

CHAPTER 9

Practicing the CASA/GAL Volunteer Role—Reporting & Monitoring



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CHAPTER 9

Practicing the CASA/GAL Volunteer Role—Reporting & Monitoring



Goal

In this chapter, I will practice the skills necessary to write an effective court report, appear in court, and monitor a case.



Objectives

By the end of this chapter, I will be able to...

- ✓ Take notes and organize information on a case.
- ✓ Develop appropriate recommendations.
- ✓ Write a court report.
- ✓ Prepare for appearing in court.
- ✓ Monitor a case from the dispositional order until the child is in a safe, permanent home.
- ✓ Apply the principles of the Indian Child Welfare Act to my CASA/GAL volunteer work.



Reporting In

In this chapter you will find one or more assignments identified by the “Reporting In” heading (as seen above). You will need to complete, copy, and submit these assignments as prearranged to CASA/GAL program staff for review at the debriefing session for this chapter.

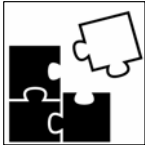


Parking Lot

At the end of this chapter you will find a page designated as the “Parking Lot.” Find and bookmark this page now, and use it throughout the chapter to note any questions, ideas, or concerns that you wish to discuss with CASA/GAL program staff.

UNIT 1: Organizing Information

As a CASA/GAL volunteer, you will gather information from many different sources during the course of your investigation and monitoring of a case. People and their stories run together. Facts can become cloudy, especially if the case is not scheduled for court for some time. It is vital that you keep accurate and thorough notes about the date and content of each case contact, whether it is a planned interview, an impromptu visit to a school, a phone call, or a review of a record.



Activity 9A: Note Taking

Review the following list of important factors to include in note taking and then answer the questions below.

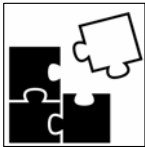
What would you add to the list?

Why do you need each piece of information?

Important Factors to Include in Note Taking

- Person interviewed;
- Date/time;
- Place (parent's home, job, jail, etc.);
- Observations;
- Feelings expressed;
- Facts;
- Summary of what happened;
- Plan of action by the other person;
- Plan of action by you; and
- Decisions.

Ultimately, the information you gather will be used to formulate recommendations about what is in the child's best interest. Your written court report and testimony are the vehicles by which these recommendations are presented to the court. Clear, fact-based reports and recommendations will enhance the judge's ability to make good decisions about the child you represent.



Activity 9B: Completing the Investigation for the Brandi Underwood Case

Part 1: Imagine that you have been appointed as the CASA/GAL volunteer for the Brandi Underwood training case, which was introduced in the last chapter. You have already reviewed a number of documents related to the case and you have begun to make an investigation plan. The next step is to determine whom you will interview and what questions you will ask.

The next several pages in the manual contain excerpts from the CASA/GAL volunteer's interview notes. After the interview notes, there are reports from a therapist and from a parent educator regarding Brandi's case. As you read these materials, note in the margin your thoughts about the following questions:

- Do you need additional information before you can make fact-based recommendations about what is in Brandi's best interest at this time?
- What are Brandi's needs?
- What resources are available in the family to meet those needs? In the tribe? In the community?
- What time frame is reasonable given the child's sense of time?

You will ask yourself these questions over and over as you advocate for a permanent plan for each child.

(Note: You should not keep "process" notes in the file in case the file is ever subpoenaed to court. Your thoughts as you work through a case are often highly subjective. Processing the case is critical in making a plan, but the notes should be used for designing interviews or creating other plans and then should be destroyed. When destroying any records regarding the case, it is important to guard the confidentiality of the material by shredding paper documents. The volunteer's "process" notes are included here to illustrate the planning process that you should use to determine the next steps. These "process" notes appear in italics so you can identify which notes would not be kept as part of the case file.)

CASA/GAL Volunteer Notes (11/12/01 to 11/30/01)

November 12, 2001

TC from CASA/GAL program administrator

Received copies of the juvenile petition alleging physical abuse and neglect of four-year-old Native American/Caucasian female. She has a broken arm, dislocated elbow, and many bruises. Emergency hearing date set for November 15, 2001. Child sees orthopedic doctor, Dr. Putnam at Indian Health Services Clinic. Father and his girlfriend live in a mobile home park near Ace Hardware, on Rt. 9, off of Highway 70. Dad's live-in girlfriend is the alleged perpetrator. Caseworker is Elizabeth Livingston (798-1400 x27). Child is currently in the home of Peter and Lucy Bennett, foster parents, address 983 Sandy Ridge Ct., Archway, NC 22362; phone number 598-7787.

In first incident of abuse that initiated this case, dad acknowledged responsibility for Brandi's current injuries. He signed a protection plan saying that he would not use any corporal punishment and would instruct his girlfriend likewise. Yesterday, caseworker went to see Brandi after receiving reports of new bruises. After doctor examined the child and found multiple bruises as well as a broken arm, CPS decided to take custody.

Mom lives in Oklahoma, has a past Child Protective Services history here, and will be arriving here day after tomorrow. She is an enrolled member of the Big River Nation. CPS felt that she is not appropriate for immediate placement due to concerns from the past case management work with her. The result of that intervention was for the mother to place the child with the father and move to Oklahoma to be near her family so that she could "get her life together." Father reports that she is a meth addict and prostitute. She stated on the phone to the caseworker that she attends the community college and is supported by her mother and other relatives who live in Oklahoma.

Caseworker has already asked Trisha and David to attend parenting classes that are available beginning in early December.

November 15, 2001

Court

Sat in on first hearing of Underwood case. Judge Karen LaGrande presiding. Parents with appointed attorneys, Jonathon Wilson for mother and Martin Ramsey for father. Trisha Scott retained private counsel, K. William Maxwell, to represent her in both the criminal and the juvenile matter. Jean Moore, the Big River Nation ICWA worker, was on the phone. CASA/GAL program staff approached all three respondents' attorneys for permission for the CASA/GAL volunteer to interview parents and caretaker and was given the okay. Judge requested a second opinion on the injuries to the child. Next hearing set for November 22.

Observed father and girlfriend along with child's mother. Mother hasn't seen child in six months. Father concerned with visitations. This was preliminary contact with father and girlfriend. Gave name and contact number to Geneva Underwood (mom) and made initial contact with Elizabeth Livingston from CPS after court case conclusion. Received case notes from CASA/GAL program staff, including some history on the family.

November 15, 2001

Conversation with David Underwood, father

Admits that he needs work on his parenting skills. He stated that they were going to attend therapy and that he wants to see the child. Dad did not take any blame for the injuries that Brandi received. Trisha supposedly made a confession to the district attorney. Trisha is seven months pregnant with David's child. He said, "Don't make me choose between my two babies."

November 16, 2001

TC to foster mom

Made initial phone call to Lucy Bennett (foster mom) to schedule visit with Brandi and make introductions. Visits scheduled for Sunday at 1:00 PM. Ms. Bennett commented that the orthopedic surgeon saw Brandi on November 12. Doctor advised that because of the age of the child and growth process, he would not recommend surgery at this time. Bones should realign naturally. The foster mother has had other Native American children in her home and recognizes and supports Brandi's need to maintain her culture.

NOTES – Some Questions That I Think Need to be Answered

- ✓ *If girlfriend caused the injuries, did dad know—or should dad have known?*
- ✓ *Why hasn't mom seen child in six months? Is there a bond that has withstood that long separation?*
- ✓ *Are there any illnesses or other mitigating factors that may need to be considered?*

PLAN – Some Thoughts About Meeting with Brandi's Father

- ✓ *Meet in a neutral place and without girlfriend.*
- ✓ *Ask for an explanation of the injuries and who he thinks is responsible.*
- ✓ *Ask open-ended questions: Would you tell me what happened? Tell me about Brandi's mother. What are your plans with Trisha? When is the baby due? How do you think Brandi will react to the baby?*
- ✓ *Ask for references—or people who can verify what happened.*
- ✓ *Ask father about Brandi's Native heritage—what does he know?*

November 16, 2001 – 8:00 PM

TC to father

Called father and set up meeting with him after work on November 17. He works construction in Little Creek subdivision and will meet at McDonald's near his work at 5:30 PM.

November 17, 2001

Meeting with father

Met with David Underwood as planned and allowed the conversation to start where he felt comfortable. Items touched on briefly consisted of:

- When they lived in Oklahoma and how it was there. They lived with his mother-in-law on the Big River Reservation. He did not like it and felt like an outsider, so he insisted they move back to his hometown in North Carolina. He says CPS here gave him custody because mom uses meth and is a prostitute. When I asked what court had settled the matter, he admitted it wasn't a legal arrangement. He says he plans to seek custody.
- Various allegations regarding his wife, Geneva. He says she took off to Oklahoma when CPS gave him the child and she never calls about Brandi.
- Love for his daughter.
- Brief explanation of incidents leading to the child abuse charges (against Trisha).
- Says Brandi lies a lot.
- He is or was primary disciplinarian.
- Admitted biting child as punishment for her biting people first.
- Admitted paddling her bottom with hand and may have slipped and hit her back.
- Denied seeing bruises of a serious nature.
- Did not believe injuries serious enough to warrant taking child to hospital until morning.

NOTES – Questions I Would Like to Ask the Child

None about the actual abuse—CASA/GAL volunteers do not re-interview a child, especially when there are criminal charges that might mean there are already many interviews and interviewers. I would like to observe her with her father, his girlfriend, mother, and others to get an idea

if she is frightened. Because she is almost five years old, she is likely to be verbal but not to understand or be able to explain her feelings about all that has happened to her. She might also think every child is treated that way. I'll try to make her comfortable by doing things with her, like drawing pictures and having her tell me about them. I'll ask her about things she likes, things she's good at, and I won't touch on sensitive issues during the first visit unless she initiates the conversation.

November 21, 2001

Visit with child

Initial visit to Ms. Bennett, foster parent, and Brandi. Made introductions and sat on floor with Brandi to get acquainted. Brought some art supplies (stickers, coloring book, and crayons) as tools to get to know her. After she appeared comfortable, I explained my role in the simplest terms that I could. She is a sweet (and very intelligent) little girl. Observed her demeanor. I noticed she did not make much eye contact (could this be cultural?). She has been in good spirits since her arrival in foster care and immediately formed a connection with Ms. Bennett. She has communicated some distress from her injuries. I did ask her if she missed her daddy, and she replied, "No"—she said she would like to live with Ms. Bennett from now on. But daddy could visit for a little while and then go back home. She voiced the same response concerning her mother, although she said she could visit for two weeks. She passed her family's residence while returning from the doctor's office and (according to the foster mother) exclaimed, "That is where I live. Let's stop and get my things so I won't have to go back again." When Brandi was asked if she missed her grandmother (this is the mother's mother in Oklahoma), she revealed that she missed her Grandma Millie a lot, especially having her call her by her Indian name, "Little Star." Brandi calls her grandmother "Grandma Star." Recalling events around her grandma elicited a happy response from Brandi.

NOTES

After hearing the father's comments several days ago, making observations of each of the players, along with discussions with Ms. Bennett (foster mom), and actually seeing the child, my position is that further investigation is in order and that the child cannot be returned to father without some services being put in place. He could use parenting class and says CPS worker has enrolled him and Trisha. He seems like an angry man and should get some counseling.

PLAN – Some Next Steps

- ✓ *Talk to medical personnel and obtain records regarding child's injuries.*
- ✓ *Interview mother, dad's girlfriend, CPS caseworker, ICWA worker.*
- ✓ *Explore resources for assessing parents and for improving their understanding of child development and appropriate discipline.*

November 22, 2001

Court, continued custody hearing

Mother was present from Oklahoma, and I gave her a card with the office number and asked for a time to meet with her to hear her ideas about what is best for Brandi. She became pretty defensive and asked what David had been saying about her. I explained my role and told her that I would keep an open mind. I again stated that my job was to look after Brandi's best interest.

She did not understand why she could not take the child back to Oklahoma today. CPS worker from previous involvement, Lakeitha Colbert, was put on the stand and testified that the child had been referred because she was heard screaming in home and no one answered knock on the door. Law enforcement was called and they forced lock and found child in crib (and too old to be in crib) with wet and soiled underwear. Child had clearly been crying for a long time. Mother returned a short while later and said she had run to the neighbor's to use the phone. Case was substantiated and sent to Ms. Colbert for case management. Child Protective Services focused on helping mother understand what was minimally sufficient care for the child. She seemed to expect the child to fend for herself. She insisted throughout that she hadn't done anything wrong and knew what was best for her child.

Mother left the courtroom upset and I was unable to schedule a meeting. The caseworker said there is a visit at CPS tomorrow, and I will plan to observe and then schedule time with mom.

November 23, 2001

Visitation with biological mom, Geneva Underwood

Met caseworker and child at CPS to observe the visitation. I met for a few minutes with Elizabeth Livingston, caseworker, while we waited for the mom prior to the start of the visit. According to the CPS worker, the child was very reluctant to go on any form of visit and it took the CPS worker and the foster mom several minutes to get her in the car. This child had not seen her mother in six months. When the mother arrived, Brandi did not seem to mind seeing her mother but did not seem very excited either. She began to play and interact with her as the time went on. Toward the end of the visit, Brandi climbed onto mom's lap as they read a story together. Child requested to see mother again in the next few days; mother seemed pleased with visit.

