



CASA

Court Appointed Special Advocates
FOR CHILDREN

**Flex Learning
Volunteer Manual**





CASA

Court Appointed Special Advocates
FOR CHILDREN

**THE NATIONAL COURT APPOINTED
SPECIAL ADVOCATE ASSOCIATION**

Flex-Learning Edition

2018 Version 2

Volunteer Manual

**SESSION 1: IN PERSON TRAINING
GETTING STARTED—THE BLUEX CASE**

SESSION 1:

Getting Started— The Bleux Case

CONTENTS

In-Person Training

» Activity 1.8: Putting a Face with a Name / Ice Breaker	3
» Activity 1.9: Expectations / Housekeeping / Parking Lot	3
» Activity 1.10: Volunteer-Child Relationship Dilemmas	4
» Activity 1.11: CASA/GAL Volunteer Tasks	4
» Activity 1.12: Who Participates in a Case?	4
» Activity 1.13: Asking the Right Questions	9

Activity 1.8: Putting a Face with a Name / Ice Breaker

Step 1: In pairs, introduce yourself to your partner (do you remember anything about your partner from what he or she posted online?). Share the following with each other:

- One reason you want to become a CASA/GAL volunteer
- One thing that stood out for you during the online portion of Session 1
- One thing you're most excited about as you begin training
- One concern that you have about volunteering

Step 2: Return to the large group and introduce your interview partner to your fellow participants by sharing his or her name and three things that describe that person, including one reason why they chose to become a volunteer.

Activity 1.9: Expectations / Housekeeping / Parking Lot

Step 1: Parking Lot — On a flipchart page, note (or “park”) issues unrelated to the current chapter and make a plan to address them later.

Step 2: Share your expectations of training. Record them on a flipchart. If any of your expectations fall outside the parameters of this training, you may want to add these items to the Parking Lot at this point.

Step 3: Create a list of group agreements that sets the tone for how participants will agree to work together both in-person and online (including items such as confidentiality, respect, etc.). Post these agreements on a flipchart.

Activity 1.10: The Volunteer Child Relationship

Parameters for CASA/GAL Volunteer Relationships:

Read the Volunteer-Child Relationship Dilemmas Worksheet Handout (Pages 2 to 5). Using the Volunteer-Child Relationship Dilemma Worksheet, read each situation and identify the crux of the dilemma as well as the potential consequences to the child, the family, the CASA/GAL volunteer or the CASA/ GAL program. Write down one possible solution for each dilemma. Be prepared to share your ideas with the large group.

Activity 1.11: CASA/GAL Volunteer Tasks

Developing Competencies for CASA/GAL Volunteer Work

Much of the information explored up to this point has focused on your role or duties as a CASA/GAL volunteer. Fulfilling duties is an important part of being a successful CASA/GAL volunteer, but it is only one part. Your knowledge, skills and personal attributes are also very important.

As part of your online work, you completed the Competency Checklist. In a small group, share one area of strength and one area you want to develop. Review your group's areas of strengths and areas that need development, and be ready to report back the common areas to the larger group. You will revisit the competencies checklist during the final chapter to evaluate areas you've strengthened through training and areas you still want to work on.

The facilitator will partner with you throughout the training process to evaluate your readiness and address any areas of concern.

Activity 1.12: Who Participates in a Case?

Step 1: As the facilitator describes the process that a child welfare case takes in your state, record the names of hearings and timeframes on the Child Welfare Chart handout. The facilitator will explain the purpose of each hearing and provide examples of tasks that CASA/GAL volunteers engage in along the way.

Step 2: Listen as the facilitator describes the roles of those involved in a court case, which are outlined below. As you listen, note in the margin any differences in your jurisdiction and use the space provided to record information relevant to your jurisdiction. If you have questions, share them in the large group.

IN-PERSON TRAINING: VOLUNTEER MANUAL

Who Participates in a Case?

THE CHILD

Why is the child's case in court?

- A petition has been filed alleging abuse or neglect.

What does the child need during court intervention?

- The child needs the court to order an appropriate intervention and treatment plan so he/she can live in a safe, stable home without ongoing need for intervention from the child protection agency.
- The areas the child needs addressed include: safety/protection, placement if the child is out of the home, family contact, belonging to a family, financial support, a support system, education, mental health and physical health.
- The child needs the court intervention to be focused and timely.
- The child needs services provided that will meet his/her needs.
- Other _____

CASA/GAL VOLUNTEER

What is this person called In my area?

What does the CASA/GAL volunteer do in the case?

- Independently gathers information about the child's case
- Determines the child's needs
- Explores family and community resources to meet the child's needs

IN-PERSON TRAINING: VOLUNTEER MANUAL

Who Participates in a Case?

- Advocates for the child
- Monitors the case
- Is the voice for what is in the child's best interest
- Is the voice for the child's expressed wishes
- Other_____

What does the CASA/GAL volunteer bring to the case?

- An interest in improving the life of the child through the court process
- Time, energy and focus
- Longevity (he/she often stays on the case from beginning to end)
- An "outside the system" point of view and an independent perspective
- The community's standard for the care and protection of its children
- Other_____

When is the CASA/GAL volunteer involved in the case?

- In my jurisdiction: _

ATTORNEY FOR THE CASA/GAL PROGRAM OR CHILD

In my jurisdiction, this attorney represents [circle one]:

The child's wishes The child's best interest The CASA/GAL program

What does the attorney for the program/child do in the case?

- Translates the CASA/GAL volunteer's research and recommendations into a form that the court can effectively use to address the child's needs (within the law, within the scope of the volunteer role, fact-based, etc.)
- Provides legal consultation to the CASA/GAL volunteer and program staff regarding the case (if the attorney represents the program rather than the child directly)
- Files legal documents relevant to the child's case
- Other_____

What does the attorney for the program/child bring to the case?

- Legal expertise, facilitation and negotiation skills and courtroom experience

When is the attorney for the program/child involved in the case?

- From the petition filing through the end of the court case

PARENTS/CARETAKERS NAMED IN THE PETITION

In my area this person is called_

Why are the parents/caretakers involved in the case?

- They have been forced into this court action because the child protection agency asked the court to intervene to protect the child from maltreatment and/or to have his/her basic needs met.
- They need to comply with the child protection agency's intervention plan and correct the conditions that led to the child's removal, thereby effectively protecting their child and/or enabling their child to return home.
- They need to follow the orders of the court or risk having their parental rights terminated.

What do the parents/caretakers bring to the case?

- Love for the child, family ties, history of parenting, abilities, resources and skills as parents, interactions with the child and each other, mental, emotional and physical health or illness, support system, housing and income and their own issues/problems.

ATTORNEY FOR THE PARENT/CARETAKER

What does the attorney for the parent/caretaker do in the case?

- Represents the wishes of the parent/caretaker he/she represents
- Protects the legal rights of the parent/caretaker in court
- Advises the parent/caretaker on legal matters
- Files legal documents relevant to the case

IN-PERSON TRAINING: VOLUNTEER MANUAL

- Other _____

What does the attorney for the parent/caretaker bring to the case?

- Legal expertise, facilitation and negotiation skills and courtroom experience

When is the attorney for the parent/caretaker involved in the case?

- From the petition filing through the end of the court case

CHILD PROTECTION AGENCY CASEWORKER

In my area this person is called _

What is the role of the child protection agency caseworker in the case?

- The caseworker has completed a risk assessment process and, based on risk and/or substantiated allegations of abuse and/or neglect, has determined the need for court intervention. The caseworker petitioned the court to intervene on the child's behalf because:
 - He/she has developed an intervention plan with the family, which has not resulted in eliminating the risk that child maltreatment will recur, or
 - Due to risk of imminent danger, he/she has removed the child from his/her home to ensure the child's safety.
- The caseworker needs the court to order that the agency's intervention and treatment plan be followed by the parents/caretakers and other service providers so that the need for continuous agency intervention is not required to ensure the child receives proper care and protection.
- The caseworker is responsible for managing the case and arranging for court-ordered services to be provided to the child and the child's family.
- Other _____

What does the child protection agency caseworker bring to the case?

- Training in analyzing risk, assessing service needs and providing guidance, and directing services for families to provide them with the knowledge, skills and resources necessary for change
- Links to other service providers so that the family can access resources outside the child protective services system

When is the child protection agency caseworker involved in the case?

- From the initial contact with the family and/or child until the agency's services are no longer needed

ATTORNEY FOR THE CHILD PROTECTION AGENCY OR THE COUNTY OR THE STATE

In my area this person is called _

In my jurisdiction this attorney represents [circle one]:

- The child protection agency
- The county
- The state

What does this attorney do in the case?

- Represents the position of the agency/county/state in court
- Protects the agency/county/state from liability
- Advises the agency/county/state regarding its responsibilities as outlined in the law
- Files legal documents relevant to the case
- Other

What does this attorney bring to the case?

Legal expertise, facilitation and negotiation skills and courtroom experience

When is this attorney involved in the case?

From the petition filing through the end of the case

IN-PERSON TRAINING: VOLUNTEER MANUAL

INDIAN CHILD'S TRIBE

What does the Indian child's tribe do in the case?

- Ensures that the parents, the child and the tribe have all the rights they are afforded pursuant to ICWA
- Brings culturally relevant service options and dispositional recommendations to the attention of the court
- Protects the tribe's interest in the child and ensures the preservation of the child's ties to the tribe and its resources
- Where appropriate, offers or requires that the tribe take jurisdiction of the matter
- Files legal documents when necessary
- Other

What does the tribe bring to the case?

- A very special perspective on preservation of the child's ties to the tribe
- Knowledge of relevant cultural practices and culturally relevant services that can be considered as potential resources for the child

JUDGE

What does the judge do in the case?

- Determines if there is a continued safety issue for the child that necessitates continued out-of-home placement if the child has been removed from home
- Represents the child's best interest and/or wishes and protects the child's legal rights in court
- Represents the "best interest of the child," as defined by the Indian Child Welfare Act (ICWA), to the court
- Decides if the child is abused or neglected, and if so, orders services that will address the needs of the child
- Orders appropriate reviews
- Hears testimony, motions, etc., regarding the case
- Approves the permanent plan for the child
- Orders termination of parental rights when appropriate
- Settles disputed adoption cases
- Closes the court case when there is no longer a need for court intervention or the permanent plan has been achieved
- Other

When is the judge involved in the case?

- From the request for emergency custody at the petition filing until the court case is closed (or, if the child is not removed from home, from the arraignment or adjudication hearing, depending on jurisdiction, until the court case is closed)

Activity 1.13: Asking the Right Questions

Step 1: Listen as the facilitator briefly recaps the key facts in the Bleux case. Write down questions you want to answer in order to determine what is in Deshawn Bleux's best interest. What information do you need in order to make recommendations?

Step 2: Make a list of questions you want to answer in order of priority. What information is most important to gather first?



2





CASA

Court Appointed Special Advocates
FOR CHILDREN

**THE NATIONAL COURT APPOINTED
SPECIAL ADVOCATE ASSOCIATION**

Flex-Learning Edition

2018 Version 2

Volunteer Manual

**SESSION 2: STRENGTHS & RISKS—
THE GREENE CASE**

SESSION 2:

Strengths & Risks— The Greene Case

CONTENTS

In-Person Training

» Welcome	3
» Child Development	4
» Learning with Case Studies	7
» The Greene Case.....	8
» Communication Skills.....	10
» Wrapping Up.....	13

Activity 2.17: Welcome

As you enter the room, write on the flipchart one thing you learned from the Session 2 online portion that you think you will use in your work as a CASA/GAL volunteer.

