, CASA volunteers can keep the youth's CPS team and judge apprised of what is happening on the JJ side so that everyone working with the young person understands all that they are experiencing. Youth who are involved in both systems need a strong advocate who can speak up for them, take a compassionate approach, raise questions about the services that seem duplicative and build relationships with JJ judges, attorneys and probation officers?

Aren't there different goals or objectives in the two systems?

Yes. The child welfare system is meant to protect children under the age of 18 from abuse, neglect and exploitation. CPS responsibilities include: providing services to children and families in their own home, placing children in foster care, providing services to help youth in foster care successfully transition to adulthood and helping children get adopted.

The Juvenile Justice System (JJS) is a confidential, rehabilitation system for youth ages 10 to 17 who have committed delinquent conduct, conduct indicating a need for supervision, or a status offense (a crime) with the goal of successful completion of probation. The system includes both Juvenile Probation (locally run) and Juvenile Justice (facilities serving the most challenging children who cannot be served by their community). Depending on the type of offense a youth commits, they could interact with the county or state system. Your case may look different depending on the practice in your community. While the two systems are very different, a GAL's role and responsibilities remain the same in each unique case...the Guardian ad Litem is appointed to represent the best interests of the child.

Questions? Email publicpolicy@texascasa.org



What powers, rights and duties does a GAL who is appointed to a dual-status case have in the JJS?

A GAL appointed in the JJS on a dual-status case has the same powers, rights, duties and protections as they do in a suit affecting the parent-child relationship filed by DFPS, except that a non-attorney GAL (or CASA) in a case involving a dual-system child or youth may not:

- Investigate any charges involving a dual-status child that are pending with the JJS court; or
- Offer testimony concerning the guilt or innocence of a dual-status child.

A GAL appointed in the JJS on a dual-status case has the power to:

- Gather information that the GAL considers necessary to determine the best interests of the child; and
- Obtain and review copies of the child's medical, psychological and school records as provided by statute unless prohibited by the court.

A GAL appointed in the JJS on a dual-status case has the right to:

- Receive copies of pleadings or other filings and notice of hearings;
- Participate in case staffings;
- Attend legal proceedings, but may not question witnesses;
- Have access to the child's placement and be consulted and provide comments on decisions regarding placement;
- Evaluate and make recommendations to the court only as it relates to the child's best interests.

A GAL appointed in the JJS on dual-status case has a duty to:

- Interview the youth and each person with significant knowledge of the child's history and condition, including educators and service providers, caregivers, and the parties;
- Elicit the child's expressed objectives, and consider them without being bound by them;
- Identify connections for the youth;
- For youth 16 years or older, make sure they receive their birth certificate social security card, driver's license or personal ID card, and any other personal document as appropriate.

A GAL appointed in the JJS on a dual-status case:

- Must adhere to confidentiality regarding the information they receive;
- Is protected by GAL immunity;
- Is not protected by attorney-client privilege and can be questioned as a witness in the juvenile court regarding information the youth may have shared with the GAL related to actions the youth may take, or has taken, that violate probation or the law.

What can CASA advocacy look like for a youth who is considered dual-status?

In addition to everything CASA already does for children in the child welfare system, if appointed GAL in the juvenile court, CASA can:

- Bring a trauma-informed lens to the juvenile courtroom;
- Advocate for youth in the juvenile court through court report recommendations for:
 - youth to be an active participant in both their child welfare and juvenile court cases;
 - therapeutic interventions and rehabilitative services;
 - strengthening supportive connections around the youth;
 - opportunities and permissions for youth in congregate settings to engage in normal adolescent activities, and to be involved in choosing and planning those activities.
- While maintaining confidentiality, build awareness of the youth's story and circumstances that led to JJS involvement;
- Articulate the youth's desires with caregivers, particularly those in congregate settings;
- Attend staffings or joint staffings in both systems and monitor the youth's progress while facilitating strong communication between the systems
- Identify and fulfill medical and educational advocacy needs;
- Participate in permanency planning for after the youth's release, if confined to a facility or congregate setting;
- Empower youth to have a voice in decision-making and planning that affects their life;
- Support the youth in having their JJS records sealed (if not automatically sealed as a matter of law).