Geneva explained that she will be working with a therapist in Oklahoma and that she is also planning on attending parenting classes taught by the therapist. Mother wanted to know when Brandi could come and live with her. She said that David was violent with her when they were together, and that Brandi isn't safe with him. Mom also stated that she would be willing to go back to Oklahoma, find a better paying job, and find a larger house. Mom will be back in town for the adjudication and encouraged me to contact her therapist. From the conversation and observation, Geneva seemed very appropriate with Brandi.

November 26, 2001

TC with CASA/GAL program office

Criminal background check done on dad (they will mail a copy). It includes only local violations of 2000 failure to pay child support and a fifty-five in a forty-five speeding violation in 1999. Contact with his past probation officer by the staff indicates a more extensive record in other states, including a 1991 DUI, 1995 simple assault, and several motor vehicle violations including a past speeding violation, no insurance, and driving while license revoked. According to what this probation officer learned when he first interviewed David, he also had a juvenile record for malicious mischief showing a long history of problem behaviors. The probation officer felt that David thought it made him tough to have been in so much trouble. It seems that he has some anger and authority issues that the therapy might address. I will contact the probation officer directly to add to my understanding of these issues. There was no record for Geneva Underwood.

NOTES

I discussed with Violet Merrick, administrator for the CASA/GAL program, whether I should try to tell the child about what went on in court. I am not sure that she can really understand what court means, although she has definite feelings about who should take care of her. I will answer any questions that she asks but will not raise the topic of court unless she initiates the discussion.

November 29, 2001

Received criminal check

CRIMINAL BACKGROUND CHECK ON DAVID UNDERWOOD							
DUNLAP COUNTY CLERK'S OFFICE							
OF:OFFENSE/	DOB:DATE OF BIRTH/	(M)MISDEM/	(F)FELONY/	(T)TRAFFIC/			
000 DUNLAP							
111501 CRIMINAL CHECK- PENDING-DISPOSED-MOTOR V-UNSERVED-CONVICTED							
CRITERIA-	NAME: UNDERWOOD, DAVID	S=SEX	R=RACE	DOB:			
UNDERWOOD, DAVID, ELDER	RT9 BOX 1267	S=M	R=W	DOB=030875	99CR	012465	
OF:111799	(T) OPERATE VEH NO INS		GUILTY		21798	CRS	
OF:111799	(T) SPEEDING 55 IN A 45		GUILTY		21798	CRS	
FINE/COSTS\$	REST\$	SENT: -	TYPE:		PROB:	NONE	
SPEC.COND: PROBATION TRANSFERRED FROM OKLAHOMA 0899 - TO1298							
UNDERWOOD, DAVID, ELDER	RT9 BOX 1267	S=M	R=W	DOB=030875	99CR	012679	
OF:031400	(M) FAILURE TO PAY CHILD SUPPORT		GUILTY		51900	CRS	
FINE/COSTS\$	\$200MOS	REST\$	SENT: -	TYPE:		PROB:	NONE
SPEC.COND: \$150 MONTHLY TO CURRENT PAY ADDL \$50 MONTHLY TO ARREARS							

November 30, 2001

Foster home visit with Brandi

Brandi is a very sweet, strong child and appears to be very upbeat. She stated again that she does not want to go home and wants to stay there forever. According to the foster mother an arrangement was made for the father and mother to visit with her at separate times, with the caseworker supervising for the first few times. Foster mother feels comfortable with them meeting her at a neighborhood park but does not want to reveal where she lives. She is willing to provide supervision as long as the parents are respectful. This would allow for more visitation. Child did not show a great deal of affection to mother or father, but definitely more with mom. Brandi said that it was okay for them to come and visit, but then they had to go home. Brandi again spoke very highly of her "Grandma Star" and asked for her to come visit.

Summary of Additional CASA/GAL Volunteer Notes (to 2/7/02)

In addition to the interviews described above, the CASA/GAL volunteer spoke at length with the grandmother to gain her perspective and to clarify the information about whether she fully supports Geneva financially. He also spoke with Jean Moore, the ICWA worker representing the Big River Nation, to find out more about Geneva's family history, maternal relatives, social services available on the reservation, the status of Brandi's tribal membership, and the Big River Nation's culture. Additionally, he spoke with the attorney for the program/child, who

had talked to each of the parents' attorneys about what they would seek at the adjudication and disposition hearings. He spoke regularly with the caseworker to share information and to compare their assessments of the parents' potential and what was best for the child. He spoke with the reporter, who knew the child well because she works at the child's daycare center. He also contacted the father's boss and the child's therapist. Through these many interviews, the CASA/GAL volunteer obtained a great deal of information about the case.

The adjudication and disposition hearings were initially set for December 28, 2001, but were continued to February 7, 2002, because there wasn't enough time to hear the case. The CASA/GAL volunteer continued to investigate the case in order to write a thorough report for the court. Some pieces of that investigation are included for you to assess as the case unfolds. Following is a summary of the information from the CASA/GAL volunteer notes:

The father went to parenting class (as did his girlfriend) as arranged by CPS, attending every session and getting a very positive report. Their child was born on January 16, 2002. By the time of the adjudication, he had not yet followed through with the counseling as he had stated was his plan. Additionally, he had not shown up for a psychological evaluation appointment the caseworker scheduled as was required in his family services case plan but maintained that he planned to do so. The CASA/GAL volunteer was concerned that there was much more to be understood about this man. In reading his record, there was a criminal history which suggests some authority issues and anger issues. The CASA/GAL volunteer found the father to be superficially charming but questioned his sincerity because his current behavior and responses didn't mesh with the child's fear of him or with his wife's reports of his past behavior in relation to her. These discrepancies led the CASA/GAL volunteer to request additional assessment of the father.

The mother was in North Carolina briefly and then returned to Oklahoma to follow up with counseling and parenting classes the secondary caseworker in Oklahoma was assisting her with as well as to prepare her home for placement of her child. The CASA/GAL volunteer was hopeful about the mother although there are some concerns. The father maintains that the mother is a prostitute and meth addict and that she is gone for long hours and often stays out all night. The mother claims to be attending the community college (although she has no classes right now) and to be looking for work. She claims that her mother supports her although she has her own apartment. She appears to be quite immature and responds to the CASA/GAL volunteer like an adolescent would—she seems to be defensive and to give only the minimum amount of information for any question. It will be hard to really get to know her or to see if she follows through on her agreement with CPS since she lives in another state. She has a good relationship with the child and seems to be willing to learn to be an adequate parent. The question is whether she can grow up soon enough to care for this child.

The Big River Nation representative, Jean Moore, reported that Brandi is eligible for enrollment in the tribe, but is not yet an enrolled member. She will meet with Ms. Underwood and assist her in enrolling Brandi. Ms. Moore stated that she felt Millie Hansen would be an appropriate placement for Brandi. Ms. Hansen has been in recovery from her alcoholism for five years, and is very active in the recovery movement within the tribe. She continues to attend AA meetings on the reservation and is a sponsor for others in AA. Ms. Moore feels that Millie can keep Brandi connected to her Indian culture and acquaint her with her many relatives who live on or near the reservation. Ms. Moore also noted that the Big River Nation offers a variety of social services through its health clinic that can support the family should Brandi be placed with her mother or grandmother. Ms. Moore said she has heard rumors of Geneva's drug use and prostitution, but she did not know whether these allegations are true.

The concurrent plan, in case neither the mother nor father is ready in the next few months, is to consider the maternal grandmother or another relative. The child cannot wait forever for them to “get their acts together.” A referral to the Interstate Compact on the Placement of Children (ICPC) will have to be made by CPS to assess both the mother’s and the grandmother’s situations.

Ann E. Lindell, M.A., L.M.F.T

Indian Health Services Center
221 Professional Circle, Pawnee, OK 74058
(912) 663-2880

February 4, 2002

Elizabeth Livingston
Dunlap County CPS
900 W. Graham St.
Ravensford, NC 22357

RE: Geneva Underwood

Dear Elizabeth,

These comments are being shared with you prior to the upcoming dispositional hearing regarding Brandi Underwood's abuse. As per our conversation, I wanted to confirm the time and energy Ms. Underwood has devoted to learning how to be a better parent. She has attended weekly sessions since December 3, 2001. Our counseling has focused primarily on relational issues, communication, problem solving, and realistic expectations of children. Additionally, she attends an ongoing, weekly parenting class offered through our clinic. I, fortunately, have spent fifteen years working with children from birth to age six and their families and therefore am aware of the lack of information this single mother possessed. In addition to her counseling and parent education work with me, I was able to arrange for Ms. Underwood to volunteer at an excellent tribal Head Start center, where she can practice her new skills and observe a number of children at various stages of development.

We have spent a portion of our therapy sessions dealing with issues that stem from Ms. Underwood's family background. The verbal abuse, obsessive control, possessiveness, and lack of structure gave Geneva a distorted view of parenting. Ms. Underwood's mother dealt with her controlling husband by turning to alcohol, although she has now reportedly been sober for five years. Ms. Underwood's father is deceased. Ms. Underwood denies any substance abuse on her part. A lot of her frustration with Mr. Underwood grew out of his perceived rigid expectations that children must always do what they are told. She lived with a dad who said, "There are no ifs, ands, or buts about it," and she remembers the price she paid for her mistakes. Ms. Underwood has learned different skills in the parenting classes, and she has more realistic expectations of age-appropriate behaviors for children.

In addition to therapy and education classes, we have been able to offer an experiential situation where Ms. Underwood could observe positive discipline, redirection, nurturing, and healthy structuring of small children. In the Head Start center, Geneva gained a wealth of knowledge about child management. Geneva plans to continue volunteering in Head Start where, under supervision, she is being given the opportunity for hands-on experience. According to Geneva, "It was never a question of whether or not I cared for Brandi. I just didn't know what else to do."

I feel that this mother is still fairly immature and will need support, preferably from her family. She is just beginning to scratch the surface of her personal issues and to rebuild relationships with her mother and other family members. I believe it is important that she maintain her cultural ties. The goal is that she will become a self-sufficient adult who is capable of successfully caring for herself and of raising a healthy child. With monitoring and support, she can begin to care for Brandi and to provide a positive atmosphere conducive to this child's development. I believe that she is highly motivated and should be given an opportunity to work toward full custody of her child. If further information would be helpful, do not hesitate to call.

Respectfully,

Ann E. Lindell

Ann E. Lindell, M.A., L.M.F.T.



The Right Path Parenting Class Final Summary

FACILITATOR: Patricia Johnson

SUPERVISOR: Grace Pope

Trisha Ann Scott and David Elder Underwood both completed the eight-week session of the Right Path Parenting Class (12/9/01, 12/16/01, 12/23/01, 12/30/01 absent, 1/6/02, 1/13/02, 1/16/00 makeup, 1/20/02, 1/27/02). Trisha and David participated in the group discussions, asked and answered questions appropriately.

During the fourth session Trisha and David were absent. The session was completed with a home visit on January 16 from 5:30-7:30 PM. This absence was excused, but Trisha and David insisted that they make up the session.

“What Is Discipline,” “3-Strike Rule,” “Good Discipline Practices,” and the “Shaking, Hitting and Spanking” video were all discussed. After watching the video, both discussed that they had made several mistakes with David’s daughter and if given the opportunity they will do everything differently. Both were able to point out their mistakes in rearing her.

On the last night of the class, Trisha and David took the Right Path Quiz and both did exceptionally well. It is evident by their papers that they studied and had learned the material. A certificate of completion was presented to each of them.

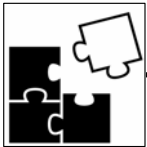
Respectfully,

Patricia Johnson

Patricia Johnson
January 28, 2002

Grace Pope

Grace Pope



Activity 9B: Completing the Investigation for the Brandi Underwood Case

Part 2: Review the Responsibilities Checklist below. Indicate with the appropriate mark in the margin which items on the list have been completed (✓), which are not relevant for the Underwood case (NA), and which remain to be done (★). Also, note any questions you have in the margin.

Use the Investigation Plan chart that follows the checklist to create a plan that will allow you to complete your investigation in preparation for writing your first court report. You may want to refer to the initial investigation plan that you created in Chapter 8. Are there questions listed there that have not yet been answered? What additional questions do you have? Where might you find answers?

Responsibilities Checklist for the CASA/GAL Volunteer

Review this list periodically while investigating and monitoring a case to ensure that your representation of the child is thorough and focused on the needs of the child.