Child Development

Activity 2.18: Ages and Stages

Consider which of the following age groups you have the most interest in or experience with:

- Birth to 6 months
- 6 to 12 months
- 12 to 18 months
- 18 months to 3 years
- 3 to 5 years
- 6 to 9 years
- 10 to 15 years
- 16 to 21 years

Divide into small groups according to the age group that you select. The facilitator will give each group an envelope that contains cards with behaviors written on them. Several different age groups' behaviors are represented in each envelope. Trade cards with the other groups until you have a set of cards that you think is descriptive of the age group you have chosen. After every group has finished collecting their cards, check your work by referring to the Child Development Chart that the facilitator provides. In the large group, share what you discovered and any questions you have.

How Children Grow and Develop

1. No two children are alike. Each one is different. Each child is a growing, changing person.
2. Children are not small adults. They do not think, feel, or react as grown-up people do.
3. Children cannot be made to grow. On the other hand, they cannot be stopped from growing.
4. Even though children will grow in some way no matter what care is provided for them, they cannot reach their best growth possibilities unless they receive care and attention appropriate for their stage of development from a consistent figure in their life.
5. Most children roughly follow a similar sequence of growth and development. For example, children scribble before they draw. But no two children will grow through the sequence in exactly the same way. Some will grow slowly while others grow much faster. Children will also grow faster or slower in different areas of development. For example, a child may be very advanced in language development but less advanced, or even delayed, in motor coordination.
6. During the formative years, the better children are at mastering the tasks of one stage of growth, the more prepared they will be for managing the tasks of the next stage. For example, the better children are able to control behavior impulses as 2-year-olds, the more skilled they will be at controlling behavior impulses they experience as 3-year-olds.
7. Growth is continuous, but it is not always steady and does not always move smoothly forward. You can expect children to slip back or regress occasionally.
8. Behavior is influenced by needs. For example, active 15-month-old babies touch, feel and put everything into their mouths. That is how they explore and learn; they are not intentionally being a nuisance.
9. Children need to feel that they are loved, that they belong, that they are wanted. They also need the self-confidence that comes from learning new things.
10. Experiences offered to children need to fit their maturity level. If children are pushed ahead too soon, and if too much is expected of them before they are ready, failure may discourage them. On the other hand, children's growth may be impeded if parents or caregivers do not recognize when they are ready for more complex or challenging activities. Providing experiences that tap into skills in which children already feel confident as well as offering some new activities that will challenge them gives them a balance of activities that facilitates healthy growth.

Resources for Child Caring, Inc., Minnesota Child Care Training Project, Minnesota Department of Human Services.

How Children Grow and Develop (Continued)

When observing a child's development, keep in mind these key points:

- There is a wide range of typical behavior. At any particular age 25% of children will not exhibit the behavior or skill, 50% will show it, and 25% will already have mastered it.
- Some behaviors may be typical—in the sense of predictable— responses to trauma, including the trauma of separation as well as abuse and neglect.
- Prenatal and postnatal influences may alter development
- Other factors, including culture, current trends and values, also influence what is defined as typical.
- As a CASA/GAL volunteer, you need to become aware of your values, attitudes and perceptions about what is typical in order to be more objective and culturally sensitive when assessing a child's needs.

Resources for Child Caring, Inc., Minnesota Child Care Training Project,
Minnesota Department of Human Services.

Activity 2.19: Children's Needs

Think back to the Bleux case and to the child development information, and write a list of Deshawn Bleux's needs for their assigned category on your handout. Once you have completed the list, discuss and write the list on the flipchart at the front of the room.

Analyze Deshawn Bleux's needs listed on the flipchart. Discuss the following questions:

- Which of the needs listed would you identify as concerns for child protection?
- How might the needs of two infant children be both the same and different?

Activity 2.20: Introducing the Case Study Process

In today's session and in Sessions 3 and 4, you will be applying the knowledge you've learned during the online components to a series of true-to-life case study simulations. To get started, the facilitator will divide you into small groups. Within each group, you will need to assign roles to various members (if there are fewer than four people in a group, some people may need to take on more than one role; if there are more than four people, not everyone will have an assigned role). The group roles include:

Runner: the member of the group assigned to retrieve document packets from the facilitator

Scribe: the individual who writes up recommendations to the court

Controller: the person charged with keeping the group on track and monitoring the time remaining for the activity

Questioner: the group member charged with asking certain questions and making sure each document that's read gets discussed by the group before moving to the next one

Activity 2.21: The Greene Case

Step 1: Your group will receive a hard copy of the initial case file for the Greene case. Take several minutes to begin digesting the information in the case file. Then send your Runner to the facilitator to request an additional document (either an interview transcript from a key player you'd like to speak with or another important document you'd find during a case). You may continue to request additional interviews and documents one at a time over the course of 35 minutes in order to complete your investigation of the case at this stage. After 35 minutes, your Scribe should legibly write on the flipchart your group's recommendations regarding services for the child, services for the parent and placement decisions. A large group debrief will follow.

Step 2: Take a few minutes to view other groups' recommendations, and then briefly discuss the debrief questions that the facilitator distributes. In the large group, discuss these questions and any others that arose during the activity.

Communication Skills

Activity 2.22: Seeing the Strengths in the Greene Family

With a partner, read through the entries on the Strengths in Families Worksheet, which the facilitator will provide. As you read, consider the strengths of the Greene family.

In the large group, discuss the following questions:

- Which of the strengths listed are present in the Greene family?
- If you don't know whether or not a particular strength exists in this family, how might you gather information to find out?
- How would looking only at strengths or only at deficits affect your recommendations for this family?

Communication Skills

Activity 2.23 Introducing Yourself as CASA/GAL Volunteer

Step 1: One of the first tests of your communication skills as a CASA/GAL volunteer will occur when you introduce yourself and describe your role to a family, a child, a parent.

Here is one example of what you might say to introduce yourself to a family:

Hello, I'm a Court Appointed Special Advocate (or guardian ad litem). I'm a volunteer appointed by a judge to gather information by interviewing the child and surrounding adults. I will provide objective written reports to the court about the child's best interests.

Write what you would say to introduce yourself to the following people:

Marky Greene
Roy Greene
Marky's Teacher

Step 2: Divide into trios, and using what you wrote, take turns introducing yourself as a CASA/GAL volunteer. One member of the trio acts as the CASA/GAL volunteer; another member plays the role of Roy Greene, Marky Greene or Marky's teacher; the third member is the observer. Rotate roles until each member of your group has a chance to perform an introduction.

As the speaker, think about what you would like to convey and how best to convey it. Consider tone of voice, posture, language, etc. As the listener, try to reflect back what you hear. If necessary, ask the speaker to clarify his/her point.

After each turn, take a minute to share feedback. Those in the role of the CASA/GAL volunteer should go first, sharing what they liked about the introduction, then what they would change the next time. The other two members of the trio should then share what went well and offer suggestions for improvement. Pay attention to nonverbal communication! In the large group, share any questions you have.

Adapted from an activity contributed by Norma Laughton, NC GAL District Administrator.

Activity 2.24: Open-Ended vs. Closed Ended Questions

Recall the CASA interview of 4 year old video and the information on open-ended and closed-ended questions that you read online session (Activity 2.15).

Discuss any notes or questions they may have as watching the video.

Step 1: Now watch Part 2 of the CASA/GAL volunteer interviewing a 4-year-old child video.

Step 2: In the large group, discuss the following questions:

- Which of the strategies from the video do you think it would be helpful to employ when you are working with children?
- What are the benefits of the open-ended questions that were used? Were any of them closed-ended?
- Were some questions more successful than others?
- How much information was the volunteer in the video able to gather?
- What do you think will be easy and what will be difficult when you interview children in your role as a CASA/GAL volunteer?

Activity 2.25: Your Local CASA/GAL Volunteer Court Report

Step 1: The facilitator will hand out copies of your local court report template or format. Listen as the facilitator reviews each section of the report.

Step 2: In small groups, discuss how to organize the information you gathered during the Greene case study. What information would you include in the following elements?

- Brief Family Background/Reason for Removal
- Status of the Child
- Issues or Concerns

Where would these elements appear in your local court report?

Wrap Up

The Wrap-up session is an opportunity for you to reinforce any key learning that emerged during the session, as you interacted with one another in the activities. This exchange of ideas is some of the richest learning that takes place. You can use this time to ask questions and assess your level of commitment, curiosity and confidence.

Answer the following questions:

- What do you want to remember from what you've learned so far?
- What learning will you apply, as you move ahead in your role?
- If you are not going to use what you've learned, what might be holding you back?
- Are there any resource gaps that we can fill to better prepare you?





CASA

Court Appointed Special Advocates
FOR CHILDREN

**THE NATIONAL COURT APPOINTED
SPECIAL ADVOCATE ASSOCIATION**

Flex-Learning Edition

2018 Version 2

Volunteer Manual

**SESSION 3: CULTURAL COMPETENCE &
DISPROPORTIONALITY—
THE LAVENDER CASE**

SESSION 3:

Cultural Competence & Disproportionality— The Lavender Case

CONTENTS

In-Person Training

» Welcome	3
» Talking About Trauma	4
» Long-Term Effects of Childhood Trauma	6
» The Seven Cs of Resilience	9
» The Lavender Case	10
» Session Debrief.....	12
» Wrapping Up.....	13

In-Person Training

Welcome

Activity 3.7: Welcome

As you enter the room, write on the flipchart one thing you learned from the Session 3 online portion that you think you will use in your work as a CASA/GAL volunteer.



In-Person Training

Activity 3.8: Preparing to Talk About Trauma

Step 1: Read the information below.

Step 2: Discuss in a large group the issues you may confront as a CASA/GAL volunteer and how they are reflected for you on the Feelings Thermometer.

The National Child Traumatic Stress Network (NCTSN) has developed the concept of a “feelings thermometer” to gauge your “emotional temperature” or response to what you’re learning.

In-Person Training

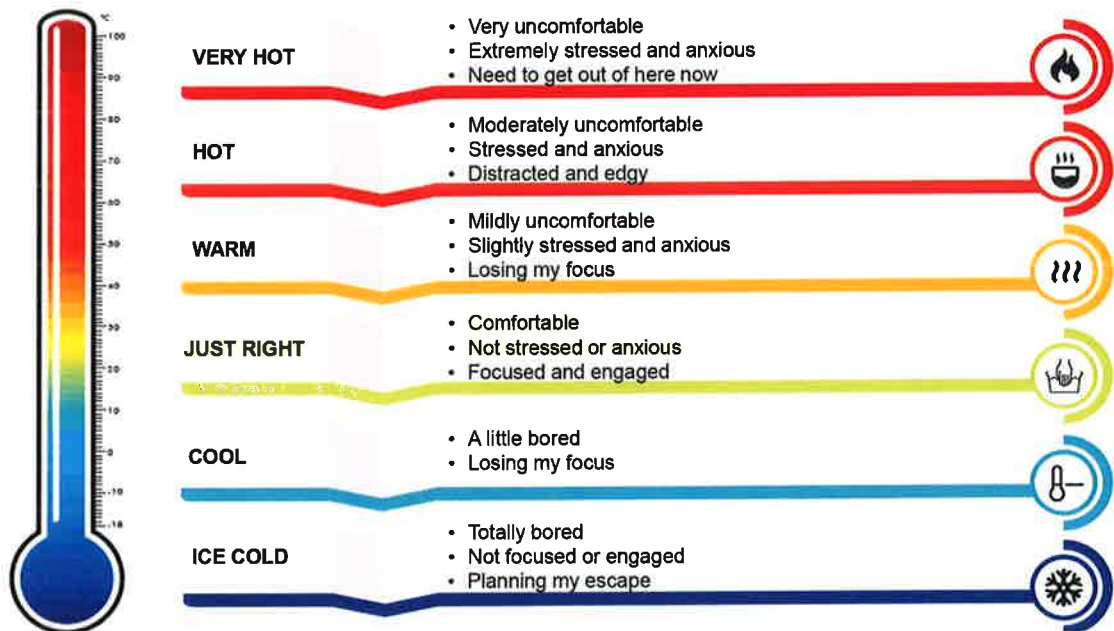
Activity 3.8: Preparing to Talk About Trauma (cont.)