1. Review petition with CASA/GAL program staff. Request copies of any hospital records, police reports, photos, protective services investigations, and other documentation. Carefully review all CPS records—be sure to ask for past or closed records.
2. Meet with the child—no matter how old or young.
3. Meet with the parents—get permission from each parent’s attorney if they are represented. If the CASA/GAL volunteer is represented by an attorney, the parents’ attorney(s) should be contacted by the attorney for the CASA/GAL volunteer.
4. If there is a non-respondent parent or custodian (i.e., a parent or custodian not involved in the court case), talk with that person.
5. Meet with the teacher, daycare worker, baby sitter, or any person who has had substantial contact with the child on a frequent basis.
6. Talk with the caseworker. Review CPS agency records.
7. Appear at all hearings and have evidence ready to present.
8. If there has been no physical examination of the child by a physician, and one is warranted, request one.
9. If there has been no psychological evaluation of the child or the parents, and one is warranted, request one.
10. Attend all staffings (e.g., meetings about the situation at school, Child Protective Services, mental health center) related to the child.

11. Talk with psychologists and medical caregivers involved with the child and obtain their written reports.
12. Determine what, if any, special problems or needs the child has (e.g., counseling, a special school program, transportation, after-school care, homemaker services, medical treatment, etc.).
13. Assist in developing resources for the child that meet his/her needs, and contact appropriate agencies or persons. This might be for special educational needs (e.g., tutoring), social needs (e.g., a mentor, a sports team, or scouting opportunity), placement needs (e.g., contacting a relative), medical or psychological treatment needs, or resources for any other identified need.
14. Meet with the child at least once a month to determine how the child feels about what is going on in his/her life in order to determine best interest and whether the child can and should be in the courtroom.
15. Meet with the attorney for the program/child to discuss the facts, evidence, and witnesses needed for hearing; to discuss your recommendations for disposition; and to make a joint determination about whether the child should be present in the courtroom either as a witness or to observe the proceedings.
16. Draft and review written recommendations for court with the attorney for the program/child.
17. Work with the attorney for the program/child in exploring an agreement that parties can present to the court.
18. If necessary, prepare child for court hearing and for testimony; appear on behalf of child; and assist the attorney for the program/child in presenting evidence on behalf of child, including child support, visitation, and medical or psychological treatment.
19. Inform the child about the outcome of all court hearings and keep the child updated about other aspects of the case.
20. Continually monitor case, repeating above activities to ensure orders of the court are being followed by all parties and current needs of the child are being met. Make a determination as to whether the parents are correcting the situation that led to the petition and/or removal, simply “going through the motions,” or ignoring the requirements for reunification.
21. Contact the attorney for the program/child if child needs an early review.
22. Appear at all subsequent hearings.
23. Review permanent plan to insure that it complies with ASFA guidelines and is in the best interest of the child.
24. Keep in touch with CASA/GAL volunteer supervisor for guidance and support.
25. If parental rights have been terminated, review plans for permanent placement, requesting information and consulting with Child Protective Services so that appropriate placement occurs without delay.
26. If the child is an Indian child, make sure the tribe or Bureau of Indian Affairs has been notified of the case.
27. If the child is an Indian child, make sure the child’s tribal enrollment rights are protected.
28. If the child is an illegal alien, make sure residency papers are applied for.

Investigation Plan...

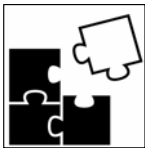
Date of Next Court Hearing:		
Type/Purpose of Hearing:		
Court Report Is Due:		
Questions I Would Like Answered	Possible Sources of Information	Priority #
A)		
B)		
C)		
D)		
E)		
F)		
G)		
H)		
I)		
J)		

(Note: A copy of this form is provided for future use in the Resource Materials section of this chapter.)

UNIT 2: Writing Court Reports & Making Effective Recommendations

A CASA/GAL volunteer court report is the culmination of your work as a CASA/GAL volunteer. It is the vehicle through which you present the information you have gathered about a child's situation and your recommendations about what services will meet the child's needs. Judges rely on the information in CASA/GAL volunteer court reports as they make their decisions. The court report becomes part of the official court record and may be introduced and considered as evidence.

Child-focused and fact-based written reports are submitted to the court for all hearings except emergency custody hearings and adjudicatory proceedings (this varies somewhat by jurisdiction). CASA/GAL volunteer court reports are shared with all parties and such other individuals who are authorized by law to receive them. In this unit, you will have the opportunity to practice organizing the information you have gained during your investigation and writing the court report for your first disposition hearing.



Activity 9C: The Elements of a CASA/GAL Volunteer Court Report

Review the standard elements of a CASA/GAL volunteer court report that follow. The outline lists the elements that should be considered for inclusion. Each CASA/GAL program has specific instructions about the preferred format for the local court system. Circle the elements that seem most important to you. Note any questions in the margin.

The CASA/GAL Volunteer Report to the Court: Standard Elements

1) Introductory Information

Names of the parties, name(s) of the child(ren), whether child(ren) is of Indian descent; the petition date, months in placement, number of placements, and current placement of the child. (*Note: This information is usually contained on the cover of your report.*)

2) History

A brief factual history of the prior court involvement including current court-ordered services. (*Note: The history may or may not be included in reports after the disposition depending on local guidelines. Reports following the disposition tend to be shorter in length because the judge can refer to previous reports for background information. At a minimum, the current court-ordered services should be listed.*)

3) Facts

This section includes:

- Dates and places where the CASA/GAL volunteer had contact with the child;
- People and professionals contacted; reports or records reviewed, requested, or read; dates of contacts; and
- Compliance with previous court orders.

4) Description of the needs and wishes of the child

This section includes all needs of the child that must be met in order to achieve a safe, permanent home and eliminate the need for continued court involvement. Based on interviews, records, and visits with the child, the CASA/GAL volunteer lists the unique needs of the child, including, but not limited to: mental, emotional, and physical health; placement to achieve safety and permanence; the need to connect with family and friends; the need to preserve the bond between an Indian child and his/her tribe; and educational and financial needs. The wishes of the child are included if the child is able to articulate them.

5) Description of the available resources within the family to meet the child's needs

This section identifies family members who are able and willing to meet or help meet each need identified in the previous section.

6) Description of the available resources in the community/tribe to meet the needs of the child

The CASA/GAL volunteer names the community/tribal resources to meet the needs of the child that the family is unable to meet.

7) Issues for the court's attention to protect and promote the best interest of the child

This section identifies for the court the services that are needed by the child that are not available and previous orders of the court with which parties have not complied. It includes a summary argument for how volunteer came to his/her recommendations.

8) Recommendations that promote the best interest of the child

This element of the court report specifically lists recommendations for meeting each need of the child listed in Section 4 above.

9) Next court date

The CASA/GAL volunteer requests the court set a specific date for the next hearing in accordance with the best interest of the child and statutory requirements. *(Note: In some judicial districts, the CASA/GAL volunteer suggests a period of time rather than a specific date.)*

10) Signature of CASA/GAL volunteer and date

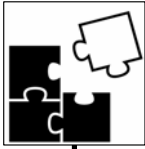
The signature of the CASA/GAL volunteer is an affirmation that the recommendations and information contained in the written court report are the volunteer's work product.

11) Signature of CASA/GAL program staff (*optional*)

The signature of the program staff signifies that the staff member has reviewed the volunteer's court report and finds the contents and recommendations in accordance with the law, CASA/GAL program standards, and the philosophy of the CASA/GAL program.

Created by Cy Gurney, NC Guardian ad Litem East Regional Administrator.

All CASA/GAL programs require that court reports be submitted to the CASA/GAL program office prior to court. Staff will review all CASA/GAL volunteer court reports to ensure the recommendations are supported by facts and all relevant information and documentation has been included. Staff may make suggestions about wording to make your report clearer. However, CASA/GAL program staff or attorneys may not change the volunteer's report and/or recommendations without the volunteer's consent unless the report is contrary to the law (local, state, or federal statute), CASA/GAL program standards, or endangers the child—and then only after consulting with the volunteer.



Activity 9D: Writing a Report for the Brandi Underwood Case

Using the Brandi Underwood case, complete the following Reporting In outline for volunteer court reports. Your notes do not need to be in full sentences; just jot down the key pieces of information that should be presented in each section. When you are finished, make a copy of your work to turn in to CASA/GAL program staff.

Writing a court report is a process that can be broken down into steps. Following is an outline that can guide you as you consider each of the standard elements that should be included. Each case is unique and this format can be modified as needed to stress important factors in your particular child's situation.

Using this outline will help you:

- ✓ Sort important from superfluous information, and sort for themes, consistent patterns;
- ✓ Distinguish subjective (interpretation and judgment) from objective (factual) information, and include appropriate information in your reports; and
- ✓ Follow protocol and format established by your program in writing reports.



REPORTING IN

CASA/GAL Volunteer Court Report Outline

COVER: Introductory Information

The following information should be contained on your court report cover or at the beginning of your report, depending on local program guidelines. All reports should include:

- Names of the parties;
- Name(s) of the child(ren);
- Whether child(ren) is of Indian descent;
- Petition date and nature of allegations in the petition (abuse and/or neglect);
- Months in placement;
- Number of placements; and
- Current placement of the child(ren).

BODY OF THE REPORT: History

A brief factual history of the prior court involvement.

Summary of the matter(s) before the court/case status and current court-ordered services.

(Note: The history may or may not be included in reports after the disposition depending on local guidelines. Reports following the disposition tend to be shorter in length because the judge can refer to previous reports for background information. At a minimum, the current court-ordered services should be listed.)

THE FACTS:

Persons Contacted: (including name, date & location)

Relationship to Child(ren):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Reports or records reviewed, requested, or read.

Compliance or noncompliance with previous court orders.

Compliance or noncompliance with visitation plan.

Changes in circumstances of child(ren) or family.

THE NEEDS & WISHES OF THE CHILD(REN):

Include all needs of the child that must be met in order to achieve a safe, permanent home and eliminate the need for continued court involvement. Based on interviews, records, and visits with the child, list the unique needs of the child. Include the wishes of the child if he/she is able to articulate them. *(Note: In some jurisdictions, children have their own counsel to advocate for their wishes.)*

Placement

Educational

Psychological, Emotional, Health, or Care Needs

Contact with Family or Friends (the visitation plan)

Safety/Protection

Financial/Material Needs

Wishes of the Child(ren) (if able to articulate)

Other (child support, contact with the tribe, etc.)

THE AVAILABLE RESOURCES WITHIN THE FAMILY TO MEET THESE NEEDS:

Identify family members who are able and willing to meet or help meet each need identified in the previous section. The family can and will offer...

THE AVAILABLE RESOURCES IN THE COMMUNITY/TRIBE TO MEET THESE NEEDS:

Name the community/tribal resources to meet the needs of the child that the family is unable to meet. The community/tribe can and will offer...

ISSUES FOR THE COURT'S ATTENTION:

Identify any gaps between the needs of the child and services available to meet those needs. Identify if CPS has made reasonable/active efforts to promote family reunification.

RECOMMENDATIONS TO PROTECT & PROMOTE THE BEST INTERESTS OF THE CHILD(REN):

Custody

Visitation, Contact

Treatment Recommendations (for child, parents, siblings, other caretakers),
Other Referrals

Protection, Safety

Other Recommendations (including whether the court should/shouldn't make findings that reasonable active efforts are being made, relieving of CASA/GAL volunteer, case closure, termination of parental rights, etc.)

NEXT COURT DATE:

Request that the court set a specific date or specific time frame for the next hearing in accordance with the best interest of the child and statutory requirements.

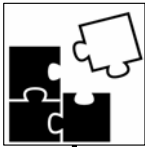
SIGNATURE OF CASA/GAL VOLUNTEER & DATE:

Your signature is an affirmation that the recommendations and information contained in the written court report are the product of your work.

SIGNATURE OF CASA/GAL PROGRAM STAFF: (optional)

The signature of the program staff signifies that the staff member has reviewed your court report and finds the contents and recommendations in accordance with law, CASA/GAL volunteer standards, and the philosophy of the CASA/GAL program.

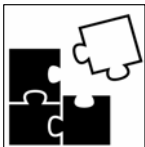
Submit a completed copy of this form to CASA/GAL program staff.



Activity 9E: Oral Recommendations Worksheet

When you appear in court, you need to be prepared to respond when the judge asks, “Does the CASA/GAL volunteer have a recommendation in this matter?”

Prepare a summary of your recommendations using the space below. Be able to explain, without using your notes, the reasons, data, or justification behind your conclusions or recommendations. Practice in front of a friend, family member, or mirror. To help keep your comments clear and concise, limit your presentation to two minutes. Be ready to make your statement for staff at the debriefing session for this chapter.



Activity 9F: The Report

The following CASA/GAL volunteer court report for Brandi Underwood contains each of the elements that you addressed in the outline. For the identifying information, the CASA/GAL volunteer would prepare a cover sheet or add the information to the top of the first page, depending on local practice.

Read the report. A court report is a personal product of the individual CASA/GAL volunteer and will reflect his/her style. There is no one right court report. Keys to success are being thorough and specific; reporting facts and getting the information firsthand; and making specific recommendations that flow from the facts. As stated earlier, another key to success is following local guidelines and submitting your report on time to allow CASA/GAL program staff to review and comment on your report.

Note your questions in the margin and answer the following question:

Now that you’ve read the recommendations in the sample report, how do you feel about the recommendations you made for Brandi in the previous activity?