In their training for parents caring for children who have experienced trauma, NCTSN writes:

The Feelings Thermometer . . . [can] make you more aware of the topics or situations that push your buttons, and how you react when your buttons are pushed. With this awareness, you may be able to anticipate situations that are going to raise your emotional temperature, and come up with a game plan for coping with them. When your Feelings Thermometer goes way up that means you're feeling stressed, anxious and feel the need to escape. You also may find that when you become very uncomfortable, you "space out" and withdraw from the discussion. Spacing out or withdrawing is something that traumatized kids do sometimes as well. What looks like boredom, or just not caring, or withdrawal can sometimes be a reaction to trauma.

NCTSN, Caring for Children Who Have Experienced Trauma, February 2010.

As you begin to explore the topic of trauma, be aware that your feelings about any personal trauma you or someone you are close to has experienced may be heightened. If you find that your "feelings thermometer" is running high and it may be affecting your role as an advocate, please address your concerns with CASA/GAL program staff.



In-Person Training

Activity 3.9: Child Trauma

Step 1: Listen as the facilitator gives an overview of the information that you read about childhood trauma. Share one traumatic experience, from the list of traumatic experiences for a child, that you came prepared with.

Step 2: Recall the video “Shane’s Story” from Facing Foster Care in Alaska. Consider the kinds of trauma Shane experienced that led to his involvement with the child protection services system. In the large group, discuss the following question:

- What trauma did Shane experience before entering the system? After?

In-Person Training

Activity 3.10 - The Long-Term Effects of Childhood Trauma

Watch the video about the Adverse Childhood Experiences (ACE) Study. Then read the ACEs infographic. In pairs, fill out the ACEs calculator for Susan Mailer, the mother in the Lavender case. In small groups, discuss the following question:

- What long-term effects might the unresolved trauma have on Susan Mailer's health and well-being?

Ask participants (in pairs) to use the blank ACE Calculator that you will hand out in class, to score to score Susan Mailer, the mother of Lavender Bass, based on what they currently know about her. Questions for discussion include:

- What ACE score do you think Susan Mailer might have, given her early childhood experiences?
- What implications might this have on her health and her ability to parent Lavender?

Share your responses in the large group.

In-Person Training

Activity 3.11: Trauma and Resilience

Step 1: Think of a time of adversity in your life. What helped you get through the difficult time? Do you remember a particular person who was especially helpful? Listen to the example of each of the “Seven Cs” that the facilitator shares.

Step 2: Listen as a volunteer reads the paragraph below about resilience. Then listen as the facilitator provides examples of the “Seven Cs of Resilience” found on page 11). In pairs, choose one of the “Seven Cs” of resilience and answer the following question:

- How can you help to build or reinforce this characteristic in a child you work with as a CASA/GAL volunteer?

Resilience

Considerable research has shown that children who experience adversity may carry their trauma into adulthood. But there are variabilities. Some don't experience problems, or do so to only a minor degree. This is resilience: the ability to become strong, healthy or successful despite adverse experiences. Resilient people overcome their adverse experiences and achieve developmental milestones and personal success goals. Trauma informed support services help build resilience in individuals.

In-Person Training

The Seven C's of Resilience

When we encounter stress in our lives, we tend to develop ways to overcome that stress or prevent it in the future. Over time, overcoming stress can be refined, practiced and improved, making us more resilient to adverse situations. Healthy ways of dealing with stress include fostering one of the “seven Cs”:

- Competence: Ability to handle a situation effectively
- Confidence: Believing in personal abilities
- Connection: Having strong ties to family and community, creating a sense of belonging
- Character: Having a solid set of morals and values to help determine right from wrong
- Contribution: Feeling like a valuable member of society able to make a difference
- Coping: Ability to handle stress appropriately
- Control: Knowledge and ability to effect an outcome

Adapted from “The 7 Cs: The Essential Building Blocks of Resilience,” from Fostering Resilience, <http://www.fosteringresilience.com/7cs.php>.

In-Person Training

Activity 3.12: The Lavender Case

Step 1: Your group will receive a hard copy of the initial case file for the Lavender case. Take several minutes to begin digesting the information in this case file. Then send your Runner to the facilitator to request an additional document (either an interview transcript from a key player you'd like to speak with or another important document you'd find during a case). You may continue to request additional interviews and documents one at a time over the course of 35 minutes in order to complete your investigation of the case at this stage. After 35 minutes, your Scribe should legibly write on the flipchart your group's recommendations to the court regarding services for the child, services for the parent and placement decisions. A large group debrief will follow.

Step 2: Take a few minutes to view other groups' recommendations, and then briefly discuss the debrief questions that the facilitator distributes. In the large group, discuss these questions and any others that arose during the activity.

Step 3: After your group completes the work on this case, finish by completing the ACE Calculator for Susan Mailer.

Activity 3.13: Writing Effective Court Reports

The Lavender Case

Goal: To help participants learn to write clear, fact-based court reports.

Advance Prep-Optional: If your program has examples of "good" and "bad" court reports, bring copies to this training session.

If there's time, review the court report writing skills participants have practiced so far: asking the right questions and organizing the information they gather. This activity focuses on developing clear written communication skills.

Step 1: Review the examples with participants and point out how they can be improved using the information below and any other insights you can offer. Also, if your program has examples of "good" and "bad" court reports, feel free to share them now.

In-Person Training

Example 1

John Bass (alleged father) is in the county jail approximately 100 miles from the foster placement. He was busted for pot. Admittedly, he has a history of using inhalants. According to Mr. Bass, he was not with Ms. Mailer very long but claims Lavender is his child. He has never been a father to Lavender. Mr. Bass claims that he is Native American, and Lavender is too. He claims he is of a mixed background and the Mailers are not from his tribe. He has had limited contact with Lavender throughout her life, stating Ms. Mailer would not give him “the time of day.”

Example 2

Lavender Bass (child): 10-year-old Lavender Bass has been in foster care for about three weeks and is not adjusting well. Lavender spends a lot of time in the yard and seems to not be very engaged. Lavender sometimes ignores the foster mother and doesn't listen to her when she is talking. The foster mother states she has to call her time after time to get her attention. This is not the best foster placement for Lavender. According to the foster mother, she had never attended school and this is her first time in a “real school.” Lavender seems on target developmentally. She is washing and dressing herself and keeping up with her school work. The child could be Native American and this will need to be investigated.

Example 3

Susan Mailer (biological mother) has a history of drug abuse and violent behavior. Three weeks ago CPS found her passed out in the car from alcohol. A criminal records check confirmed Ms. Mailer has a tendency toward violent behavior. Ms. Mailer did not show up for court during the preliminary hearing and the CPS worker continues to leave messages via the telephone. CASA is able to reach mother via telephone. Ms. Mailer acknowledges that she works at a bar and sometimes takes Lavender to work with her. She states she likes to party from time to time with alcohol and drugs. She has had no visits with her child since she was taken into foster care. According to Ms. Mailer's sister, Ms. Mailer is working long hours and makes good money. CASA feels like drugs are being done at the home of the maternal aunt and grandmother. The children are also fearful of them.

In-Person Training

Activity 3.14: Session Debrief

In the large group, consider the following questions as you discuss your experience working through the Lavender case:

- How might some of the things we've been discussing be transferable to cases that do not involve immigration issues?
- How does your cultural lens impact your view of cases involving other cultures?
- What is the importance of legal connections (adoption) and familial connections to children in care? For example, in Maria's case, if she ages out, she'll have no legal connections to anyone, even though she may continue to have contact with birth family.
- Where could you go to learn more about a child's culture?

In-Person Training

Wrap Up

The Wrap-up session is an opportunity for you to reinforce any key learning that emerged during the session, as learners interacted with one another in the activities. This exchange of ideas is some of the richest learning that takes place. You can use this time to listen to your learner cohort and assess their level of commitment, curiosity and confidence. Use the following framework to guide the discussion.

Use a flip chart to record the following responses to wrap up questions.

- What do you want to remember from what you've learned so far?
- What learning will you apply, as you move ahead in your role?
- If you are not going to use what you've learned, what might be holding you back?
- Are there any resource gaps that we can fill to better prepare you?





CASA

Court Appointed Special Advocates
FOR CHILDREN

**THE NATIONAL COURT APPOINTED
SPECIAL ADVOCATE ASSOCIATION**

Flex-Learning Edition 2018 Version 2

Volunteer Manual

**SESSION 4: IN PERSON:
ACHIEVING PERMANENCE — THE AMARILLO CASE**

SESSION 4:

Achieving Permanence— The AmarilloCase

CONTENTS

Advance Prep

Welcome

Activity 4.13: Understanding Culture

Duration: 10 Minutes

Use flipcharts to record the following information from the participants.

- One reason they want to become a CASA/GAL volunteer
- One thing that stood out for them during the online portion of Session 1
- One thing they're most excited about as you begin training
- One concern that they have about volunteering

Activity 1.9: Expectations / Housekeeping / Parking Lot

Duration: 10 Minutes

Introduce the Parking Lot, a flipchart page where you can note (or "park") issues unrelated to the current chapter and make a plan to address them later. Post this flipchart at the front of the room. Inform participants that some items that carry over from the online discussion may also make their way to the in-class Parking Lot.

Activity 1.10: The Volunteer Child Relationship

Duration: 30 Minutes

Take Print-out of handouts. The Volunteer- Child Relationship Dilemmas are located in the handouts.

Activity 1.11: CASA/GAL Volunteer Tasks

Duration: 20 Minutes

Developing Competencies for CASA/GAL Volunteer Work is located in Handouts

Activity 4.13: Understanding Culture

Step 1: The facilitator will distribute a four-piece puzzle to you and a partner. Working with your partner, construct a square using all four pieces without overlapping any sections. When everyone has finished, the facilitator will distribute an additional piece labeled “culture.” Make a new square using all five pieces. Again, no pieces can overlap.

In the large group, answer the following questions:

Describe your experience of having to make a new puzzle after receiving the new piece.

How is this activity similar to advocating for a child from another culture?

National CASA Vision Statement and Guiding Principles

As a general term “diversity” refers to difference or variety. In the context of CASAGAL volunteer work, “diversity” refers to differences or variety in people’s identities or experiences: ethnicity, race, national origin, language, gender, religion, ability, sexual orientation, socioeconomic class and so on.

The term “cultural competence” refers to the ability to work effectively with people from a broad range of backgrounds, experiences and viewpoints. The United States is becoming increasingly multicultural.

According to the 2010 US Census, approximately 36.3% of the population currently belongs to a racial or ethnic minority group. The Census Bureau projects that by the year 2100, non-Hispanic whites will make up only 40% of the US population.

As you work through the activities in this chapter, keep in mind the particular cultural groups you will work with as a CASA/GAL volunteer. Keep in mind that “culture” is not limited to race and ethnicity. According to the Pew Research Center, Americans are more racially and ethnically diverse than in the past, and the U.S. is projected to be even more diverse in the coming decades.

By 2055, the United States will not have a single racial or ethnic majority. *Time Magazine* reports that the country’s minority population increased from 32.9% of U.S. residents in 2004 to 37.9% in 2014, according to the Census, and four states—Hawaii, California, New Mexico and Texas—along with Washington, D.C., are now majority-minority.

As you work through the activities in this chapter, keep in mind the particular cultural groups you will work with as a CASA/GAL volunteer. Keep in mind that “culture” is not limited to race and ethnicity. Understanding issues related to diversity and culturally competent child advocacy is critical to your work as a CASA/GAL volunteer. It can enhance your ability to see things from new and different perspectives and to respond to each child’s unique needs. Developing cultural competence is a lifelong process.

(<http://time.com/3934092/us-population-diversity-census>)

National CASA Association Vision

National CASA Association Vision

A world where every abused or neglected child is given the opportunity to thrive in a safe and loving home.

Guiding Principles for Achieving a Diverse CASA/GAL Network

1. Ethnic and cultural background influences an individual's attitudes, beliefs, values and behaviors.
2. Each family's characteristics reflect adaptations to its primary culture and the majority culture, the family's unique environment and the composite of the people and needs within it.
3. A child can be best served by a CASA/GAL volunteer who is culturally competent and who has personal experience and work experience in the child's own culture(s).
4. To understand a child, a person should understand cultural differences and the impact they have on family dynamics.
5. No cultural group is homogeneous; within every group there is great diversity.
6. Families have similarities yet are all unique.
7. In order to be culturally sensitive to another person or group, it is necessary to evaluate how each person's culture impacts his/her behavior.
8. As a person learns about the characteristic traits of another cultural group, he/she should remember to view each person as an individual.
9. Most people like to feel that they have compassion for others and that there are new things they can learn.
10. Value judgments should not be made about another person's culture.
11. It is in the best interest of children to have volunteers who reflect the characteristics (i.e., ethnicity, national origin, race, gender, religion, sexual orientation, physical ability and socioeconomic status) of the population served.

4.14: The Value of Diversity

After reviewing the vision statement and guiding principles, choose which principles seem most important to you. Your facilitator will lead a discussion where you can share your perspective and learn from others. You are encouraged to ask questions and challenge ideas

Working the Case

Activity 4.15: The Amarillo Case

Step 1: Your group will receive a hard copy of the initial case file for the Amarillo case. Take several minutes to begin digesting the information in this case file. Then send your Runner to the facilitator to request an additional document (either an interview transcript from a key player you'd like to speak with or another important document you'd find during a case). You may continue to request additional interviews and documents one at a time over the course of 35 minutes in order to complete your investigation of the case at this stage. After 35 minutes, your Scribe should legibly write on the flipchart your group's recommendations to the court regarding services for the child, services for the parent and placement decisions. A large group debrief will follow.

Step 2: Take a few minutes to view other groups' recommendations, and then briefly discuss the debrief questions that the facilitator distributes. In the large group, discuss these questions and any others that arose during the activity.

Court Report Writing

Activity 4.16 Taking Case Notes

Taking clear and detailed notes is essential to your work as a CASA/GAL volunteer, as these notes will form the basis for your volunteer court report. Each time you meet with or speak to someone regarding a case or review records pertinent to a case, you will need to document what you learned. Your notes should include what was said and what you observed.

Working in the same small groups you were in for the Amarillo case study activity, have one member of your group read aloud the interview with Maria's case worker. Then, working individually, summarize the interview into a paragraph for your case notes.

The facilitator will ask for volunteers to share their summaries in the large group.

Educational Advocacy

Activity 4.17 Educational Needs Assessment

Education Challenges for Children

Chaos in a child's life often results in the neglect of educational concerns. Children in care may change schools frequently, and are not given the chance to engage in the school community.

Parents or caregivers may not be available to help with homework, attend school conferences or make referrals for evaluation when concerns arise.

Children entering foster care often have pre-existing school issues. Addressing these issues can allow a more positive experience for a child who hasn't known the rewards of success in school.

Activity 4.17 Educational Needs Assessment

Step 1: Fill out the form below as if you were the CASA/GAL volunteer for Maria.

Step 2: Discuss the following questions in the large group.

- How might a tool like this be helpful in a case with an older youth?
- How might it be helpful in a case with a younger or even preschool-aged child?

Educational Advocacy Quick Assessment Form	
School Name	
Grade	
Special Needs/IEP Requirements	
Evidence of Behavioral Problems/ Excessive Absence	
Grade Point Average	
Seeing School Social Worker?	
Extracurricular Activities	
Need for Tutoring?	
Other Pertinent Info.	

Activity 4.18 Advocating for Older Youth

Consider what the outcome for Maria would be if she remained in foster care until emancipation and did not receive help navigating through the systems indicated below. In the space provided, list what issues Maria might face in the various systems an older youth encounters:

Education

Living Situation

Mental Health

Employment

Finance

Share what you wrote in the large group.

Activity 4.19 Transferring Skills from the Case Studies

Each of the case studies focused on specific families, age ranges and circumstances; however, the skills and knowledge you applied to these cases will be transferable to other situations. In small groups, use the chart below to briefly describe how the skills you used while working on these cases will be transferable to other circumstances such as working on a case that may involve multiplesiblings, serious mental health needs on the part of the child, attending to physical health needs of a child with HIV or fetal alcohol syndrome, etc.

	Greene	Lavender	Amarillo	Bleux
Child Welfare Laws				
Cultural Competence				
Communication Skills				
Working with Children & Families				



CASA

Court Appointed Special Advocates
FOR CHILDREN

**THE NATIONAL COURT APPOINTED
SPECIAL ADVOCATE ASSOCIATION**

Flex-Learning Edition

2018 Version 2

Volunteer Manual

SESSION 5: WRAPPING UP—THE REDD CASE

SESSION 4:

Achieving Permanence— The Amarillo Case

CONTENTS

Online Training

- » **The Redd Case** 3
- » **The Redd Case Peer Review** 4

In-Person Training

- » **The Redd Case Debrief**..... 5
- » **Review and Next Steps** 6
- » **Guest Speaker and Finding Support**7
- » **Next Steps and Wrapping Up** 9

Online Learning

Activity 5.1: The Redd Case

Your pre-service training is nearly complete! In this last chapter you will now have the chance to use all of the information, skills and knowledge you have gained throughout the volunteer training program to complete an online case study.

Step 1: Read through the case file on Redd. The case will take you approximately two hours to complete. As you go, ask questions you may have in the Redd Case Q&A discussion board.

Step 2: Using the local court report template your facilitator provides, prepare a CASA/GAL court report for the Redd case. Spend no more than 60-90 minutes completing the court report. You will then upload your completed court report as a Word document in the Discussion thread titled "Redd Case Peer Review".

Online Learning

Activity 5.2: The Redd Case Peer Review

Step 1: On Day 5 of the week, upload your completed court report as a Word Document to the Discussion thread titled, "Redd Case Peer Review". Please upload your review before reading other reviews written by your classmates.

Step 2: Your facilitator will have posted a list indicating which classmate's court report you are now going to read and review. Please check for that list in the announcements or in the initial discussion post to ensure you are reviewing the correct court report.

Step 3: Download your designated classmate's court report and read it. By Day 6, reply to their post in the discussion, answering the following questions as it relates to their case that you reviewed:

What did they do well? What did you like about the way they worded a particular section, or included something you may have forgotten?

What are some additional questions could they have posed to some of the key players in the case? How would these questions have helped their information gathering for this case?

What recommendations did they make in this case that you did not make? What are your thoughts on their recommendations? Why do some people make different recommendations?

Remember: stay positive and instructive. We can all learn from the ideas and recommendations of others.

Step 4: During the in-person session, you will have current volunteers speak to your class. What questions do you have for them? They will discuss the following items. Do you have any questions on these topics? Please post them in the parking lot before you leave the online session.

In-Person Training

Activity 5.3: Redd Case Debrief

The Redd case is your opportunity to apply independently what you've learned throughout the course of this training.

Step 1: Having completed the interactive online case study, come together in small groups to talk about your experience. The following questions are designed to assist your small group in structuring conversations around your experiences on the Redd case:

- What were two or three of the top issues that needed to be addressed in the Redd case?
- What were some of the major challenges you faced as you made your way through this case on your own?
- What are some additional questions you might have posed to some of the key players in the case? How would these questions have helped your information gathering for this case?
- What recommendations did you make for this case? Did anyone in your group have recommendations that you didn't make? Why do you think different people looking at the same case might make different recommendations?
- Did anything surprise you about this case?

If you were to go through this case again, what (if anything) might you do differently?

Step 2: In the large group, continue to discuss these questions and address how you applied the skills and knowledge you learned throughout training to the Redd case. Then listen as the facilitator shares information pertinent to working cases in your local area.

Step 3: The facilitator will return your court report for the Redd case with feedback. Take a few moments to review these comments. Then, in the large group, discuss the following questions about court report writing:

- Why is it important to ask the right questions?
- What are some of the key elements of a court report?
- Why is it important to use fact-based statements in a court report?
- What is the difference between concerns/issues and recommendations?
- How do recommendations need to tie back into the body of the report?

In-Person Training

Review and Next Steps

Activity 5.4: General Review

Step 1: On the Post-it notes provided, write one question you have about each of the following topics: the CASA/GAL volunteer role, child welfare laws, cultural competence, working with children and families, communication skills and administrative policies and procedures. Once you've written your questions, post them on the corresponding flipcharts.

Step 2: Walk around the room, visiting each flipchart. If there are questions that you know the answers to based on your experience or based on this training, write the answer down on a Post-it and stick it next to the corresponding question on the flipchart. Continue to walk around the room to see if the question you posted has an answer to it; see what other questions and answers your fellow training participants posted. Then, in the large group, discuss any unanswered questions.

Activity 5.5: Expectations Review

Review the Expectations chart that you created during the first session. The facilitator will cross out each expectation that the class believes was met during the course of this training program. The facilitator will address—or make a plan to address—any remaining expectations.

In-Person Training

Activity 5.6: Guest Speaker—Current Volunteer

Listen as a current CASA/GAL volunteer describes his/her experiences:

- Receiving a court order or assignment
- Meeting a child
- Assessing a child's needs
- Building a relationship with CPS caseworkers
- Building a relationship with attorneys
- Following a case as it progresses
- Making recommendations in court (or, generally, how to act/speak up in court)
- How to persevere when times get tough
- How to organize materials
- How not to get too emotionally attached

Activity 5.7: Finding Support

Step 1: Turn to a partner and describe what kinds of support you think you'll need as a CASA/GAL volunteer.

Step 2: Recall the activity on CASA/GAL Volunteer Competencies Review that you have completed as part of Pre-Work. Recall that you had made plans to strengthen your competencies. You would need support to implement these plans. Share your ideas on what kinds of support you'll need. Then, listen as the facilitator describes the various sources of support you can expect during your work as a CASA/GAL volunteer.

In-Person Training

Support for CASA/GAL Volunteers

As a CASA/GAL volunteer, you need support in the work you do. Your work touches many disciplines—child abuse and neglect, criminal justice, child growth and development, family systems, social services and child welfare law. Few people are experts in all these fields. As CASA/GAL volunteers, you come from all walks of life and have various work and educational backgrounds. You are effective advocates because you work energetically and creatively to improve the lives of abused and neglected children. You need support and encouragement as you make recommendations to the court about what is in the best interests of the children for whom you advocate.

Program Staff Support

A strong relationship with program staff is vital; they will assign cases, monitor case progress, review reports and records and help solve problems. They can offer resources, answer questions and support you in your work.

In-Service Training

In-service training allows you to take advantage of opportunities for additional learning about the many facets of CASA/GAL volunteer work that are introduced in this core training curriculum. National CASA standards require 12 hours per year of in-service training. Local program staff will outline the resources available for in-service training.