CASA/GAL Volunteer Report to the Court

Re: Brandi Underwood, DOB 1/29/97 (age 5)

February 7, 2002

History

The CPS record showed one previous neglect report that was substantiated for improper care and supervision. The mother had left the child at home unattended when she was three-and-a-half years old. The family received case management services from Child Protective Services from November 2000 through May 2001. The record indicates that the mother was not cooperative, stating throughout the agency's involvement that she had done nothing wrong and was a competent caretaker. She was observed to be very immature and isolated from support systems. The father, who resided with the mother at that time, was often gone for long hours, leaving the mother with no phone, no money, no car, and a young child to care for by herself. CPS closed the case after six months, with the parents living together and the father assuming primary caretaking responsibility for Brandi.

A month later, in June 2001, the mother left the child with the father after discovering his involvement with Ms. Scott. She moved back home to Oklahoma where she hoped to establish a future home for Brandi. Ms. Scott learned that she was pregnant with Mr. Underwood's child and moved into the home with Brandi and him. A report made to CPS on September 30, 2001, resulted in a substantiation of abuse and neglect on November 8, 2001. On November 11, 2001, the discovery of additional injuries to the child resulted in the filing of the petition that is before the court today for adjudication and disposition. The case was continued from the original adjudication hearing date of December 28, 2001, due to lack of court time. In accordance with ICWA the court found on November 22, 2001, that Brandi is of Indian descent and the Big River Nation was notified.

The Facts

Reports & Records Read

- Juvenile petition alleging physical abuse and neglect; and
- Physician's report (Central Carolina Indian Health Services Clinic) and hospital photographs.

Persons Contacted

Relationship to Child/Children

Brandi Underwood	Child (observed on: 11/21/01, 11/23/01, 11/30/01, 12/14/01, 1/8/02, 2/5/02)
Foster Mother	Current caretaker
Geneva Underwood	Biological mother
David Underwood	Biological father
Trisha Scott	Father's girlfriend, caretaker
Elizabeth Livingston	CPS, Children's Services (current case)
Lakeitha Colbert	CPS, Children's Services (previous case)
Jean Moore	Big River Nation ICWA worker
Janet Lentz	Pearson Mental Health, child's therapist
Millie Hansen	Maternal Grandmother
Brian Link	Father's employer
Ann Lindell	Mother's therapist
Ann Crutchfield	Daycare teacher
Sgt. Joe McCone	Police officer
Patricia Johnson	Parenting class instructor

The Facts (cont.)

This child came to the attention of CPS because of injuries that were not adequately explained by the father and his girlfriend, the primary caregivers. She was initially reported on September 30, 2001, for severe bruising and bite marks. The father signed a protection plan indicating that he would not use physical punishment on Brandi and that he would not leave the child alone with Ms. Scott, his live-in girlfriend. The plan was violated when the child sustained new injuries. On November 11, 2001, Brandi was examined at the emergency room, where doctors found a broken upper right arm, a dislocated elbow, and numerous bruises. She was taken into CPS custody on that date.

The mother, Geneva Underwood, was living in Oklahoma at the time of the petition and had not seen Brandi in six months. The mother came to North Carolina on November 14, 2001, and had several visits with Brandi. Initially, there was a hesitation on the part of the child, but she remembered her mother and quickly warmed up. The child lit up whenever Grandma Millie, her maternal grandmother, was mentioned. The mother entered into a service agreement with CPS and returned to Oklahoma to accept services there. Dunlap County CPS requested that the Pawnee County CPS in Oklahoma assist her in obtaining services. The mother asked for physical placement and legal custody of her child.

The father, David Underwood, and his girlfriend, Trisha Scott, take some responsibility for the injuries to the child. Their explanations minimize the harm done and do not explain the nature of the injuries that occurred over a period of time. There are criminal charges of misdemeanor child abuse pending against Ms. Scott. Both David and Trisha need to address anger management in counseling. David has verbalized that he will not give up Trisha, who gave birth to his child last month.

At the time of the petition, Ms. Scott appeared to have considerable influence over Mr. Underwood regarding how to raise Brandi. Both individuals are from a military background and believe that Brandi should be a disciplined, well-mannered machine. Brandi was forbidden to run around the house, speak out of turn, or eat outside of the kitchen, and received severe consequences (whipping with a switch) if she broke the rules. The couple now acknowledges that some of their expectations were unrealistic and that their discipline was harsh. They say that parenting class has given them this insight. Their instructor reported that both seem to understand the information regarding appropriate parenting of a child.

The child has been observed by the CASA/GAL volunteer on six occasions, twice in the foster home, twice on a visit with the mom, and twice with the dad. She interacts in a friendly manner with other children in the home and has regained complete use of her arm. According to the daycare teacher, Brandi is outgoing, helpful, and playful. The child made statements to the CASA/GAL volunteer, the foster mother, and to CPS that her dad can visit her for a little while, but then he should go home without her. Brandi is less anxious about visiting with her mother and is now eager for those contacts. She also has a very positive response to memories of Grandma Millie, the maternal grandmother in Oklahoma. When this grandmother was mentioned, Brandi stated, "I love her and she loves me."

The Needs & Wishes of the Child

- Brandi needs to be in an environment where she feels emotionally and physically safe.
- Brandi needs caregivers who understand the developmental issues of a five-year-old and are interested and motivated to learn more about the developmental stages and needs of children.
- Brandi needs to be encouraged to tell those she trusts about what she feels, needs, and wants without fear of punishment.
- Brandi needs someone she trusts to talk to her about the living arrangements of the mother and father and what this means in terms of her visits with them.
- Brandi needs one caregiver that will make sure she is not harmed in the future and who has her best interests in mind.
- Brandi needs to be in an environment that is culturally appropriate and supportive.

Available Resources Within the Family to Meet These Needs

MOTHER: Geneva Underwood

Has recently demonstrated her interest and motivation through her behavior with her child and her compliance with CPS expectations. She admits to not always making the best parenting and life decisions; she denies allegations made by the father of drug use and prostitution. Ms. Underwood is supported financially by her mother and other relatives who are able and willing to provide child care and other supportive services for her. She has begun counseling and parenting classes in Oklahoma.

FATHER: David Underwood

Has attended parenting classes and has expressed a willingness to seek a psychological evaluation and counseling, but has not yet followed through with appointments arranged by the caseworker.

GIRLFRIEND: Trisha Scott

The father's live-in girlfriend attended parenting classes with Mr. Underwood and agrees to participate in counseling.

The father and his girlfriend are willing to do these things even if Brandi is not placed with them. The father's ongoing involvement with Ms. Scott, the recent birth of their child, and Brandi's reluctance to live with her father mean that reunification with him would not be in the child's best interest at this time. Additionally, he has never acknowledged responsibility for the abuse or for his failure to protect Brandi. He should be encouraged to continue with all of the positive efforts and ordered to undergo a psychological evaluation and counseling.

GRANDMOTHER: Millie Hansen

The maternal grandmother in Oklahoma is willing to undergo an ICPC home study in order to be considered as a permanent placement for Brandi should reunification with a parent prove unsuccessful. Ms. Hansen has maintained contact with the caseworker and with Brandi throughout this case.

Available Resources Within Community/Tribe to Meet These Needs

- CPS placed the child in a suitable foster home until the child is reunified with a parent or until it is found to be in her best interest to be placed with a relative.
- The child continues to receive medical care for the injuries sustained from the abuse.

- Brandi is in counseling with Janet Lentz at Pearson Mental Health Center. She has ongoing appointments to assist her with the emotional trauma and with the transition into her permanent placement. The mother feels that therapy for the child is readily available in Oklahoma, and CPS there agreed to offer courtesy assistance with resources for the mother.
- The father and Ms. Scott already completed a series of parenting classes that were recommended to them by CPS. There are resources for obtaining a psychological evaluation and a number of counselors who can address any needs identified in such an evaluation.
- The mother is receiving counseling and parenting classes from Ann Lindell, a therapist in Oklahoma.
- The tribe has social services available to assist the mother and Brandi if she is placed with her mother or grandmother.

Issues for the Court's Attention

Ample resources exist in the family, the community, and the tribe to meet the needs of this child. Despite this, the issues of severe physical abuse and the failure to protect the child require ongoing involvement by the child protective services system. The family is complying with the individual terms of the CPS plan but has not made adequate progress on acknowledging and remedying the underlying problems.

A Plan of Transition

This child has been traumatized and needs a period of adjustment and support with any new caretakers. At this point, she does not trust adults to tell her the truth as evidenced by her fears about being sent home with her father despite verbal reassurance that this would not happen. I believe that the foster mother can assist with the transition, although I worry that if we wait too long the child will have separation problems when she has to leave the foster home. This child is young and needs permanence quickly.

Are the mother's uncertain job and school situations, and her lack of plans for child care, issues for this court?

Geneva Underwood's sole income comes from her mother's generosity. The mother says she is a student although she admits she is not in school at this time. I have also been told that she uses drugs and sometimes prostitutes herself, but she denies this. She states that she is looking for work. The real issue is the need for clear plans for financial support and adequate child care when the mother is not available. After a period of adjustment, it would be beneficial to child and mother if she were gainfully employed so that she could provide for some of the child's financial care and serve as an appropriate role model.

Supervised Visits

David Underwood and Geneva Underwood do not agree on many issues, and animosity is present so it will be difficult to make a plan that works if the child is placed with a parent. The fact that they are in two different states complicates the matter. Both parents' visits have been supervised by CPS to date. Currently visitation is with the father but not with his girlfriend. With the new baby, it is important to consider Brandi's place within that part of her family. With the pending criminal matter, visitation with the girlfriend should not be allowed unless the child's therapist recommends otherwise. The father's visits should continue to be supervised unless the child's feelings about those visits change and unless the child's therapist recommends that they be unsupervised. The foster mother is willing to supervise visits with either parent if they occur at a neutral place, such as a park. This will allow Brandi to see the parent and foster parent working together for her care, and visits will not feel as unnatural as having the caseworker supervise.

Visitation with Biological Mom Out of State

During the upcoming months, the mother should come to North Carolina on a regular basis to build her relationship with the child and to participate in the child's therapy. CPS should pay for her transportation as needed. If the visits with the mother and Brandi continue to go well, she could move to unsupervised visits when the child's therapist feels this is appropriate. Any change from supervised to unsupervised visits will require court approval and can be considered at the first review, which should be held within two months of this date.

Recommendations to Protect & Promote the Best Interest of the Child

1. Brandi still needs a neutral and safe home, and that is to be in the home of the foster family, even though the foster family does not fall within the placement preferences of ICWA. Custody should remain with CPS, and the CASA/GAL volunteer should be informed of any changes in the child's circumstances. Any change of placement must be initiated through the court.
2. Brandi wishes to see her parents but only if she feels safe and sure that she is not going home with them. At this time and for the next two months, I am recommending weekly visits with parents (separately) to be supervised by CPS staff or the foster parent. Weekly visits may not be practical for Ms. Underwood since she lives out of state, and therefore should be supplemented by frequent phone contact.
3. Since Brandi is the victim in a criminal case against the girlfriend, I would recommend no visits with Ms. Scott at this time, unless the child's therapist recommends that visitation is in her best interest.
4. Brandi needs to continue therapy sessions at Pearson Mental Health Center with Janet Lentz so the therapist can gain Brandi's trust. This will help the parties determine issues such as future placement, visitation, and other important matters in Brandi's life.
5. Brandi needs to have parents who are financially able to provide for her. Both parents need to financially support their own needs and the needs of Brandi. Child support issues need to be addressed by the court.
6. It is in Brandi's best interest that her father, David Underwood, obtain a psychological evaluation and follow any recommended counseling.
7. It is in Brandi's best interest that all parental figures learn more about child development, appropriate discipline, and how to work together on behalf of the child.
8. It is in Brandi's best interest that her cultural ties be supported, especially through contact with her maternal grandmother, Millie Hansen.
9. To determine the next steps in this case for placement, visitation, and services, I recommend this case be calendared in sixty days.

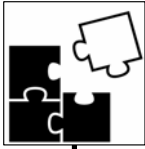
Respectfully submitted,

Michael C. Howell

Michael C. Howell,
CASA/GAL Volunteer

February 7, 2002

UNIT 3: Appearing in Court



Activity 9G: Appearing in Court

Read the material that follows regarding appearing in court. What was the most helpful piece of information that you learned? Consider how this information will be useful as you appear in court for your first case, and as you appear in court on your fifth case.

Describe what you learned and how it will help you in your CASA/GAL volunteer work.

It's Monday morning. You have spent the last few months investigating your case, talking to your child's caseworker, her teachers, and her health care providers, visiting with her and her foster family, and interviewing her parents. You have worked very hard the last two weeks preparing your court report. Now it's time to go to court, yes, C-O-U-R-T.

If just the thought of going into a courtroom has your palms sweating and your heart racing, then take a few deep breaths and sit back. Here is what you need to know about surviving in the courtroom.

(Note: Many of the words related to court procedures may be unfamiliar to you. The Glossary contains a definition of many of the terms that are used in this section.)

Preparation: Getting Ready for Court

Once you have completed your investigation, prepared your court report, and talked to your attorney (if you have one), your case is ready for court. Now you need to get yourself ready for court. This means being well informed and forewarned about the court process, which the following material is intended to do.

APPEARANCE—“What do I wear?”

This is probably not your most serious concern, but since the judge’s first impression of you will be based on your appearance, it deserves discussion. Impressions given to the judge are crucial so you should dress professionally and conservatively. Business suits or jackets and ties for men and business suits, dresses, skirts or slacks and blouses for women are appropriate.

DEMEANOR—“How should I act?”

Your demeanor in court is also important. One word sums it up: *respect*. Anytime you are in the courtroom—even when your case is not being heard—conduct yourself in a respectful, professional manner. A helpful rule: if you would not do it in your place of worship or in front of your mother, do not do it in court. Some particular warnings:

- ✓ Do **not** bring food or drinks into the courtroom.
- ✓ Do **not** chew gum or have anything in your mouth that will need to be spit out.
- ✓ Do **not** smoke in the courthouse.
- ✓ Do **not** use your cellular phone or even have it turned on when you are in the courtroom.
- ✓ Do **not** have your pager turned on while you are in the courtroom (unless it is a silent pager).
- ✓ Turn off your watch alarm.

Show respect for everyone in the courtroom. This rule applies regardless of whether you disagree with them, do not personally care for them, or actually dislike them. Finally, be especially respectful of the judge and mind the bailiff, who will tell you when to sit, when to stand, and when to be quiet.

The Court Process

THE CALENDAR—Your Case Is Not the Only Matter Scheduled for the Day

In many jurisdictions, court starts with the judge setting the calendar. The judge will usually begin by “calling” the calendar. This means that the judge will read the name of each case on the calendar. After the judge reads a case name, the attorneys and any party who is not represented by an attorney will stand up, tell the court the status of the case, and estimate how long the matter will take. Once the judge finishes calling the calendar, he will determine the order of the cases. This is known as “setting the calendar.”

Sometimes there are more cases scheduled for the day than can be heard. The judge may be able to make this determination during calendar call and will announce, at that time, what cases will be continued. Sometimes, however, attorneys underestimate how long a case will take and the judge cannot determine until later in the day that a case will be continued. What does this mean? Well, it may mean that you have sat in court all day and your case was not heard. Frustrating? Yes. Avoidable? To some extent, but remember, the judicial process is not an exact science. Be patient, but by all means let your attorney know in advance if you have other commitments for that day. If your case is continued, it will be scheduled for hearing at another time.

THE HEARING—“The Judge Just Called My Case! What Happens Now?”

“Where Do I Sit?”

If possible, the CASA/GAL volunteer sits in a place in the courtroom that helps demonstrate their objectivity. Your local program will describe the customary seating arrangement in your courtroom.

“Where Is the Jury?”

In juvenile proceedings, there is generally no jury (except in some contested termination of parental rights hearings in some court jurisdictions). In the vast majority of CASA/GAL volunteer cases, the judge will make the final decision regarding the case. In some jurisdictions, a case is “conferenced” by the parties before the scheduled hearing, an agreement reached, and a consent order presented to the judge.

THE HEARING BEGINS

Telling the Truth

The attorney who scheduled the hearing¹ briefly tells the court about the case and why there is a hearing² scheduled. The attorney will then call his/her first witness to the stand. Before taking the stand, the witness will be sworn in. As a witness, you have the option of swearing on the Bible to tell the truth or affirming that the testimony you are about to give will be the truth. If you prefer to affirm your testimony, simply inform your attorney prior to the hearing. Also note that it is not uncommon for all witnesses—regardless of when they will be called to testify during the proceedings—to be sworn in before any witness is called to the stand.

In less formal settings—such as a dispositional hearing or a review hearing—some judges do not require that witnesses be sworn in or that they take the stand. In this case, the witness remains seated next to his/her attorney to testify or share his/her recommendations.

Telling Your Story

DIRECT EXAMINATION

A witness may be questioned in several stages. First, the attorney who called the witness to the stand will question the witness on direct examination. This type of questioning is generally open-ended, allowing the witness to fully explain his/her answers. The purpose of direct examination is to present the judge with evidence to support the position of the attorney who called the witness to the stand. For this reason, it is possible that someone other than the attorney for the program will call you as a witness. Do not be alarmed or suspicious if this happens, but heed the warnings outlined in the section below on cross-examination. A helpful rule is to answer only what is asked.

The child’s attorney or the attorney for the CASA/GAL program, if one is appointed, is usually the one who will call you to the stand. If you do not have an attorney, the attorney for the party most closely aligned with your position will call you as a witness. When this is the case, you will know the questions that he/she intends to ask. Do not, however, think that you can script your testimony. The unexpected—such as objections or questions from the judge—can, does, and, in all probability, will occur. If you have concerns about any particular area of your testimony, review it with the attorney prior to the hearing.

¹ This is usually the attorney for Child Protective Services or the state, but it could be the attorney for the child, the attorney for the CASA/GAL program, or an attorney for one of the parents.

² A case can be scheduled for hearing for many reasons. In a juvenile case, the routine hearings are emergency custody hearings, adjudication and disposition hearings, review hearings, permanency planning hearings, hearings on termination of parental rights petitions, and post-TPR review hearings.

CROSS-EXAMINATION (Don't Take It Personally)

Once a witness has been questioned on direct examination by the attorney who called the witness to testify, then all the other attorneys and unrepresented parties have the opportunity to question the witness. This is called cross-examination. Cross-examination involves closed questions and is usually conducted by using leading questions. Where direct examination is used to elicit testimony supporting one's position, the primary purpose of cross-examination is to expose any weaknesses in the witness's testimony or to make the witness appear less credible to the judge. Cross-examination is also an opportunity for an attorney to elicit positive information about the attorney's client that probably did not come out on direct examination.

Because the purpose of cross-examination is to discredit the witness's testimony, the attorney may try to cast doubt upon the thoroughness of an investigation, the witness's interpretation of the facts, and perhaps whether the witness's judgment and actions were clouded by his/her feelings about the parents. Be prepared for this and discuss with your attorney any concerns you may have about any statements you may have made or action taken that might subject you to attack on cross-examination.

Although you may feel that the person who is cross-examining you is personally attacking you, it is very important that you do not take the questions personally. If you view cross-examination as a personal attack, you will appear defensive and unprofessional—an impression to be avoided at all costs. Remember that the attorney is merely doing what he/she believes needs to be done to represent his/her client.

Being cross-examined is perhaps the most difficult part of appearing in court. This is due in part to the fact that you do not know what you will be asked, and with each question, you may—at least subconsciously—wonder what the cross-examiner's agenda is. Do not try to figure out an attorney's motive for asking a question. If you heed the warnings and advice given below, you will survive the examination with flying colors!

Be wary of these cross-examination styles and tactics:

- 1. Rapid-Fire Questions:** This is where the attorney asks a string of leading questions in rapid succession, giving the witness little time to answer. This tactic is designed to confuse or upset the witness or to force inconsistent answers. Your response: Take control. Always remember that you can slow the pace down, you can take control. Take time to consider the question and be deliberate in answering. Some techniques to consider: ask to have the question repeated or pause before answering each question (in fact, it is always a good idea to take a second or two to think about the question before responding).
- 2. Compound Questions:** Sometimes a witness will be asked a question that really contains more than one question. For example, "Isn't it true that you never talked to the mother and that she tried to schedule an appointment with you?" This tactic is designed to confuse the witness or to force inconsistent answers. When a compound question is asked, your attorney should object. If not, you should tell the judge that the question requires a two-part answer and proceed to answer each question. "I never talked with the mother because she never returned my phone calls and I am not aware that the mother ever tried to schedule an appointment with me."
- 3. Lulling the Witness:** In this scenario, the attorney lulls the witness into a false sense of security by being overly friendly and familiar. Your response: Stay alert. Remember, when you are being cross-examined, the purpose is to discredit or diminish the effect of your testimony.

4. **Condescending Counsel:** This tactic is where the attorney is very benevolent to you and over-sympathetic to the point of ridicule. Basically it is a condescending attitude. It is used to give the impression that you are inept, lack confidence, or may not be a reliable witness. Your response: Stay calm. Do not let any anger or frustration show. Defeat this tactic by being firm and decisive with your response.
5. **Staring at the Witness:** Sometimes during cross-examination, an attorney will pause after a witness has answered a question and stare at the witness, as if expecting the witness to say more. Your response: Do not speak until the attorney asks you another question. Stay calm. Stay focused.
6. **Badgering the Witness:** This is just what it sounds like. In this scenario, the attorney gets in your face (not literally), shouts, and/or demeans you. Quite often, this tactic is used in conjunction with rapid-fire questions. This technique is used to make the witness become angry and defensive and to lose control. Your response: Stay calm. Speak in a deliberate voice, as unemotionally as possible. Your attorney will object as soon as this style of questioning is apparent.
7. **Demanding a “Yes” or “No” Response to a Question:** Attorneys are taught to ask questions that call for a “yes/no” response on cross-examination. That is the only response the attorney wants. The attorney does not want you to explain to the court all the details surrounding the issue in question. Your response: When a “yes/no” response will either confuse the court or leave out important details, fully answer the question. If the attorney asks the court to order you to answer “yes” or “no,” do not fret. Your attorney will have an opportunity on redirect examination to elicit a full explanation from you about the matter.

REDIRECT OR REBUTTAL EXAMINATION

Once all the attorneys have completed their cross-examination of a witness, the attorney who called the witness to the stand has an opportunity to ask more questions of the witness. This is called redirect or rebuttal. If there were new issues raised on cross-examination, redirect examination gives the witness a chance to clear up any confusion and to more fully explain the issues.

RE-CROSS-EXAMINATION

Following a redirect examination, any issue raised on redirect may be addressed by more cross-examination of the witness. Again, all of the attorneys who did not call the witness to the stand have an opportunity to again cross-examine the witness. This is called recross-examination.

QUESTIONS FROM THE JUDGE

The judge is permitted to ask questions of a witness at any phase of the examination. The judge may ask a question in the middle of an examination or following any phase of the examination. If the judge asks a question, look him/her in the eye and respond with respect, even if the information is negative to your position.

Objections—“What Did I Do Wrong?”

During an examination of a witness—be it direct, cross, redirect, or recross—the attorneys who are not questioning the witness may voice an objection to any question asked. Do not be alarmed. This does not mean that you have done anything wrong. It simply means that the attorney is informing the judge that he does not think the question is legally appropriate or proper. If this happens while you are testifying, stop talking and do not answer the question until the judge rules on the objection. If the judge sustains the objection, you should not answer the question at all. Wait for the attorney to ask another question. If the judge overrules the objection, you should then proceed to answer the question.

General Rules of Testifying

These rules apply to all phases of your examination, but are especially important during the cross-examination phase.

- **Listen very carefully to the question.**
- **Understand the question.**

Always make sure you understand the question before you attempt to answer it. If you did not hear the question, ask the attorney to repeat the question. If the question is not clear, tell the attorney that you do not understand the question and ask him/her to clarify the question or rephrase it.
- **Answer only the question asked.**

Do not volunteer additional information or discuss tangential matters unless the question calls for a “yes/no” response and such a response would mislead the court. This is especially important on cross-examination. For example, if the question is “Do you know John Doe?” limit your answer to “yes,” “no,” or “I don’t know.” Let the attorney ask any follow-up questions, such as “How do you know John Doe?” One important exception to this rule: if you feel that your answer needs to be explained, do not answer “yes” or “no.” Proceed to give a full response or consider beginning your response by saying, “That question cannot be answered with a ‘yes’ or a ‘no,’” or “The response to that question requires an explanation.”
- **Do not guess when answering a question.**

If you do not know the answer to a question, do not be afraid to say to the court, “I don’t recall” or “I don’t know.” Do not attempt to guess at the answer or say, “I think so.” It is better to say that you do not know something than to risk discrediting yourself by guessing.
- **Do not give an opinion unless it is requested.**

For example, if you are asked, “Where does Johnny want to be placed?” your answer would vary depending on whether you have the information. If you do not know, do not say, “I think he would like to be...” However, if you are asked, “Where do you think Johnny should be placed?” then you are being asked for your opinion and can answer, “I believe that Johnny should be placed...”
- **Make sure your testimony is heard.**

Try to speak a little louder, slower, and more distinctly than you would usually speak. Avoid nodding or shaking your head in response to a question; the answer to each question must be spoken aloud. Also, avoid the use of “uh-huh” when you mean to answer “yes” or “no.”

Miscellaneous

OTHER COURT PROCEEDINGS—“I’ve Just Received a Subpoena!”

In addition to the juvenile proceeding for which you were appointed, it is not uncommon for there to be other court proceedings involving the same facts and circumstances that brought the child you represent into care. For example, there may be criminal charges of child abuse against one or both of the parents of the child you represent. There may also be court proceedings unrelated to the facts and circumstances that brought the child into care, but which are related to the child, such as a domestic dispute between the child’s mom and dad. When this happens, an attorney involved in these other court proceedings may subpoena you for trial or deposition because he/she believes that you may have information that would be important to his client’s case.