Peer Relationships

Within program guidelines, working with other CASA/GAL volunteers is an effective way to strategize, problem-solve and get moral support in this work.

Self-Care/Personal Support Networks

Because of the time demands, stress and frustrations that can be part of CASA/GAL volunteer work, it is important to have social and emotional support and to take care of yourself so you don't burn out.

Following is a list of additional resources you can use to continue your education:

- Local, state and national website/newsletter/e-news
- Local resource lists
- National CASA website
- National CASA Facebook page
- Annual National CASA conference for staff and volunteers

In-Person Training

Activity 5.8: Next Steps

The facilitator and local program staff will explain additional logistical information regarding your program and what to expect as you begin your service as a CASA/GAL volunteer. You'll also find out when and how you'll be sworn in as CASA/GAL volunteers!

Wrap Up

Take a few moments to complete the Session 5 Training Evaluation.

Congratulations! And thanks for participating in this training!



Glossary

The following list defines commonly used medical, psychological, legal, and educational terms and definitions as they apply to matters of child welfare and the juvenile court system. For sociological and cultural terms, see Cultural Diversity Vocabulary in Chapter 3.

A

ABANDONMENT

The act of a parent or caretaker leaving a child without adequate supervision or provision for his/her needs for an excessive period of time. State statute may define a certain period of time as constituting legal abandonment.

ABRASION

A wound in which an area of the body surface is scraped of skin or mucous membrane.

ABUSED JUVENILE

Defined by state statute. Generally, the child recipient of any physical injury, sexual abuse, or emotional abuse inflicted other than by accidental means by a person responsible for his/her care, custody, and control.

ACCULTURATION

The process of integrating into a culture other than one's own.

ADJUDICATION

The process of giving a judicial decision as to whether the facts alleged in a petition or other pleading are true.

ADJUDICATORY HEARING

The full court proceeding in which it is determined whether the allegations of the petition are supported by legally admissible evidence.

ADOPTION

The social, emotional, and legal process through which children who will not be raised by their birth parents become full and permanent legal members of another family while maintaining genetic and psychological connections to their birth family. Adoption as a formal legal process is not found in most tribal cultures. Cultural adoptions as a traditional practice may be formalized through a ceremony, such as a naming ceremony. Cultural adoptions establish relationships for family that are referenced from that point forward.

ADOPTION ASSISTANCE AND CHILD WELFARE ACT OF 1980 (PL 96-272)

A federal law mandating that in order to be eligible for federal funds, states must document that they have, when possible, made reasonable efforts to provide preventive and reunification services to families when children have been placed out of the home. Removal of children from the home must be pursuant to a judicial determination and there must be periodic reviews of the case. *See Chapter 2 for additional information.*

AFFIDAVIT

A statement of facts, which is sworn to (or affirmed) before an officer who has authority to administer an oath (e.g., a notary public). Before signing this statement, the person signing takes an oath that the contents are, to the best of his/her knowledge, true. It is also signed by the person administering the oath, to affirm that the person signing the affidavit was under oath when doing so. These documents carry great weight in courts, to the extent that judges frequently accept an affidavit in place of the testimony of the witness.

AGGRAVATED CIRCUMSTANCES

Any factor involved in the commission of an act of abuse or neglect that increases its enormity or adds to its injurious consequences, including, but not limited to, abandonment, torture, chronic abuse, or sexual abuse.

ALLEGATION

An assertion or statement of a party to a legal action, which sets out what he/she expects to prove.

ANXIETY

Persistent feelings of apprehension or fear resulting in decreased perception of well-being and ability to function.

APPEAL

The attempt to have a final order of a trial court changed by seeking review of a higher court. Usually appeals are made and decided on questions of law only; issues of fact (e.g., did the minor suffer an accident, or was he intentionally injured?) are left to the trial judge or jury, and seldom can be decided in an appeal.

ARRAIGNMENT

The bringing of a person accused of a crime before a court to be advised of the charges against him/her and to state his/her answer to the charges.

ASSAULT

Intentional or reckless threat of, or actual, physical injury to a person. Aggravated assault is committed with the intention of carrying out a threat of other crimes. Simple assault is committed without the intention of carrying out the threat of other crimes or if the attempt at injury is not complete.

ATTACHMENT

The psychological connection between people that permits them to have significance to each other. An affectionate bond between two individuals that endures through space and time and serves to join them emotionally. A strong and enduring bond of love that develops between a child and the person(s) he/she interacts with most frequently.

ATTENTION-DEFICIT DISORDER with or without Hyperactivity (AD/HD)

A behavioral diagnosis in which children express or exhibit symptoms of inattention, distraction, restlessness, inability to sit still, and difficulty concentrating. Thought to be caused by both inherited and environmental factors. Treatable through behavior management and/or the use of medication.

AUTISM

A developmental disability affecting verbal and nonverbal communication and social interaction. It is generally evident before age 3. Some persons with autism are unable to speak at all, or if they do, use peculiar patterns of language. Autism is a physical disorder that distorts the way the brain processes information. Causes of autism include trauma at birth, prenatal viruses, encephalitis, spinal meningitis, tuberous sclerosis, and rubella (German measles). Autism occurs in 10 of every 10,000 births. Four out of five autistic persons are boys.

B

BAILIFF

A law enforcement officer, usually a deputy sheriff, assigned to a courtroom to keep peace and assist the judge, courtroom clerks, witnesses, and jury. A court attendant whose actual duties vary according to jurisdiction and judge but often include maintaining order in the courtroom.

BATTERED CHILD SYNDROME

A medical condition, primarily seen in infants and young children. Evidence of the syndrome includes repeated nonaccidental injury to the nerves, skin, or skeletal system. Frequently, the history given by the caretaker does not explain the nature of occurrence of the injuries. Also called “parent-infant-trauma syndrome” (PITS) or “maltreatment syndrome.”

BATTERED WOMEN

Women who are victims of nonaccidental physical and psychological injury inflicted by a partner. There is often a relationship between partner abuse and child abuse, with both occurring in the same family.

BEST INTEREST OF THE CHILD

A standard for the court to use in deciding the disposition of a case following an adjudication of abuse or neglect, or following a termination of parental rights (TPR) proceeding. The standard that the CASA/GAL volunteer uses in choosing a course of advocacy for every child.

BONDING

The psychological attachment of a caregiver (usually a mother) to a child, which develops during and immediately following childbirth. The aptitude for bonding, which appears to be crucial to the development of a healthy parent-child relationship, may be observed immediately following delivery to help identify potential families-at-risk.

BURDEN OF PROOF

The duty to prove allegations of a petition in a court hearing. It is the petitioner’s responsibility to prove the case. Neither the child nor the parents have the duty to explain unproven allegations.

C

CALENDAR

The court calendar is the list of cases to be called for hearing before a particular judge.

CARETAKER

Any person other than a parent, guardian, or custodian who has responsibility for the health and welfare of a juvenile in a residential setting, including a stepparent, a foster parent, an adult member of the juvenile’s household, an adult relative entrusted with the juvenile’s care, or any person such as a house parent or cottage parent who has primary responsibility for supervising a juvenile’s health and welfare in a residential childcare facility or residential educational facility.

CASA/GAL VOLUNTEER

A volunteer child advocate who works to see that a child’s best interest is served in a court case.

CEREBRAL PALSY

A disability resulting from damage to those parts of the brain that control and coordinate the muscles. This brain damage occurs before or during birth or in the first few years of life. Causes are lack of oxygen to the developing brain, infections or disease, physical injury, premature birth, or maternal-child blood type incompatibility. Cerebral palsy is neither hereditary nor contagious. About 700,000 people in the United States have cerebral palsy. Specific characteristics, which may occur alone or in combination, include spasticity, marked by tense, contracted muscles; athetosis, involuntary exaggerated movements of the arms, legs, and head; and ataxia, poor sense of balance and depth perception. Cerebral palsy may occur with other handicaps.

CERTIFICATE OF DEGREE OF INDIAN BLOOD (CDIB)

A document developed by the Bureau of Indian Affairs to identify Indian heritage and eligibility for services.

CHILD ABUSE PREVENTION AND TREATMENT ACT (CAPTA) (PL 93-247)

An act introduced and promoted in Congress by U.S. Senator Walter Mondale and signed into law on January 31, 1974. The act established the National Center on Child Abuse and Neglect in the HEW Children's Bureau and authorized annual appropriations. The purpose of the center is to conduct and compile research, provide an information clearinghouse, compile and publish training materials, provide technical assistance, investigate national incidence, and fund demonstration projects related to prevention, identification, and treatment. *See Chapter 2 for additional information.*

CHILD ADVOCACY

A strategy for intervention in which a helping person assumes an active role in assisting or supporting a specific child and/or family or cause on behalf of children and/or families. This could involve finding and facilitating services for specific cases, developing new services, or promoting program coordination. The advocate uses his/her power to meet clients' needs or to promote causes.

CHILD PROTECTION AGENCY

The agency with exclusive power to file abuse, neglect, or dependency petitions in court.

CHILD SEXUAL ABUSE ACCOMMODATION SYNDROME

A pattern of behavior in a child who is being sexually abused. The child victim will progress through five stages: secrecy, helplessness, entrapment and accommodation, delayed and conflicting disclosure, and retraction. Large numbers of children and their parents in proven cases of child sexual abuse exhibit this behavior pattern in order to maintain the child abuse victim within the family. However, such abuse tends to isolate the child from eventual acceptance and credibility within the larger society.

CIVIL PROCEEDING

Also called a "civil action." Includes all lawsuits other than criminal prosecutions. Juvenile and family court cases are civil proceedings.

CLEAR, COGENT, AND CONVINCING

The level of proof sometimes required in a civil case for the plaintiff to prevail. It means the judge (or jury, in some court settings) must be persuaded by the evidence that it is highly probable that the claim or affirmative defense is true. The clear, cogent, and convincing evidence standard is a heavier burden than the preponderance of evidence standard but less than beyond a reasonable doubt. This is the level of proof needed to grant emergency custody or to terminate parental rights (except in ICWA cases). *See also Standard of Proof.*

COMMUNITY-BASED PROGRAM

A program providing nonresidential or residential services to a juvenile in the community where his/her family lives. A community-based program may include specialized foster care, family counseling, shelter care, and other appropriate services.

COMPETENCY

The legal fitness or ability of a witness to be heard on the trial of a case. All persons are presumed to be competent witnesses, including very young children. A person challenging a witness's competency must show that either the witness cannot communicate information to the judge or jury or doesn't comprehend the difference between right and wrong.

CONCURRENT PLANNING

A permanency planning strategy for assuring an expedient permanent placement for a child. Planning for reunification occurs simultaneously with the development of alternative permanency plans, including adoption, to be used in the event that it is not possible for the child to return to his/her family of origin.

CONCUSSION

An injury to the soft structure of the brain resulting from violent shaking or jarring.

CONFIDENTIALITY

Protection from public scrutiny of information that must be kept confidential. In child abuse and neglect matters, the CASA/GAL volunteer has access to all records pertaining to the child (unless federally protected), but may release such information to other parties only by court order or as designated by law.

CONFLICT RESOLUTION

The capacity to resolve conflicts without having to resort to aggression. The process of conflict resolution may be done with the assistance of a neutral third party.

CONGENITAL

Refers to any physical condition present at birth.

CONSENT ORDER

An official agreement by all parties to settle the case upon certain specified terms and submit it to the judge for approval.

CONTEMPT

Any willful disobedience to or disregard of a court order, or any misconduct in the presence of a court. An action that interferes with a judge's ability to administer justice or that insults the dignity of the court. Contempt is punishable by fine or imprisonment or both.