The most important consideration regarding your testimony in other proceedings is **confidentiality**. By law, CASA/GAL volunteers must keep all information regarding the case confidential, and no disclosure may be made except by court order or unless provided by law. So what do you do if you receive a subpoena?

1. Inform your case supervisor and attorney (if you have one) that you have received a subpoena.
2. Respond to the subpoena by showing up at the designated time and place.
3. Proceed with caution when called to testify. Your obligation of confidentiality extends to information about a specific case. If you are asked a question unrelated to a specific case—for example, a question about you and your background or a general question relating to work as a CASA/GAL volunteer—you may answer the question. If you are asked a question about a specific case—even an innocent question like “Are you the CASA/GAL volunteer for Johnny Doe?”—you should **not** answer the question. In response to these types of questions, you should inform the judge that you are not at liberty to discuss any information about a specific case. You might use the following language:

“I respectfully decline to answer the question since I am not at liberty to discuss any information about a specific case.”

Once you have informed the court of your obligation of confidentiality, the judge may order you to testify, in which case you may—in fact must—do so because you now have the judge directing you to answer the question. If in doubt about whether to respond to a particular question, assert your duty of confidentiality and let the judge direct you to answer (or not). To the extent that you are permitted to testify in other court proceedings, the general rules for testifying are the same as when testifying in a juvenile proceeding.

Material for this unit created by Debra Sasser, Associate Counsel, NC Guardian ad Litem Program, 1999.

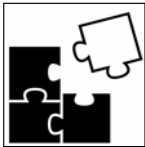
UNIT 4: Monitoring a Case

As a CASA/GAL volunteer, you remain actively involved in a case until the case closes with the child in a safe, permanent home. One of your most important duties is to monitor your case—to check regularly on how things are going. Earlier in training, you reviewed the CASA/GAL volunteer responsibilities for monitoring cases.

1. To conduct follow-up investigations to ensure that the orders of the court are being properly executed by:
 - Reviewing the court order;
 - Visiting the child regularly and maintaining sufficient contact with parents, relatives, foster parents, and agency personnel to determine if the orders of the court are being properly executed;
 - Verifying accuracy of information gained during follow-up investigation;
 - Notifying staff and attorney for the child if the orders of the court are not being properly executed; and
 - Contacting those who are responsible for carrying out the orders of the court to address issues surrounding noncompliance.
2. To report to the court when the needs of the juvenile are not being met by:
 - Identifying facts and changes in situation that may necessitate the case's return to court.
3. To protect and promote the best interest of the juvenile until formally relieved of the responsibility by the court by:
 - Regularly monitoring the child in his/her home setting, evaluating appropriateness of placement and whether the child is receiving court-ordered services, and identifying any unmet needs;
 - Identifying facts and changes in the situation that may necessitate the case's return to court; and
 - Determining if additional services are needed for the child.

From the NC Guardian ad Litem volunteer training curriculum.

It is sometimes difficult to maintain the momentum that exists when you are first assigned to a case. Partnering with program staff can help you remain involved and inspired to advocate effectively throughout the life of the case.



Activity 9H: Monitoring the Brandi Underwood Case

Part 1: You monitor and check on things every day in your personal life. Consider how you can apply the same successful monitoring tools and methods from your daily life in order to meet the CASA/GAL volunteer's monitoring responsibilities that you just reviewed.

Part 2: Read the following information about the outcome of the adjudicatory and disposition hearings in the Brandi Underwood case, which were held one after the other on February 7, 2002. The judge scheduled a review hearing for seven weeks later, on March 28, 2002. The CPS court report for the first review hearing is included here and provides an update on the progress of the parents. A psychological evaluation of the father follows the CPS report. There is also a request to the CASA/GAL program in Oklahoma for courtesy assistance. At the last hearing, the judge issued an order allowing the CASA/GAL volunteer in North Carolina to release information to the CASA/GAL program in Oklahoma. Each of these documents provides important information regarding the current status of the case.

The Adjudication Order

A court order was issued containing the following information as stated by the judge:

For purposes of adjudication, the Court finds as follows:

1. The Court has jurisdiction over the parties and the subject matter.
2. Based on the evidence presented, the following facts have been proven by clear and convincing evidence:
 - That the Petitioner is a citizen and resident of Dunlap County, North Carolina.
 - That the Respondent/Father and Respondent/Scott are citizens and residents of Dunlap County, North Carolina, and at the time the Petition was filed, the named minor child was residing in Dunlap County, North Carolina.
 - That the Respondent/Father is the natural parent of the named minor child.
 - That the Respondent/Scott was a caretaker for the named minor child.
 - That the Mother is a resident of Pawnee County, Oklahoma, and was not present at the time that any of the injuries upon the named minor child were inflicted.
 - That the juvenile, Brandi Underwood, is a minor child born on January 29, 1997.
 - That the Petitioner was present and was represented by Kenneth P. Merrill, Jr., Attorney at Law.
 - That the CASA/GAL volunteer was present and was represented by William G. Pierce III, Attorney at Law.
 - That the Respondent/Father was present and was represented by Martin Ramsey, Attorney at Law.

- That the Respondent/Caretaker was present and was represented by K. William Maxwell, Attorney at Law.
 - That the Respondent/Mother was present and was represented by Jonathon Wilson, Attorney at Law.
 - That the Big River Nation has intervened and was present and represented by Jean Moore, ICWA worker.
 - That active remedial efforts have been made to promote reunification and prevent the breakup of the family, but these have been unsuccessful and it would be contrary to the welfare of the child to return home at this time.
3. That no party present at the hearing objected to the Court receiving into evidence the following documents for purposes of adjudication:
- Statement from Trisha Scott dated November 12, 2001;
 - Verified Petition dated November 11, 2001, regarding Brandi Underwood by Thomas Parker, Social Work Program Manager, Dunlap Co. CPS;
 - Court summary dated February 7, 2002, submitted by Elizabeth Livingston with attached letters regarding Mr. Underwood and Ms. Scott's attendance at parenting class and the mother's participation in counseling/parenting education;
 - Medical report from Dr. Putnam, Central Carolina Indian Health Services Clinic; and
 - Photographs of the injuries to the named minor submitted by Dunlap County CPS.

The Court adopts the factual statements contained in said documents and incorporates said documents into this order as is fully set out herein.

1. That on or about September 30, 2001, the named minor suffered various injuries, including bruises on her right and left arm, bite marks to right arm, bite mark to right hand, marks to left hand, split upper lip, bruises to left and right side of her face near her neck, bruises to her lower back and buttocks, bruises to her right and left knees and legs, and bruises to her right and left shoulder blades.
2. That the named minor's injuries are not consistent with the explanations by the named minor's father and caretaker.
3. That on or about November 10 or 11, 2001, the named minor suffered a dislocated elbow and a broken upper right arm.
4. That on or about November 10 or 11, 2001, the named minor suffered various injuries including bruises on her buttocks, both sides of her face, both of her shoulders, and her right arm while in the care of Trisha Scott, caretaker, or the named minor's father. That no other adult had caretaking responsibility of the named minor during this time.
5. That Trisha Scott has been charged with misdemeanor child abuse as a result of these incidents.
6. That the Respondent/Father has had a child with Ms. Scott and intends to live with her.
7. That the Respondent/Mother has not convinced this court that she has a satisfactory situation in Oklahoma for the care of the child nor has she convinced this court that she can be a responsible parent for this child. According to the mother's own testimony, she is unemployed, is currently not attending classes, and relies solely on her mother for her financial support.
8. That this Petition was not filed to circumvent the provisions of Chapter 50A, The Uniform Child Custody and Jurisdiction Act.

As a matter of law, the Court concludes that:

The juvenile is within the juvenile jurisdiction of the Court as an:

- Abused juvenile.**
- Neglected juvenile.**

It is therefore **ORDERED** that the case:

- Be dismissed.**
- Proceed to disposition.**

The Disposition Order

After considering the evidence, the court makes the following findings of fact:

1. That active efforts to provide remedial services and rehabilitation to prevent or eliminate the need for removal of the named minor child from her home have been made. The following services have been provided: visitation between the named minor and both the Father and Mother; telephone contact between the named minor and the Father, Mother, and Caretaker; foster care services; counseling services for the named minor; and social work services including a Family Services Agreement for both the Father and the Mother to include referrals to parenting classes, counseling, and psychological evaluation.
2. That the Father and the Mother have each indicated a desire for the placement of the named minor in their respective homes. There is clear and convincing evidence that custody of the child by the parents at this time is likely to result in serious emotional or physical damage. CPS is making efforts to comply with the placement requirements of 25 U.S.C. § 1915 (B).
3. That the Respondent/Father and Respondent/Caretaker have cooperated with the Dunlap County CPS in completing parenting classes. That the Respondent/Father has not yet obtained a psychological evaluation as agreed to in the Family Services Plan or sought any counseling.
4. That the Respondent/Mother has cooperated with the Dunlap County CPS in beginning both counseling and parenting classes. That the Respondent/Mother has not yet obtained gainful employment or returned to school.
5. That it is in the best interest of the named minor child that her care, custody, and control be placed with the Petitioner, Dunlap County Child Protective Services.

The Court concludes as a matter of law that the best interest of the juvenile would be served by the following disposition:

It is therefore ordered:

1. That legal and physical custody of Brandi Underwood remain with Dunlap County Child Protective Services.
2. That Dunlap County Child Protective Services continue to provide remedial services to promote reunification to David Underwood and Geneva Underwood.

3. That Dunlap County Child Protective Services request that the Big River Nation or Child Protective Services in Pawnee County, Oklahoma, provide courtesy foster care services to Geneva Underwood.
4. That David Underwood obtain a psychological evaluation and follow any recommendations.
5. That Geneva Underwood continue counseling and parenting classes with Ann E. Lindell.
6. That Brandi Underwood continue to receive counseling from Janet Lentz, Pearson Mental Health Center.
7. That the parents participate in the child's counseling as requested.
8. That visitation with the father and mother continue to be supervised, allowing for supervision by the foster parent.
9. That both parents be allowed unsupervised telephone calls with the minor child.
10. That visitation with Trisha Scott be supervised by Child Protective Services.
11. That the parents register at the Dunlap County Child Support Enforcement Office for payment of child support on behalf of this child.
12. That this matter is set on for Review on March 28, 2002, and all parties were given notice of said Hearing in open Court.

SUMMARY FOR THE COURT

Prepared by Elizabeth Livingston
Dunlap County Child Protective Services

March 28, 2002

In the Matter of: Brandi Underwood
DOB: 1/29/97 (5 years old)

Background of the Case

Dunlap County Child Protective Services first became involved with this family on October 16, 2000, when a referral was received alleging that the child had been left at home unattended by the mother. The case was substantiated for neglect. The family received case management services for a period of six months, ending in May 2001. The mother moved to Oklahoma in June 2001, leaving the child in the care of the father.

On September 30, 2001, a new referral was received alleging that the child had received various injuries, including bruises on her right and left arm, bite marks on the right arm, marks on her left hand, a split upper lip, and bruises to her right and left shoulder blades. The father signed a protection plan and the child was allowed to remain in the home. The father's girlfriend, Trisha Scott, was not to be a caretaker of the child. Abuse and neglect were substantiated and the case was transferred to the current caseworker on November 9, 2001. Within two days, the child was taken into CPS custody because of a new report of additional injuries. The child had multiple bruises, a dislocated elbow, and a broken upper right arm.

On February 7, 2002, the child was adjudicated to be abused and neglected. She has remained in CPS custody in the initial foster care placement to date. The case was set for review for this date.

Present Circumstances of the Child

Brandi continues to do very well in her foster home. There is no lingering evidence of her injuries. Reports from the home and her daycare indicate that she is an active child who is generally happy, playful, and very talkative. She remains in therapy as this court process continues to assist her with the transition into a permanent placement. Her therapist, Janet Lentz, is generally very pleased with her progress although concern remains regarding her fear of her father and Ms. Scott.

Ms. Scott gave birth to Brandi's half-sister in January, which created some upheaval for Brandi. She had a period of bed-wetting and temper tantrums although she verbally expressed delight about the baby and appeared to enjoy holding her and being the big sister. The symptoms have subsided in the past month. Visits with the father were very regular until the birth of the baby. They continue to create some anxiety for Brandi, who needs assurance each time that she will return to the foster home. In the past two months, the father has missed two appointments and cancelled one, adding to the child's anxiety about these visits.

Visits with the mother have proven to be very difficult because of the geographic distance. There were two fairly positive visits when the child first came into care. The mother signed an agreement that she would return one time each month for several days, and that at least

two visits would be arranged each time. I have arranged for transportation and the mother has agreed to come once in January, twice in February, and once in March. She has failed to come for three of the four times, appearing only for the first February visit, which occurred when she was here for the adjudicatory hearing. She did not call until the scheduled date to inform the caseworker that she would not come for the other three visits. The child is no longer informed of the visits because she builds up expectations as well as anxiety and then is let down. The mother called to say that she would come to North Carolina for this court proceeding and she requested a visit while she is here.

Present Circumstances of the Parents:

On February 7, 2002, the following orders were made during the dispositional hearing of the current case. The child is to remain in CPS custody. The father is to obtain a psychological evaluation and follow any recommendations. Both parents are to register at Child Support Enforcement for the payment of child support. The mother is to continue with counseling and parenting classes. The child is to remain in counseling and both parents were ordered to participate as requested. The mother is to obtain stable employment or to enroll in classes that would lead to such employment. All visitation is to be supervised. The foster mother or CPS can supervise the parent's visitation. Any visitation with Ms. Scott must be supervised by CPS. The parents are allowed unsupervised telephone calls with the child.

The father cooperated in the development of a case plan on November 19, 2001. Although she was not required to do so, Ms. Scott also participated and agreed to all components of the plan. A major focus of the plan is for the father to learn and use appropriate discipline with his child. Mr. Underwood and Ms. Scott successfully completed the Right Path Parenting Class. They can discuss what they learned and state that it was helpful in thinking about how they will raise their new baby. The father has not shown an interest in using new techniques with Brandi. Even with supervision and limited contact, he becomes frustrated with her very quickly and yells at her or belittles her by saying things like, "You are a baby if you can't tie your shoes yet," or "Are you trying to get me in trouble again?" Trisha has only visited twice and showed very little interest in Brandi. The father completed a psychological evaluation and the report, dated March 16, 2002, is attached. The results are quite disturbing and the prognosis for treatment is not good. The recommendations are for in-depth therapeutic treatment and for lengthy monitoring of his parenting relationship with Brandi to assess his parenting abilities and ability to protect. A number of warning signs such as his criminal history and his lack of candor in the evaluation are cause for concern in terms of this agency's ability to adequately monitor his progress.

A case plan was developed with the mother on November 23, 2001. She eagerly accepted every suggested task and stated that it would be easy for her to comply with all requirements. She seemed mostly to want to please the caseworker as she worked on the plan. She also tended to want to place blame for all of her problems, sometimes on herself and sometimes on others. This mother is fairly juvenile in her demeanor. The mother did enter therapy and, at the time of the dispositional hearing on February 7, 2002, was able to provide the court with a very positive report regarding her personal counseling as well as the parenting skills that she was learning. Since that time, the mother has not shown any consistent movement toward fulfilling the requirements of her case plan. She says she couldn't get the classes she needs this semester and that she is looking for work. She has not, however, kept scheduled appointments with the CPS in Oklahoma and has produced no documentation regarding either school or work. The mother has not visited since the last court hearing.

Last month Ms. Underwood was arrested for DUI and possession of a controlled substance (methamphetamine). I have asked the caseworker in Oklahoma to arrange for a substance abuse evaluation and urine testing for the mother.

On a brighter note, the maternal grandmother, Millie Hansen, has been in regular contact with this agency and with Brandi. She has requested a home study and is interested in providing a home for Brandi if her daughter does not turn things around quickly. A study will have to be requested through the Interstate Compact on the Placement of Children. Ms. Hansen is willing to travel to North Carolina to become reacquainted with the child in person. She appears to be responsible, financially stable, and to have a sincere love for her granddaughter. The only concern is that she tends to minimize her daughter's lack of responsibility, and might have trouble creating clear boundaries regarding the relationships. If placement with her becomes the plan, it should be through adoption so that she will have the parental authority to raise Brandi.

The ICWA worker from the Big River Nation, Jean Moore, has been very helpful to this agency. Ms. Moore reports that the Big River Nation supports the placement with Ms. Hansen and that the tribe has numerous services available on the reservation to support the placement, such as child care and counseling. Ms. Moore has also provided a list of other maternal relatives and tribal members who would be appropriate placements for Brandi should Ms. Hansen's home not be approved for placement through the ICPC.

Reasonable/Active Efforts

Circumstances existed at the time of removal which prevented Dunlap County Child Protective Services from providing protective services to the child in her home because the nature and circumstances of the allegations did not allow the child to remain in the home. The agency was planning to offer treatment services when a more severe incident took place.

A permanency planning meeting was held on December 10, 2001. The plan was reunification with one of the parents. The requirements of their case plans were stated and discussed. David Underwood and Trisha Scott expressed concern about the child being sent to Oklahoma. They state that the mother's lifestyle is not appropriate. The team explained the Interstate Compact on the Placement of Children process, which would include a home study. The plan remains reunification. The parents were reminded that CPS creates a concurrent plan because the child cannot wait forever for the parents to be ready. In this case, the concurrent plan is for adoption by the maternal grandmother, Millie Hansen, if she is approved after a home study done by the Pawnee County CPS in Oklahoma through the Interstate Compact on the Placement of Children.

Agency Plan

The plan at this time is for reunification with a parent. The concurrent plan is for adoption by a relative. At this time, Millie Hansen, the maternal grandmother, appears to be an appropriate relative. Any placement with the mother or grandmother will require a referral through the Interstate Compact on the Placement of Children.

Recommendations

1. That custody of the child remain with Dunlap County Child Protective Services for placement in foster care.
2. That the plan of Dunlap County Child Protective Services for a permanent home for the child be approved by the court.
3. That the court order home studies of the mother and maternal grandmother through the Interstate Compact on the Placement of Children.
4. That Dunlap County Child Protective Services shall be and is hereby authorized to arrange for, provide, and consent to medical, surgical, dental, psychiatric, psychological, educational, or other remedial evaluations or treatment for the child.
5. That each parent be required to cooperate in the development of a case plan and to comply with all of the tasks set forth therein.
6. That the child continue in counseling and that the parents cooperate with counseling as requested.
7. That the parents appear at the Child Support Enforcement Agency and register for the payment of child support.
8. That this matter shall be reviewed within 90 days at 9:00 AM on Thursday, May 30, 2002, in the First Floor Courtroom, Criminal Courts Building, 100 Court Street, Ravensford, North Carolina, before the Honorable Karen LaGrande.

Respectfully submitted,

Elizabeth Livingston

Elizabeth Livingston, MSW
Foster Care Caseworker
Dunlap County CPS

Missy Seagrove

Missy Seagrove
CPS Supervisor
Dunlap County CPS

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March 16, 2002

Ms. Elizabeth Livingston, MSW
Dunlap County Child Protective Services
900 W Graham St.
Ravensford, NC 22357

RE: David Underwood, Psychological Evaluation

Dear Ms. Livingston,

Thank you for the referral of Mr. David E. Underwood for psychological evaluation in regards to his ability to protect and adequately parent his child, Brandi Underwood. I saw him for both clinical interviews and testing on 2/16/02, 2/23/02, and 3/2/02 in my office. Testing instruments included the Minnesota Multiphasic Personality Inventory–2 (MMPI-2) and the Millon Clinical Multiaxial Inventory–III (MCMI-III).

I also had available for examination copies of the CPS chart, which I read rather thoroughly.

Interview & Test Results: In my opinion, Mr. Underwood related to me in an overly familiar and friendly manner as if he hoped to “charm” me and make a favorable impression. He told me several times that he was seeing me (despite the fact that CPS had arranged the evaluation) because he had been told, “You’re the best in Dunlap County.” These attempts to ingratiate himself were, in my opinion, not subtle and thus not particularly skillful. In addition, a certain entitlement might be said to be present in his tendency (both at CPS and at our clinic) to bypass the receptionist area and come directly back to the private offices.

On each occasion that I saw Mr. Underwood, he presented with a bright mood and in an extroverted manner. He is verbally facile and would appear to be of at least average intelligence. His speech was logical, coherent, and goal-directed. There was no evidence of any psychosis or thought disorder.

Since you are aware of what is known about his background and current circumstances, I won’t repeat those details here. However, I would like to specify several situations in which I believe Mr. Underwood failed to report information in a fully consistent or truthful manner. For example, when filling out the section of our clinic’s intake forms where it asks patients to list dates and court actions for any current or prior arrests/convictions, Mr. Underwood listed only one previous conviction for failure to pay child support, failing to mention several other items of his criminal history as available from the local criminal background check. He also denied a 1991 DUI (driving while under the influence of alcohol) even though, again, it is clearly listed on the background check.

The record contains a summary that states that Mr. Underwood “stated that he attempted suicide when he was in the sixth grade, again when he was in the eighth grade, and again when he was in tenth grade.” The record also cites a hospitalization for depression while in the military.

Two examples regarding recent behaviors involve his parenting and his drinking pattern. In our first interview he acknowledged that he bit Brandi on the arm to teach her not to bite, while denying that he currently consumed either drugs or alcohol. Then, during the course of our final interview some four weeks later, he denied biting his child while noting that “I drink brews [beer].”

Mr. Underwood's MMPI profile is only marginally valid and reflects a relatively unsophisticated effort to distort the test results by presenting an overly favorable self-view or a "good impression" pattern. His elevated L score suggests that he has, perhaps consciously, endorsed many items that claim highly virtuous personality characteristics which, in their extreme, are very unlikely and therefore create suspicion about his willingness to cooperate with the evaluation. Assessment situations that frequently produce this pattern include child custody evaluations, personnel screening, and physical injury litigation in which the individual is attempting to proclaim a great deal of personal virtue and few or no psychological symptoms.

This defensive stance also suggests that Mr. Underwood is not very introspective or insightful about his own behavior. The client with a validity profile like Mr. Underwood's is likely to have little awareness of his difficulties. He is likely to be rigid and inflexible in his approach to problems and may not be open to psychological self-evaluation. He is likely to project an excessively positive self-image and to be somewhat arrogant and intolerant of others' failings. He is unlikely to seek psychological treatment or to cooperate fully with treatment if it is implemented.

Because of their marginal validity, the clinical scales are not a rich source of information. His clinical profile does suggest the presence of the following personality characteristics: pleasure seeking, impulsive, proneness to rule infractions, and high-risk behavior that may make him vulnerable to clashes with authority at times.

His clinical profile suggests that he is quite outgoing and sociable, is gregarious and enjoys attention.

It is interesting to *speculate* what his profile might look like if he had not been so defensive. The shape of his clinical profile if preserved and simply elevated would suggest a forty-three high point configuration. The forty-three profile is typical of people with a lot of chronically suppressed anger that tends to be discharged abruptly and at times possibly even explosively. They tend to demand attention and approval from others. They may be outwardly conforming but inwardly rebellious.

The MCMI-III response tendencies are very consistent with the MMPI-2 findings: that is, Mr. Underwood's responses suggest an effort to present a socially acceptable appearance or a resistance to admitting personal shortcomings. Inclined to view psychological problems as a sign of emotional or moral weakness, he may protectively deny any unseemly traits or symptoms. This probably reflects either a broad-based concern about being appraised unfavorably by others or an active suspicion of the arcane motives of psychological inquiry. His response style (as revealed in the validity scales) renders the clinical scales of the MCMI-III essentially devoid of meaningful or interpretable results.

Summary & Recommendations: The central finding of this evaluation—as revealed consistently across the interviews, psychological testing, and the file review—is that Mr. Underwood has not been fully revealing. This in itself is important information. After all, a modicum of reliability, truthfulness, and trust is required in both good parenting and in developing and monitoring any plans that would return the child to a home where Mr. Underwood was present.

More ominously, his lack of truthfulness, when combined with certain other features, such as his criminal record (including a fair number of recent driving violations), his glib and superficial charm, manipulateness and self-aggrandizement, poor impulse control, and early behavior problems (in the military, for example) suggest the presence of a personality disorder with antisocial, narcissistic, and paranoid elements.

Confusion about the accuracy of his reported history of depression is also troubling. Was he exaggerating or making up psychological problems in order to elicit sympathy or other benefits from the military or is he lying now by denying a true history of serious mental illness so as to "look good"?

Treatment for people with Mr. Underwood's personality problems is not easy and usually requires a rather lengthy course of psychotherapy with a skilled therapist (Sara Homes would meet the therapist criterion). This treatment could be provided in a couples, group, or individual format (or some combination). Mr. Underwood has several important strengths (e.g., his personableness, his reported positive behaviors on jobs, and his wish to succeed in life) that could be built upon in treatment.

Any return of the child to Mr. Underwood's care should involve lengthy monitoring of his willingness and ability to protect the child and to learn positive discipline skills. His full and open cooperation with said monitoring and with the above-mentioned treatment should be a condition of returning the child to his care.

Thanks again for the referral. Please don't hesitate to call if you have any questions.

Sincerely,

William S. Lawson

William S. Lawson, Ph.D.
Clinical Psychologist

A Child's Advocate
In Court



Dunlap County CASA/GAL Program

P.O. Box 317
Ravensford, NC 22357
Phone (602) 487-1600
FAX (602) 487-2142

Violet Merrick, CASA/GAL Program Administrator

April 6, 2002

Ms. Diane Christopher
Oklahoma CASA/GAL Association
11th Judicial Circuit
3302 NW 27th Avenue North Annex
Pawnee, Oklahoma 74058

Dear Ms. Christopher:

As per our conversation on this date, enclosed is information I hope will be helpful in making an assessment of the situation involving Brandi Underwood. The plan has been for reunification with the mother, who also lives in your jurisdiction. She came to North Carolina and entered into a service agreement that is being monitored by the CPS in Pawnee County. Her progress has been slow and we are working on a concurrent plan that would allow this child to leave foster care and reside with her maternal grandmother if she cannot be with her mother. The hope is that the mother will continue to progress so that she can eventually resume custody of this child. The court issued an order allowing the release of information to your program. A request to the Interstate Compact on the Placement of Children regarding possible placement with Millie Hansen will be made by Dunlap County Child Protective Services prior to actual placement. This request is to assess the appropriateness of the concurrent plan. If placement with the grandmother would not be in the child's best interest, the CASA/GAL volunteer will seek other options.