CONTINUED OR CONTINUANCE

Instance when a trial, hearing, or other court appearance is postponed to a later date. This is done by order of the court, or upon agreement by the parties' attorneys and approved by the court. In most cases, the new hearing date is set at the time of the continuance.

CORPORAL PUNISHMENT

Physical punishment inflicted directly upon the body.

COURT CLERK

An officer appointed by the court to work with the chief judge in overseeing the court's administration, especially to assist in managing the flow of cases through the court and to maintain court records.

COURT ORDER/JUDGMENT

A directive issued by the court, having the authority of the court, and enforceable by law.

COURT REPORT

A written document presented to the court by the CASA/GAL volunteer stating the needs of the child and recommendations for disposition that would meet those needs.

CREDIBILITY

The believability of a person, especially a witness.

CRIMINAL PROSECUTION

The process involving the filing of charges of a crime, followed by the arraignment and trial of the defendant. Criminal prosecution may result in fines, imprisonment, and/or probation. Criminal defendants are entitled to acquittal unless charges against them are proven beyond a reasonable doubt. Technical rules of evidence exclude many kinds of proof in criminal trials, even though that proof might be admissible in civil proceedings.

CROSS-EXAMINATION

The questioning of an opposing party's witness about matters brought up during direct examination.

CUSTODIAN

The person or agency that has been awarded legal custody of a juvenile by a court. This may also be a person, other than a parent or legal guardian, who has assumed the status and obligation of a parent without being awarded the legal custody of a juvenile by a court.

CUSTODY

The right to a child's care and control, carrying with it the duty of providing food, shelter, medical care, education, and discipline.

CYSTIC FIBROSIS

A genetic disease characterized by severe respiratory and digestive problems. The disorder involves the body's inability to regulate salt secretions. This inability leads to damage of the lungs and pancreas. It also limits the child's ability to conserve salt. Children with cystic fibrosis have chronic lung infections, scarring on their lungs that leads to lung disease, and a pancreas that does not function well. The latter causes juvenile diabetes. The child may also dehydrate quickly during exercise. Children and teens suffering from cystic fibrosis require pulmonary therapy several times a day to clear their lungs.

D

DEFICIT MODEL

A method of assessing and treating family or individual problems that focuses on a family's weaknesses, and sets as the primary goal getting them off public services. In this model, it is the caseworker's role to find out what is wrong with the family and to decide how best to "fix it."

DELINQUENT JUVENILE

Any minor who has been found by a court of law to have committed an act that would be a crime or infraction under state law or under an ordinance of local government (including violation of the motor vehicle laws) if committed by an adult.

DEPENDENT JUVENILE

A child in need of assistance or placement because he/she has no parent, guardian, or custodian responsible for his/her care or supervision, or whose parent, guardian, or custodian is unable to provide care or supervision and lacks an appropriate alternative child care arrangement.

DEPRESSION

The oldest recognized and most prevalent emotional disorder; it afflicts about 15% of adults and many children. Depression can be difficult to diagnose because of its various origins, manifestations, and degrees of severity. Endogenous depression results from

biochemical changes in the brain; reactive depression seems to be triggered by a life event such as a death or loss of property. Symptoms include significant emotional changes, including a depressed mood, sadness, and gloom; spells of crying; anxiety; irritability; feelings of guilt and remorse; inability to concentrate; indecisiveness and loss of interest; loss of self-confidence and self-esteem; and desire to commit suicide. Unrecognized depression in young children may be characterized by chronic fatigue or boredom; inability to achieve at their intellectual potential; reluctance to leave home to go to school; and hyperactivity. Treatment for both children and adults is typically a combination of psychotherapy and psychoactive drugs. Psychological testing may be needed to identify and treat the disorder.

DEVELOPMENTAL DISABILITIES

A severe, chronic disability of a person attributed to a mental or physical impairment or a combination of mental and physical impairments. A developmental disability is manifested before the person is 18 years old. It is likely to continue indefinitely and results in functional limitations in three or more of these major life activities:

- Ability to talk and express oneself, ability to understand and follow simple directives
- Ability to dress oneself, brush teeth, use the toilet, etc.
- Ability to learn colors, shapes, letters, words, foods, and the like
- Ability to walk, run, or sit in a manner that is acceptable
- Ability to make decisions or to do what is expected
- Ability to live independently
- Ability to partially support self

Some examples of developmental disabilities are the lifetime conditions of mental retardation, cerebral palsy, epilepsy, autism, and severe dyslexia.

DIFFERENTIAL DIAGNOSIS

The determination of which of two or more diseases or conditions a patient is suffering from by systematically comparing and contrasting clinical findings.

DIRECT EXAMINATION

The process by which an attorney questions his/her own witness in order to present information to the court necessary for that attorney's case. The questions are usually open-ended: "Tell the court about . . ." or "Describe the condition of the home."

DISCOVERY

A legal term referring to the pretrial disclosure of pertinent facts or documents by one or more parties to a case.

DISMISSAL

An action by the judge that removes a given case from the court.

DISPOSITION

In juvenile court, the order that determines a treatment plan for a child already proven to be abused, neglected, and/or dependent. It is the equivalent of a sentence in criminal court.

DISPOSITIONAL HEARING

The juvenile court hearing in which evidence is presented and arguments made to design the most appropriate treatment and choose the most appropriate placement for the child. In many courts, the dispositional hearing immediately follows the adjudicatory hearing. This type of hearing is not bound by the strict rules of evidence required in an adjudication.

DISSOCIATION

An involuntary, natural mechanism present in infancy and continuing throughout adulthood through which a person physically and/or mentally separates himself/herself to guard against unpleasant situations. Because children are limited in their coping abilities, they commonly use dissociation to protect themselves from all or part of their painful experiences. Dissociation may become a preferred or automatic response in children who live in a chaotic, chronically stressful, or traumatizing environment. It is these children's loss of awareness that enables them to perform, or at least survive emotionally, in their respective environments; however, the use of protective dissociation may become so extreme that it interferes with the child's functioning and development. Children's sense of identity becomes

fragmented when they regularly cope with stressful situations by disowning parts of their experiences. This fragmentation of the self may solidify into distinct patterns that are perceived by the child and others around him/her as separate personality states, or multiple personality disorder.

DISTRICT COURT

The name of one of the courts of the United States. It is held by a judge, called the district judge. Several courts under the same name have been established by state authority.

DOWN'S SYNDROME

The most prevalent genetic abnormality associated with mental retardation. It accounts for about 33% of all forms of genetically based mental retardation. Each year in the United States, some 7,000 children of all socioeconomic groups are born with Down's syndrome, representing an average rate of one in 800 births. Down's syndrome most commonly results from the presence of an extra number 21 chromosome.

DUE PROCESS

The rights of persons involved in court proceedings to be treated with fundamental fairness. These rights include the right to adequate notice in advance of hearings, the right to the notice of allegations of misconduct, the right to the assistance of a lawyer, and the right to confront and cross-examine witnesses.

E

EMANCIPATION

When a minor achieves legal independence from his/her parents by court order or by getting married before reaching the age of majority.

EMERGENCY CUSTODY

Residential placement of a child alleged to be abused or neglected in a licensed foster home, a facility operated by the child protection agency, or another home or facility approved by the court. The court, pending the adjudicatory hearing, may order such placement if the judge finds that placement with the parents is unsafe.

EMERGENCY CUSTODY HEARING

Hearing to determine if the child's immediate welfare demands continued placement out of the home.

EMOTIONAL ABUSE

The systematic diminishment of a child. It is designed to reduce a child's self-concept to the point where the child feels unworthy of respect, unworthy of friendship, unworthy of the natural birthright of all children: love and protection.

EMPOWERMENT MODEL

A collaborative family assistance model in which the caseworker assumes that family members know best what their strengths and problems are, and that they will be most successful in accomplishing plans they create to rectify problems. The caseworker's role is to assist them in recognizing their strengths and challenges, to support that planning process, and to assist the family in implementing their plan. This may require teaching new skills.

EPILEPSY

Seizures are the primary symptom of all forms of epilepsy, which is characterized by convulsions of the muscles, partial or total loss of consciousness, mental confusion, or disturbances of bodily functions usually controlled automatically by the brain and nervous system. Epilepsy occurs in 1% of the general US population. The disorder occurs more frequently in children than in adults. In about 80% of cases, the first seizure occurs within the first decade of life. No one knows for sure why brain cells discharge abnormally and cause the symptoms of epilepsy.

EVIDENCE

Any sort of proof submitted to the court for the purpose of influencing the court's decision.

EXHIBIT

Physical evidence used in court. In a child abuse case, an exhibit may consist of X-rays, photographs of the child's injuries, or the actual materials presumably used to inflict the injuries. *See also Evidence.*

EX PARTE

A Latin term that refers to situations in which only one party (and not the adversary) appears before a judge. Although a judge is normally required to meet with all parties in a case and not with just one, there are circumstances where this rule does not apply and the judge is allowed to meet with just one side (*ex parte*), such as where a plaintiff requests an order (e.g., to extend time for service of a summons) or dismissal before the answer or appearance of the defendant(s). In addition, sometimes judges will issue temporary orders *ex parte* (i.e., based on one party's request without hearing from the other side) when time is limited or it would do no apparent good to hear the other side of the dispute. For example, if a wife claims domestic violence, a court may immediately issue an *ex parte* order telling her husband to stay away. Once he's out of the house, the court holds a hearing, where he can tell his side and the court can decide whether the *ex parte* order should be made permanent.

EXPERT WITNESS

A person who testifies at a trial because he/she has special knowledge in a particular field that might be helpful to a judge (or jury). This person is permitted to state his/her opinion concerning those technical matters even though he/she was not present at the event. Nonexpert witnesses are only permitted to testify about facts they observed and not their opinions about these facts. An example of an expert witness is a child psychologist or development specialist who testifies about the best interest of the child when custody or visitation is in dispute.

F

FAILURE TO THRIVE SYNDROME (FTT)

A serious medical condition most often seen in children under one year. An FTT child's height, weight, and motor development fall significantly below the average growth rate of normal children. It is presumed that this failure to thrive is a result of inadequate nurturing, bonding, and attachment.

FAMILY PRESERVATION SERVICES

Intensive, short-term service delivery programs that provide family therapy and skills education/training and help families obtain basic services, such as food and housing, to prevent removal of the children from the home and keep the family together.

FAMILY RISK ASSESSMENT

A written evaluation, often in a checklist format, completed after an investigative report is substantiated and at various other times throughout the case. This assessment is completed to determine the present risk to the child of remaining with or being returned to his/her family.

FELONY

One of several grave crimes, such as murder, rape, or burglary, punishable by a more stringent sentence than that given for a misdemeanor. An offense punishable by a maximum term of imprisonment of more than one year.

FETAL ALCOHOL SYNDROME (FAS)

A condition in infants resulting from heavy alcohol consumption by the mother during pregnancy. Because alcohol easily crosses the placenta, its concentration in fetal blood equals that in maternal blood. Heavy alcohol intake during pregnancy is associated with numerous adverse effects on the fetus, including mental retardation, hyperactivity, irritability, growth deficiencies, poor suck reflex in infants, and behavioral and learning disabilities. Children with FAS often have distinctive facial characteristics, such as small eyes, short noses, a flat, long upper lip area, and flattened mid-face. Following birth, the infant may suffer from alcohol withdrawal. A similar, but less severe, manifestation is called fetal alcohol effect (FAE).