The CASA/GAL volunteer, Michael C. Howell, is hoping that through your investigation he can assess whether placement with Ms. Hansen is an appropriate plan if the parents continue to make insufficient progress toward reunification. Ms. Hansen can be reached by telephone at (323) 646-0010 and her residence is 4975 Walnut Hill Rd., Pawnee, OK 74058. Written CASA/GAL volunteer court reports are enclosed to give you some background regarding the situation. Michael is interested in learning whether the grandmother has adequate housing, whether her health is good, and whether she understands that her daughter is not ready to parent Brandi at this time. She has been fairly protective of her daughter and we need to know whether she can put the child first. The issues that you might want to address with her regarding the mother are:

- That the mother may have misled the court, CPS, and the CASA/GAL volunteer with statements that she has not, nor would she, engage in drug use or prostitution while Brandi was in her care. What is Ms. Hansen's reaction to hearing that her daughter appears to be withholding information? We are trying to get a feel for the strength of the grandmother's allegiance to her daughter.
- Also, what is Ms. Hansen's plan regarding the mother's contact with the child? If the mother is to provide some child care—and in preparation for eventual placement with her—what arrangements are being made for Brandi during the time the mother is working and for what duration of time?

- Ms. Underwood has stated on numerous occasions that her family was supporting her financially. However, she has never provided any proof of this; we think now she should verify the assistance she receives from family. Are there other relatives who can help with the care of Brandi?
- Mr. Underwood and Ms. Scott, the father and his girlfriend, remain in Ravensford, North Carolina. What arrangement has Ms. Underwood made, or would Ms. Hansen make, for Brandi to have contact with her father? Since the date that the child came into CPS custody, Ms. Scott has been prohibited from having contact with Brandi, but Mr. Underwood has been allowed visitation. What would Ms. Hansen's plan be regarding contact with Ms. Scott?

We realize that the court must wait to determine the appropriateness of an out-of-state placement until there is a home study done through the Interstate Compact on the Placement of Children. The information that we seek will help us determine if our concurrent plan is appropriate and viable. Thank you for all of your help.

Sincerely,

Violet Merrick

Violet Merrick,
CASA/GAL Program Administrator

Big River Nation Report to the Court

Re: Brandi Underwood (DOB 1/29/97, age 5)

March 28, 2002

History

The Big River Nation was contacted on November 12, 2001, by Elizabeth Livingston of the Dunlap County CPS in North Carolina. Ms. Livingston informed this writer, ICWA Case Manager Jean Moore, that Dunlap County CPS had assumed emergency custody of Brandi Underwood, a child believed to be a member of the Big River Nation.

After checking tribal membership records, I determined that Brandi Underwood (DOB 1/29/97) is the biological child of David Underwood and Geneva (Hansen) Underwood. Geneva Underwood is an enrolled member of the Big River Nation of Oklahoma. Although Brandi is eligible for membership in the Big River Nation, she is not yet enrolled.

The Big River Nation Council met and passed a resolution authorizing this writer to intervene on behalf of the tribe in the juvenile case pending in North Carolina.

Family Background

David Underwood and Geneva Hansen met and married while David was stationed at the Camp Riverside Military Base near the Big River Nation Reservation. Their daughter, Brandi, lived with her parents in base housing until she was a toddler. At that time, the Underwoods reportedly had to leave base housing suddenly and they moved in with Brandi's maternal grandmother, Millie Hansen, who lives on the reservation. After several months, Brandi and her parents abruptly moved to North Carolina. Since that time, Brandi and her mother have returned frequently to the reservation to visit relatives.

In June 2001, Ms. Underwood moved alone back to the reservation. She reports she decided to leave her husband after discovering he was having an affair and his mistress was pregnant with his child. Ms. Underwood says that throughout her marriage her husband was physically abusive to her and to Brandi, and that he would not allow her to take Brandi with her when she left.

Geneva Underwood is the youngest of four children born of Max and Millie Hansen. She was raised on the Big River Nation Reservation. As a teenager, Geneva had a reputation for being somewhat wild and received several suspensions from school as a result of alcohol use. There is a history of substance abuse in Geneva's family. Her mother is a recovering alcoholic and has been sober for five years. Her brother is currently incarcerated on drug-related charges. Geneva's sisters, who are sober and healthy, still live on the reservation, as does her mother. Her father is deceased.

In addition to her maternal grandmother, aunts, and uncle, Brandi has numerous cousins and great aunts and uncles on the reservation.

Placement

The Big River Nation supports the case plans outlined for David and Geneva Underwood. However, neither parent has made sufficient progress that would enable Brandi to return home at this time. Currently Brandi is placed in a non-Indian foster home in North Carolina. Such a placement does not comply with the placement preferences of the Indian Child Welfare Act. The Big River Nation would like to see Brandi placed with a relative as soon as possible.

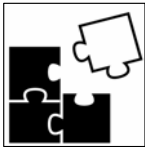
Maternal grandmother, Millie Hansen, is very interested in placement if Brandi cannot be returned to a parent in the near future. Ms. Hansen is a respected member of the Big River Nation, where she is very active in the sobriety movement. Ms. Hansen also participates in a variety of traditional cultural activities and is proud to teach traditional crafts and cooking to younger members of the tribe. Brandi would benefit greatly from the stability offered by Ms. Hansen, and would also have the opportunity to understand and experience her tribal heritage. The Big River Nation Council strongly supports placement with Millie Hansen.

Services

The Big River Nation operates a number of programs on the reservation that could assist Brandi and her family. Therapy, child care, education, and medical services are all readily available. In addition, this writer is available to provide case management services to support Brandi and her family and ensure Brandi's needs are met.

Recommendations

- Brandi Underwood should be placed with Millie Hansen.
- Dunlap County CPS should continue to provide family reunification services to Geneva Underwood.
- We are opposed to termination of parental rights and in favor of permanent guardianship.



Activity 9H: Monitoring the Brandi Underwood Case

Part 3: Considering the documents you have just read, answer the following:

What additional resources are needed to meet the needs of this child?

What would you recommend at the next court hearing?

Name two things you will need to monitor in Brandi's case.

Part 4: Read the following brief summary describing the conclusion of the Brandi Underwood training case. Remember that at every step, the child's needs for safety and permanence should be considered while respecting the child's sense of time.

The Brandi Underwood Case: Conclusion

During the court review on May 30, 2002, the judge found that the parents had not made sufficient progress toward reunification. The mother had discontinued therapy and refused to provide any documentation regarding work or school. She also refused to undergo a substance abuse evaluation and did not show up for drug screening. The father was arrested for assault on a female for a domestic violence incident with Trisha Scott. Problems with visitation arose for both the mother and father. The mother refused to travel to North Carolina without a promise of reunification. Despite repeated warnings, the father made promises to Brandi about when she would come to live with him. At the request of Brandi's therapist, visitation was suspended until the parents met with her to address her concerns. Neither parent complied with this requirement. Child Protective Services and the CASA/GAL volunteer both recommended that the concurrent plan be followed and that this child be placed with the maternal grandmother.

The judge had previously ordered that CPS make a referral through the ICPC for a home study of Millie Hansen, the maternal grandmother. Additionally, the judge had ordered the release of

information about the case to the Oklahoma CASA/GAL program. The CASA/GAL program in North Carolina requested information about the grandmother as a courtesy from the Oklahoma CASA/GAL program. The information received was positive. The ICPC home study was approved and the judge ordered placement with Millie Hansen.

CPS filed a termination of parental rights proceeding for both parents so that the child could be freed for adoption by her grandmother. The termination of parental rights was granted in August 2002. This gave the child the permanence that she needed with clear boundaries about who was the “parent” who would care for her. The grandmother remained committed to an “open” adoption so that Brandi would always have access to her biological parents—who loved her but could not care for her.



Activity 9H: Monitoring the Brandi Underwood Case

Part 5: Now that you have read the conclusion of the Brandi Underwood case, answer once again the following questions:

What additional resources do you think are needed to meet the needs of this child?

What would you recommend at the next court hearing?



RESOURCE MATERIALS

Included in this section:

CASA/GAL Volunteer Worksheet for Permanency Hearing	9-63
CASA/GAL Volunteer Court Report Format: Preparing a Permanency Hearing Report to the Court	9-65
CASA/GAL Volunteer Court Report Format: Preparing a Termination of Parental Rights Report to the Court	9-67
FORM	
Investigation Plan	9-69

CASA/GAL Volunteer Worksheet for Permanency Hearing...

RE:	DOB:	File #:
Is it likely for the juvenile to be returned home immediately or within the next six months, and if not, why is it not in the juvenile's best interest to return home?		
Should legal guardianship with a relative or some other suitable person be established, and if so, what rights and responsibilities should remain with the parents?		
Should adoption be pursued, and if so, are there any barriers to the juvenile's adoption?		
Should the juvenile remain in the current placement or be placed in another permanent living arrangement? Why?		
If there has already been one or more permanency planning hearings, has Child Protective Services made reasonable efforts since the last hearing to implement the permanent plan for the juvenile?		
Is there any other information the court should have in order to make this decision?		
Has the juvenile been in placement outside the home for 15 of the most recent 22 months?		
Is there any reason that the filing of a petition for termination of parental rights is not in the best interest of the child?		

Adapted from a form created by Barbara King, District Administrator, NC Guardian ad Litem Program.

CASA/GAL Volunteer Court Report Format: Preparing a Permanency Hearing Report to the Court

Cover Sheet

- ✓ Complete all information on standard court report cover sheet.
 - Hearing title is “Permanency Planning Hearing.”

The Facts

- ✓ Prepare a chronology of efforts to reunify child with parent or place the child with relatives.
 - Describe parent’s participation/failure to comply with court orders.
 - History of family and reunification viability.
- ✓ List all contacts/witnesses and any record obtained or examined and all visits with the child.

Permanent Plan for the Child (Needs of the Child)

- ✓ Describe each child’s needs in terms of what has happened, age of the child, aspects of time element required by the Adoption and Safe Families Act of 1997 (which requires that all children in CPS caseload have a permanent plan within twelve months of entering the system).
 - Describe why a permanent plan for this child is necessary.
 - If applicable, cite alternative placement options; however, if there are no viable relative placements, then the course of action is to seek termination of parental rights to free the child for adoption. State what the child wants (if age appropriate).

Issues for the Court’s Attention

- ✓ Address concerns about the child’s sense of time and need for permanence.

Recommendations

- ✓ Same as standard court report with a stress on recommendation about best permanent plan for the child.

Adapted from a form created by Jean Hawley, District Administrator, NC Guardian ad Litem Program.

CASA/GAL Volunteer Court Report Format: Preparing a Termination of Parental Rights Report to the Court

Cover Sheet

- ✓ Complete all information on standard court report cover sheet.
- ✓ In child's placement history, use dates of placement to bring attention to the length of time the child has resided in any specific placement.

The Facts

- ✓ List place and date of all visits with children, before describing the status of each child separately.
- ✓ List all contacts/witnesses and any record obtained or examined.
- ✓ Summarize the case from the filing of the petition to the present time, delineating court activity, dates, compliance issues, etc. Use bold lettering for findings of abuse, neglect, or dependency.
- ✓ Highlight specific facts that support the grounds.
- ✓ Justify the TPR action or why it should be denied.
- ✓ Elaborate on facts that support the best interest of the child.

The Needs of the Child

- ✓ Explain what termination will provide for the child. Address issues of permanence, age of child, literature on attachment/separation issues, concern about delays, etc.
- ✓ Explain to the court any current unmet needs of the child.

Available Resources

- ✓ Is there a plan for adoption? What resources can that family offer that address the unmet needs of the child?
- ✓ Describe community resources available to address the child's needs.

Issues for the Court's Attention

- ✓ The primary issues in a TPR are:
 - Do the grounds that are alleged in the petition exist?
 - Is it in the child's best interest for the TPR to be granted?
- ✓ The court can also address issues of unmet needs, visitation and/or a goodbye visit, and services to be provided to the child.

Recommendations

- ✓ Grant or deny TPR.
- ✓ Custody with _____.
- ✓ Child Protective Services proceed with adoption placement.
- ✓ Recommendations about ongoing services and/or unmet needs.
- ✓ Next court date within ninety days with same judge.

Adapted from a form created by Jean Hawley, District Administrator, NC Guardian ad Litem Program.

Investigation Plan...

Date of Next Court Hearing:		
Type/Purpose of Hearing:		
Court Report Is Due:		
Questions I Would Like Answered	Possible Sources of Information	Priority #
A)		
B)		
C)		
D)		
E)		
F)		
G)		
H)		
I)		
J)		