FINE MOTOR FUNCTION

Primarily eye-hand coordination—the ability to receive and utilize signals from your eyes to perform tasks employing the fingers (e.g., tying shoelaces, playing electronic games, or building a model). A component of neuromotor functioning.

FOSTER CARE

A form of substitute care, usually in a home licensed by a public agency, for children whose welfare and protection requires that they be removed from their own homes.

FRACTURE

A broken bone. One of the most common injuries suffered by battered children.

FRAGILE X SYNDROME

An inherited genetic condition associated with mental retardation. It is identified by a break or weakness on the long arm of the X chromosome. Since this is an abnormality of a sex chromosome, mothers are carriers and their sons are at risk of being affected. Daughters are at risk of being carriers and sometimes of mild infection. The disorder is not transmitted from father to son.

G

GROSS MOTOR FUNCTION

The ability to facilitate and monitor feedback from the body's large muscles (e.g., during athletic activities). A facet of neuromotor functioning. Also called "large motor function."

GROUP HOME

Residential placement in a non-family living arrangement for children with special needs.

GUARDIAN AD LITEM

From Latin, meaning "guardian at law." The person appointed by the court to look out for the best interest of the child during the course of legal proceedings.

H

HEARSAY

Secondhand information that a witness only heard about from someone else and did not see or hear directly. Hearsay is not admitted in court because it is not trustworthy, as well as because of various constitutional principles, such as the right to confront one's accusers; however, there are so many exceptions that hearsay is more often admitted than excluded.

HEMATOMA

A swelling caused by a collection of blood in an enclosed space, such as under the skin or the skull.

I

IEP (Individualized Education Plan)

A written, legal document mandated by federal law to be developed for all students identified as needing special education services. It is developed in a team meeting in which parents, teachers, specialists, and the student, if appropriate, participate. The main goal of the IEP meeting is to discuss and review the educational needs of the student and write a program that identifies goals and objectives for the year.

IMMUNITY, LEGAL

Legal protection from civil or criminal liability. Some states have reporting statutes that confer qualified immunity upon persons mandated to report, if the report was made in good faith, giving them a defense against libel, slander, invasion of privacy, false arrest, and other lawsuits that the accused person might file.

IMPETIGO

A highly contagious, rapidly spreading skin disorder that occurs mainly in infants and young children. The disease, characterized by red blisters, may be an indicator of neglect or poor living conditions.

IN CAMERA

A Latin term meaning, literally, "in chambers." A hearing or judicial proceeding conducted in a judge's chambers or a private place where the public is not present.

INCEST

A sexual act between two persons who are related. Includes descent by blood or adoption, stepchild (while marriage creating their relationship still exists), brother, half-brother, sister, half-sister, niece, and nephew. Incest may occur between members of the same sex, but the most common form of incest is between father and daughter.

INDIAN CHILD

Any unmarried person who is under age 18 and either (a) is a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. (A second definition in the service provisions is wider and may give a child the opportunity to access services. This can be important where a child can be enrolled because of failure to meet a residency requirement of a specific tribe but could access culturally relevant services. A third definition is in the notice section of ICWA, which requires that a tribe be notified whenever the court knows or has reason to know the child may be an Indian.)

INDIAN CHILD WELFARE ACT (PL 95-608)

A federal law passed in 1978 that set up placement preferences for an Indian child and established the right of an Indian child's tribe and/or Indian custodian to appear as a party to a case. The law was intended to redress the historical pattern of removal of Indian children from their homes, which threatened tribal survival. *See Chapter 2 and the Chapter 8 Resource Materials for more information.*

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (PL 94-142)

A federal law passed in 1975 and reauthorized in 1990, mandating that all children receive a free, appropriate public education regardless of the level or severity of their disability. It provides funds to assist states in the education of students with disabilities and requires that states make sure that these students receive an individualized education program based on their unique needs in the least restrictive environment possible. All children ages 3 through 21 who need special education and related services because of a disabling condition are eligible.

IN LOCO PARENTIS

A Latin term referring to a person, other than parents or legal guardian, who has assumed the status and obligation of a parent without being awarded the legal custody of a juvenile by the court. This term is often used to refer to the court itself taking over what should be parental responsibilities.

INTERSTATE COMPACT

Agreement between all 50 states and the District of Columbia that has been passed as law by the states and been approved by Congress, governing out-of-state placements of children. It defines financial and supervisory responsibilities and guarantees constitutional protections. It requires that a court secure a home study from the local child welfare agency in any out-of-state jurisdiction where placement is being considered.

J

JURISDICTION

The legal authority and power of the court to hear particular types of cases.

JUVENILE

Any person who has not reached his/her 18th birthday and is not married, emancipated, or a member of the armed services of the United States.

K

KINSHIP CARE

Kinship care is the full-time care, nurturing, and protection of children by relatives, members of their tribes or clans, godparents, stepparents, or any adult who has a kinship bond with a child. This definition is designed to be inclusive and respectful of cultural values and ties of affection. It allows a child to grow to adulthood in a family environment.

L

LACERATION

A jagged cut or wound.

LEADING QUESTION

A question that suggests an answer or puts words in the mouth of a witness. Allowable only when directed to the opposing party in a lawsuit or to an "adverse witness" during cross-examination. Often a leading question will begin, "Isn't it true that . . . ?"

LEAST RESTRICTIVE ALTERNATIVE

The principle that supports family autonomy, with in-home services provided by the child welfare agency only where necessary and then in the form that least intrudes on family autonomy. Consideration of placement outside the home should start at the least restrictive level: other family members, foster home, and then institutional placement, as most restrictive.

LEGAL RISK PLACEMENT

The placing of a child who is not yet legally free for adoption (but likely to be at some future time) with a family who agrees to serve as a foster placement for the time being and an adoptive family should that possibility occur.

LESION

Any injury to any part of the body from any cause that results in damage or loss of structure or function of the body tissue. A lesion may be caused by poison, infection, dysfunction, or violence, and may be accidental or intentional.

M

MALNUTRITION

Failure to receive adequate nourishment. Often exhibited in neglected children, malnutrition may be caused by inadequate diet (either lack of food or insufficient amounts of needed vitamins) or by a disease or other abnormal condition affecting the body's ability to properly process foods.

MEDICAID

A government-sponsored health insurance program that provides care based on financial need.

MEDICALLY FRAGILE

A number of subgroups make up medically fragile infants and children, including infants weighing less than 1,500 grams (3 pounds, 4 ounces) at birth; infants, children, and teens who become medically fragile because of an illness after birth (e.g., lupus or renal disease); infants, children, and teens who sustain serious injuries or child abuse; infants born with multiple defects involving malformations in a number of organ systems (e.g., Down's syndrome); and infants born addicted to alcohol or drugs because of the mother's substance abuse during pregnancy.

MENTAL RETARDATION

Significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior. It becomes apparent during the developmental period, thus adversely affecting a child's educational performance, and is a lifelong condition.

MONGOLIAN SPOTS

A birthmark that can appear anywhere on a child's body, most frequently on the lower back. These dark spots usually fade by age 5. They may be mistaken for bruises and are found primarily on children of color.

MOTION FOR REVIEW

A legal action filed by any party in a court proceeding requesting the court to hear evidence on the current status of the child.

MUNCHAUSEN SYNDROME BY PROXY (MSP)

A form of child abuse in which the parent/caretaker relates fictitious illnesses in his/her child by either inducing or fabricating the signs or symptoms. As a result, the child is subjected to extensive medical tests and hospitalizations. The technical definition of MSP includes: (1) an illness in a child that is faked and/or produced by a parent or caretaker; (2) a parent or parent figure who presents the child for medical care persistently, often resulting in multiple medical procedures; (3) denial of the knowledge by the perpetrator as to the etiology of the illness; and (4) acute symptoms, which abate when the child is separated from the parent/caretaker.

N

NEGLECTED JUVENILE

Defined by state statutes. Usually arises from a parent's passive indifference to a child's well-being, such as failing to feed a child or leaving a child alone for an extended time.

NEUROSIS

Marked emotional disorder without loss of contact with reality and with a history of relatively normal developments.

NONRESPONDENT PARENT

Parent not involved in the court case.

NOTICE

Receipt of the petition by the parents, the CASA/GAL volunteer, or other parties to the case, which gives them fair warning of specific allegations sufficiently in advance of court proceedings so that reasonable opportunity to prepare will be afforded.

O

OBJECTION

A lawyer's protest about the legal propriety of a question.

OPPOSITIONAL BEHAVIOR

A tendency to be defiant and noncompliant, possibly as a reaction to chronic learning difficulties.

ORDER

In legal practice, an order is a written directive of a court judge.

OVERRULE

A judge's rejection of an attorney's objection to a question to a witness (i.e., a judge's decision that the question is legally proper). By overruling the objection, the trial judge allows the question to be answered or the evidence to be considered.

P

PARENS PATRIA

A Latin term meaning “the power of the sovereign.” Refers to the state’s power to act for or on behalf of incompetents, such as minors or some developmentally disabled persons.

PARTY

A person making or responding to a claim in a court or other adversarial proceeding. A person who sues or defends a lawsuit or any person joined in a lawsuit, such as a pension plan administrator, is called a party. A party has the right to conduct discovery and receive notice of all proceedings connected with the lawsuit.

PATERNALISM

A system under which an authority undertakes to supply needs or regulate conduct of those under its control in matters affecting them as individuals as well as in their relations to authority and each other.

PERCEPTION

The process by which sensory stimulation is converted into organized experiences. What appears to you; what you believe to be true.

PERMANENCY PLANNING HEARING

A hearing that takes place one year after the child is removed from the home or 30 days after a judge rules that reasonable efforts have been made. This hearing is designed to look at the child’s placement options, amount of time in care, the concurrent plan, and further resources for the child.

PETITION

A civil pleading filed to initiate a matter in juvenile court, setting forth specifically the alleged grounds for the court to take jurisdiction of the case and asking the court to do so and intervene.

PETITIONER

The individual who initiates court action, whether by filing a petition or a motion for review alleging the matter for adjudication. For child abuse and neglect cases, the petitioner is generally the child protection caseworker acting on behalf of the agency.

PHYSICAL ABUSE

Intentional harming of a child, use of excessive force, and/or reckless endangerment.

PLAINTIFF

The person who initiates a lawsuit by filing a complaint. When the document that initiates a lawsuit is called a petition rather than a complaint, the initiating person is usually referred to as the petitioner rather than the plaintiff.

PREJUDICE

Preconceived judgment or opinion.

PRIMA FACIE

A Latin term approximately meaning “on the first appearance” or “on the face of it.” In law, this term is used in the context of a *prima facie* case, in which the presentation of evidence at a trial has been sufficiently strong to prove the allegations unless contradicted and overcome by other evidence.

PRIVILEGED COMMUNICATIONS

Confidential communication that is protected by statutes and need not or cannot be disclosed in court over the objections of the holder of the privilege. Lawyers are almost always able to refuse to disclose what a client has told them in confidence. Priests, ministers, rabbis, doctors, psychotherapists, and spouses are all covered by privilege statutes, but their testimony can be compelled in many cases involving child abuse or neglect.

PROBABLE CAUSE

A legal standard, used in a number of contexts, that indicates reasonable grounds for suspicion of or belief in the existence of certain facts or allegations.

PROBATION

In criminal or delinquent cases, a disposition that allows the convicted criminal defendant or the juvenile found to be delinquent to remain at liberty, under a suspended sentence of imprisonment, generally under the supervision of a probation officer, and usually under certain conditions. Violation of a condition is grounds for revocation of the probation.

PRO BONO

A Latin term referring to attorney services rendered at no charge.

PRO SE (OR PRO PER)

Latin terms meaning to act as one's own legal counsel.

PROTECTIVE SERVICES DIVISION

The division of the local child protection agency responsible for investigating reports of child abuse and neglect, preserving the family life of the parties involved where possible by enhancing parental capacity for good child care, and petitioning the court if necessary services are refused in serious situations.

PSYCHOTIC PERSON

A person who suffers a major mental disorder impairing his/her ability to think, respond emotionally, remember, communicate, interpret reality, or behave appropriately, so as to interfere with his/her capacity to meet the ordinary demands of life. The term "psychotic" is neither very precise nor definite. It is estimated that significantly fewer than 10% of all abusive or neglectful parents are psychotic.

R

REASONABLE EFFORTS

The diligent use of preventive or reunification services by a child protection agency when a juvenile's remaining at home or returning home is consistent with achieving a safe, permanent home for the juvenile within a reasonable period of time. If a court of competent jurisdiction determines that the juvenile is not to be returned home, then "reasonable efforts" means the diligent and timely use of permanency planning

services by the child protection agency to develop and implement a permanent plan for the juvenile. It is the judge who determines whether the agency has made reasonable efforts to prevent the child's placement and reunify the family. The two factors central to this determination are the quality of the efforts and the nature of the services offered. "Quality of effort" refers to a reasonable level of diligence and good judgment and the absence of negligence. "Nature of services" refers to the availability of services to meet the needs of the child and/or family.

RECAANT

To withdraw a statement.

RE CROSS-EXAMINATION

After redirect examination or rebuttal is completed, the opposing counsel are permitted to ask the witness questions covering the issues addressed in the redirect or rebuttal examination.

REDIRECT EXAMINATION OR REBUTTAL

Upon conclusion of all cross-examination, the attorneys are permitted to ask the witness more questions. These questions are called "redirect" or "rebuttal" questions, and they are designed to undo any damage to the attorneys' case resulting from the cross-examination.

REPORTING LAWS

State laws that require specified persons to notify public authorities of cases of suspected child abuse and neglect. All 50 states now have reporting statutes, but they differ widely in what must be reported, persons who must report, the manner of reporting (written, oral, or both), and the degree of immunity conferred upon reporters.

REVIEW HEARING

A hearing conducted by a judge, within certain time frames, to review the status of a child's case.

REUNIFICATION SERVICES

Remedial efforts by the child protection agency that are designed to help parents take the necessary steps to be able to provide a safe home for their child(ren).

SCHIZOPHRENIA

A mental disorder that afflicts persons of all ages, races, and economic levels. The term refers to a group of disorders that have common characteristics but likely are caused by various factors—brain chemistry, hormonal imbalance, inherited predisposition, violent childhood, highly stressful adult life. Basic to schizophrenia is a distorted thought pattern. Persons sometimes hear nonexistent voices or music or see nonexistent images. Their perceptions do not fit their reality, and they may react inappropriately or without any visible emotion at all. With the help of new medications aided by psychotherapy, schizophrenia can be controlled so that persons with the disorder can maintain employment and live with their families.

SEXUAL ABUSE

Engaging a child in any activity for an adult's own sexual gratification.

SHAKEN BABY SYNDROME

Injury to an infant or baby that results from the child having been shaken, creating a whiplash effect, usually as a misguided form of discipline. It is often accompanied by blunt force trauma to the head. The most common symptom is bleeding inside the head. Repeated instances of shaking can result in mental and developmental disabilities and, in extreme cases, death.

SICKLE CELL ANEMIA

A genetic defect of hemoglobin, the oxygen-carrying protein in red blood cells. Sickle cell anemia changes the shape of red blood cells, making them "plug up" small blood vessels and choke off the blood supply to the tissues. During periods of frequent sickle-cell crisis, children and teens can be incapacitated for weeks or months. The children experience severe pain, require frequent hospitalizations, and often require emergency care to obtain oxygen and fluids. Sickle cell anemia occurs in about 160 of each 100,000 live African American births.

SKELETAL SURVEY

A series of X-rays that studies all bones of the body. Such a survey should be done in all cases of suspected abuse to locate any old, as well as new, fractures.

SOCIAL HISTORY

Also called "social study," "social report," or "pre-hearing report." Information compiled by a caseworker about a child and/or family's functioning. This material may be presented for the juvenile court's consideration at the disposition hearing. Social histories often contain material that is hearsay.

STAND

The place where the witness sits while he/she is testifying. It is usually a chair beside the judge's bench. When called to testify, the witness "takes the stand."

STANDARD OF PROOF

In different judicial proceedings there are varying requirements of proof. Three of the most commonly used standards are:

Beyond a Reasonable Doubt: Evidence that is entirely convincing or satisfying to a moral certainty. This is the strictest standard of all and applies to all criminal proceedings. It is the standard applied to termination of parental rights that come under the provisions of the Indian Child Welfare Act (PL 95-608).

Clear, Cogent, and Convincing Evidence: Less evidence than is required to prove a case beyond a reasonable doubt, but still an amount that would make one confident of the truth of the allegations. This is the standard applied to TPR cases (unless ICWA applies).

Preponderance of Evidence: Merely presenting a greater weight of credible evidence than that presented by the opposing party. This is the lowest standard of proof; it is used in most civil court proceedings.

STATUTE

A law passed by the legislature.

STIPULATION

An agreement (oral or written, depending on the jurisdiction and nature of the proceeding) between the attorneys in a case that allows a certain fact to be established in evidence without further proof (e.g., the lawyers in a child abuse case may stipulate that the X-rays show a fracture so that the radiologist will not have to be subpoenaed to testify).

SUBDURAL HEMATOMA

A common symptom of abused children, consisting of a collection of blood beneath the outermost membrane covering the brain and spinal cord. The hematoma may be caused by a blow to the head or from shaking a baby or small child. *See also Shaken Baby Syndrome.*

SUBPOENA

A subpoena is an order of the court for a witness to appear at a particular time and place to testify and/or produce documents in his/her control. A subpoena is used to obtain testimony from a witness at depositions (where testimony under oath is given outside of court) and at trial. Failure to appear as ordered by the subpoena can be punished as contempt of court if it appears the absence was intentional or without cause.

SUBPOENA DUCES TECUMA

A subpoena requiring the person subpoenaed to bring records to court.

SUBSTANTIATION

A decision by the child protection agency to confirm a report of abuse or neglect after an investigation. It is then the agency's responsibility to determine if a petition should be filed or if the situation can be corrected with voluntary acceptance of protective services.

SUDDEN INFANT DEATH SYNDROME (SIDS)

A sudden, unexpected death of any infant in whom a thorough postmortem examination fails to show a clear cause of death. Recent studies suggest that some infant deaths attributed to SIDS were related to other previously unknown causes.

SUMMONS

A legal document issued by a court clerk or other court officer, usually handed in person by the sheriff to the person summoned, notifying the named person that a lawsuit or legal cause has been filed against or involves him/her, and notifying that person of any dates set for hearings and deadlines for responding to the complaint or petition.

SUPERVISED VISITATION

Visits between a parent and child that are overseen by another person who is present at all times. Usually, supervised visitation is recommended when there is reason to believe a parent may seek information about the foster placement, influence a child to recant allegations, or try to leave the area with the child. Supervision may be provided by the caseworker, a relative who is caring for the child, or by another responsible adult.

SUPPLEMENTAL SECURITY INCOME (SSI)

Monthly financial benefits provided to dependent, handicapped children whose families meet financial criteria and to disabled adults who are unable to be competitively employed and who meet income and asset criteria.

SUSTAIN

A judge's agreement with an attorney's objection to a question posed to a witness (i.e., the judge's decision that the question is not legally proper). By sustaining the objection, the judge does not allow the question to be answered or the evidence to be considered.

SWEAR

To declare under oath that one will tell the truth (sometimes "the truth, the whole truth, and nothing but the truth"). Failure to tell the truth and to do so knowingly is the crime of perjury. A witness is given the option of swearing to tell the truth or affirming to tell the truth.

SYSTEM, THE

In this context, either the child protection system or the child protection system and the court.

T

TANF (Temporary Aid for Needy Families)

Welfare payments to families in need, which are subject to five-year limits. The term also refers to several million dollars of federal funding to implement reforms within the social services system for such things as sexual assault prevention, domestic violence grants, sex offender registry, and several other direct service projects.

TEMPORARY CUSTODY

Taking physical custody from the parent and providing personal care and supervision by the state until a court order for emergency custody can be obtained. State law defines how many hours a child may be held in temporary custody without an emergency custody order entered by a judge.

TERMINATION OF PARENTAL RIGHTS (TPR) HEARING

A proceeding, usually at the end of a child abuse or neglect case, during which the child protection agency seeks to sever all ties between a parent and a child. TPR proceedings require clear, cogent, and convincing evidence as the standard of proof.

TITLE IV-D

A 1975 amendment to the Social Security Act. Provides greater assistance to the states in establishing paternity and enforcing child support orders. Title IV-D also created the Child Support Enforcement program to oversee child support enforcement operations at the state level.

TITLE IV-E

An amendment to the Social Security Act that created a federally funded program for out-of-home placement of children.

TOURETTE SYNDROME

A hereditary, neurobehavioral disorder with symptoms including tics, obsessive-compulsive behaviors, dyslexia, confrontational behavior, sleep problems, phobias, depression and mood swings, panic attacks, short temper, inappropriate sexual behaviors, and alcohol, drug, food, and other addictions. Tourette syndrome

is sometimes misdiagnosed as attention-deficit/hyperactivity disorder, or the child is believed to be a victim of child physical or sexual abuse because the behavioral abnormalities are similar.

TRAUMA

An internal or external injury or wound caused by an outside force. Usually trauma means injury by violence, but it may also apply to the wound caused by any surgical procedure. Trauma may be caused accidentally or, as in a case of physical abuse, nonaccidentally. "Trauma" is also a term applied to the psychological discomfort or symptoms resulting from an emotional shock or painful experience.

TRIBE

There are 563 federally recognized tribal governments in the United States. The United States recognizes the right of these tribes to self-government and supports their tribal sovereignty and self-determination. These tribes possess the right to form their own government, to enforce laws (both civil and criminal), to tax, to establish membership, to license and regulate activities, to zone, and to exclude persons from tribal territories.

U

UNDISCIPLINED JUVENILE

A minor who is regularly truant from school, is disobedient beyond parental control, is regularly found in places unlawful for a juvenile, or has run away from home. The child has not violated any adult criminal law.

UNSUBSTANTIATED

The finding, after investigation by a child protection agency or law enforcement agency, that no abuse or neglect is occurring.

UNSUPERVISED VISITATION

Visitation between a parent and child that does not require the family to stay in one place and be watched by a credible observer, usually a family member or caseworker.

V**VENEREAL DISEASE**

Any disease transmitted by sexual contact. Presence of a venereal disease in a child may indicate that the mother was infected with the disease during pregnancy, or it may be evidence of sexual abuse.

VENUE

“Juvenile court venue” refers to the county or counties within which a lawsuit may be initiated based on such factors as where the parents reside, where the child resides, or where the child is found.

VOIR DIRE

A Latin term meaning “to speak the truth.” The procedure during which lawyers question prospective jurors to determine their biases, if any. Also the procedure in which lawyers examine expert witnesses regarding their qualifications, before the experts are permitted to give opinion testimony.

VOLUNTARY PLACEMENT

The act of a parent to relinquish custody of his/her child to a child protection agency.

W**WAIVER**

The understanding and voluntary relinquishment of a known right, such as the right to counsel, the right to remain silent during police questioning, or the right to a separate hearing.

WITNESS

A person who testifies under oath in a legal proceeding.

NOTES

Please add your own terms and definitions here:
