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Perspectives on Child Maltreatment in the Mid '80s

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Contents

- 4 Combatting Child Abuse and Neglect
Dorcas R. Hardy
- 6 What Have We Learned About Child Maltreatment
James Garbarine
- 8 Stop Talking About Child Abuse
Doana J. Stone and Anne H. Cohn
- 10 Community Involvement in the Prevention of Child Abuse and Neglect
Peter Coolsen and Joseph Wechsler 105545
- 15 Child Neglect: An Overview 105546
Aeolian Jackson
- 18 How Widespread Is Child Sexual Abuse?
David Finkelhor
- 20 What We've Learned from Community Responses to Intrafamily Child Sexual Abuse 105547
Martha M. Kendrick
- 24 Emotional Abuse of Children 105548
Dorothy Dean
- 28 Overview: The National Center on Child Abuse and Neglect 105549
- 31 Providing Child Protective Services to Culturally Diverse Families
Roland H. Sneed
- 33 Developmentally Disabled, Abused and Neglected Children
Mark D. Souther
- 35 The Revolution in Family Law: Confronting Child Abuse 105550
Howard A. Davidson
- 39 The Military's Response to Child Abuse and Neglect
Suzanna Nash

Programs and Projects

- 41 Working with Neglecting Families 105551
Marilyn Hall, Angelica DeLaCruz and Peggy Russell
- 45 The Family Support Center: Early Intervention for High-Risk Parents and Children 105552
Yvonne L. Fraley
- 49 Working Together to Treat Adolescent Abuse 105553
Michael Baizerman, Nan Skelton and Shirley Pierce
- 54 Special Child Advocates: A Volunteer Court Program 105554
Michael Blady
- 58 Child Abuse Prevention Starts Before Birth 105555
Pauline Moulder
- 60 Bubblyonian Encounter
- 61 Reporting Rights and Responsibilities
- 67 Resources

Special Child Advocates: A Volunteer Court Program

by Michael Blady

Michael Blady, C.S.W., served as National Project Director of the Court Appointed Special Advocate project. National Council of Jewish Women, New York City. His article is reprinted from CHILDREN TODAY, May-June 1981.

For Lauren Rothstein, a volunteer Court Appointed Special Advocate (CASA), the case of 16-month-old Matthew and his infant brother John was particularly trying.

The children had been left at a Jacksonville, Florida, crisis center by the mother and a man she identified as her husband. She had explained that she had just come to Jacksonville, and gave a local hotel as her address. Her money had been "lost or stolen," she said, and she needed a few days to pull herself together and get a job.

The mother never returned to collect her children and investigators for the Jacksonville Department of Health and Rehabilitative Services (HRS) discovered that she had checked out of her hotel, leaving no forwarding address.

The children, who were in poor health, were placed in a hospital. The HRS caseworker later located the mother in Jacksonville, where she had been selling her blood for cash, and she also located the children's maternal grandparents. Neither the mother nor her parents, however, had an interest in caring for the boys.

When contacted, the father, who was in jail on conviction of burglary, said he had a "drinking problem" and although he was due to be released shortly, it was evident that he might not be able to provide the children with a stable home life. However, the children's paternal grandmother in Indiana wrote to the caseworker to say that she was interested in the welfare of the boys.

Meanwhile, the children were placed in temporary foster care and the case was taken to court. At this time, Lauren Rothstein joined the case as Court Appointed Special Advocate (CASA), under a volunteer program sponsored by the Jacksonville Section of the National Council of Jewish Women. Her task was to investigate the case and to present to the court an independent evaluation and a recommendation for a disposition that

would be in the boys' best interests.

Rothstein reviewed all documents and spent more than 12 hours on telephone and in-person interviews with everyone involved in the case, including the director of the crisis center, the foster mother, a hospital social worker and the children's caseworker. In her report, she recommended that the children be continued in temporary foster care for six months in order to give the father—who had expressed genuine concern for the children—time to get a job, set up a home and receive counseling for his drinking problem. At a court review at the end of the six months, the court would try to determine whether placement with the father and his mother would be possible, contingent on their continued interest in the boys and demonstrated ability to care for them. If not, the CASA volunteer recommended that proceedings be initiated to free the children for adoption.

Rothstein will continue to be the children's advocate until the case is resolved, visiting the children, their father and foster parents to make sure that the services mandated are being offered and accepted.

The case of John and Matthew is one of many now being handled by CASA volunteers from the National Council of Jewish Women (NCJW). In addition to the Jacksonville branch, NCJW Sections in Greater Dallas, Texas and St. Louis, Missouri have been operating CASA projects since January 1980. This past June, the Worcester, Massachusetts and Greater Harrisburg, Pennsylvania Sections joined the national program.

Evolution of the Project

The National Council of Jewish Women's concern for the proper representation of children involved in neglect and abuse proceedings grows out of its 87-year-long commitment to the rights of children. In the 1970s, NCJW focused its concern on children labeled status offenders.

The CASA program evolved from the Council's highly respected 1975 study, *Children Without Justice*. Among other things, the report revealed that many lawyers appointed to represent juveniles were "illattuned to the legal and social atmosphere of the (juvenile)

court." It also noted that contact between attorneys and children amounted to "only a few minutes of conversation in a court waiting room just before the case is called."¹

Early in 1979, NCJW's Justice for Children Task Force (now the Children and Youth Task Force) met with the Edna McConnell Clark Foundation to discuss possible implementation of programs to address such problems. The Foundation, which has focused on problems of foster care, suggested that many of the problems involved in representation of children in the juvenile court also existed in the child welfare system.

The Foundation urged us to consider, among other ideas, a program of volunteer guardians *ad litem*. (The phrase *ad litem* is Latin for "for the case.") Could NCJW develop a program similar to the one then (and now) operating in the King County (Seattle), Washington, Juvenile Court? Such a program, it was suggested, could work within and with the support of the courts, but it would not be administered by the courts. The volunteer guardian *ad litem* (GAL) idea, we were told, was supported by the Children in Placement Project of the National Council of Juvenile and Family Court Judges.

Traditionally, the guardian *ad litem* (usually, but not necessarily, an attorney) was appointed by the court to represent children considered incompetent because of age; thus, the GAL acted as an adversary in court proceedings. Currently, in child abuse and neglect cases where the child is neither plaintiff nor defendant, the GAL functions more as an advocate.

Conventional wisdom holds that the public or private child welfare agency or department of social services represents the child's needs. However, an agency, through its attorney, is usually faced with a conflict: in petitioning to remove a child from home—that is, in trying to prove its case—it may be difficult to be objective about the child's needs.

It was also thought that the court's responsibility in neglect and abuse cases to protect the child's interest provided an adequate safeguard that the child's interests would indeed be represented. However, a judge is also responsible for rendering an impartial and equitable decision based on the merits of the case. "Impartiality is lost if the judge becomes an active advocate for the child."²

Clearly, then, there was a need for a person to present the court with an independent evaluation of and recommendation for what is in the child's best interests. This need is recognized by the Child Abuse Prevention and Treatment Act of 1974 (P.L. 93-247), which requires that states seeking Federal funding for child abuse programs appoint a guardian *ad litem* for children involved

in abuse and neglect cases which result in judicial proceedings.³

The CASA Role

We began with the assumption that the foster care system as it is ideally designed to operate is a good one for the protection of children. Problems occur when the adults who are parties to the actions and proceedings fail to perform their proper functions or fulfill their responsibilities. Thus, the CASA's main role is to see that the system operates as ideally as possible by ensuring that everyone does what he or she must in order to establish a permanent home for the child.

As Howard A. Davidson has noted, no code of ethics or commonly-accepted set of standards prescribes the duties of a GAL.⁴ In the CASA project, a volunteer lay guardian *ad litem* is responsible for presenting to the court an independent evaluation of and recommendation for what is in the child's best interest, both immediate and long-term.

To determine this, the volunteer interviews everyone who is involved with the case. This includes, but is not limited to, attorneys, psychologists, education specialists, child welfare workers, police and school officials and, of course, the natural and foster parents and the child.

The role of the CASA is not to duplicate the work of the social worker; it is to ask the difficult questions about the social worker's findings and recommendations that the judge and attorneys might ask if they had the time to fully investigate the circumstances. (One person has described the role of the CASA as being "the eyes, ears and legs of the judge".)

Time is the really important factor here. Unlike the social worker who carries a large caseload, the attorney who is trying to build or maintain a practice, or the judge whose docket is so crowded that he or she cannot carefully deliberate on a case, the CASA has the luxury of devoting herself to one case at a time. The volunteer has the time to talk to more people, explore innovative service alternatives and carefully monitor the child's post-disposition progress, to ensure that the agencies deliver the services detailed in the case plan and to see that the natural parents avail themselves of what is offered.

Philosophically, at least, the CASA volunteer supports the view that the child's best interest can be served by returning him or her to the natural family—if this is at all possible—or by recommending that the child be freed for adoption or, in rare cases, placed in permanent foster care. The volunteer may recommend continuation of temporary foster care, but mainly to provide time for

troubled parents to receive counseling or other services. The ultimate goal is a permanent resolution of the matter.

Program Organization

The CASA program began in July 1979 with a \$300,000 2-year grant from the Edna McConnell Clark Foundation. NCJW's foster Care Committee (of the Children and Youth Task Force) considered more than 30 NCJW Sections, of different sizes and with varying levels of sophistication in program management, that were interested in sponsoring a project.

The committee was looking for communities in different parts of the country that had a demonstrated need for a volunteer-run CASA project. Volunteers and foster care committee staff members visited several cities, where they interviewed juvenile and family court judges, elected officials and county commissioners, and executives of public and private child welfare agencies. The site selection team also sought groups which had a demonstrated commitment to and experience with the juvenile justice system and which also had the membership, leadership and fiscal strength to handle the complex start-up phase and successful operation of a CASA project.

Each project in the sites chosen was allocated \$18,000 for start-up costs and a year's operation. A volunteer chairwoman, selected by the area president, worked with a volunteer steering committee to begin the project.

Each project chairwoman and steering committee developed a budget and workplan, hired a part-time professional coordinator and sought the cooperation of the courts and local department of social services. They also organized a Community/Professional Advisory Board which, depending on the site, may include representatives of the court and public and private child welfare agencies; mental health and legal professionals; locally elected officials; corporate executives; members of other volunteer organizations; representatives of local news media;

The advisory board serves three major functions: to advise the chairwoman and the coordinator on policy and practical issues; to broaden the volunteer base beyond the local section members so that CASAs represent the diversity of ethnic, racial and cultural groups in the community; and to actively support and participate in fundraising (a challenge that the projects will soon be facing).

Every potential volunteer is interviewed by the coordinator, primarily to discover the special skills, strengths and weaknesses the volunteer possesses. Knowledge of a volunteer's skills, such as fluency in a second language or expertise in early childhood learn-

ing, for example, enables the coordinator to assign a volunteer to a case in which she can be the best possible advocate for a particular child. Those few candidates who are screened out during this initial interview are usually rejected because they have some bias which could hinder them from making an objective assessment of a child's needs.

Volunteers who are not members of the NCJW Sections are welcome, and each project has developed methods to recruit volunteers from the community.

The coordinator organizes volunteer training based on a model outline developed by the NCJW Foster Care committee, which describes the foster care system and the functions of public child welfare agencies. It also explains the judicial process and the CASA's role in it. On a practical level, the outline offers guidelines for conducting interviews and writing reports and includes exercises in values clarification, to help volunteers uncover hidden biases in themselves. Each project also conducts in-service training sessions and educational programs in such areas as sexual abuse and cultural issues.

Individual projects may modify the length and content of training to fit local conditions. In Jacksonville, for example, some "classroom" exercises are eliminated because some of the volunteers have prior direct service experience. Instead, volunteers accompany case workers from HRS on a field visit and then participate in supplemental seminars on specific practices, such as interviewing, and on particular topics—learning disabilities, for example.

The relationship of the CASA's to the courts and the social welfare agencies varies with the respective "climates" in the different cities. In Greater Dallas and St. Louis, where GALS appointed to represent children are lawyers, the CASAs work with and alongside the GALS, adding the volunteers' exhaustive evaluations and recommendations to the attorneys' legal advocacy. In Jacksonville and Worcester, the CASA is usually the sole independent advocate for the child, unless the nature of the hearings and case make the presence of counsel necessary. In Harrisburg, the CASA serves as guardian *ad litem* while the Public Defender functions as counsel for the child.

An important function of the project coordinator is to represent the program to the professional community. Because the CASA reviews the work of the foster care caseworker and monitors the delivery of services, there is potential for some competition between the professional worker and the volunteer. The coordinator must be able to defuse differences when necessary and maintain good working relations with the departments of social services.

Experience shows that, for the most part, relations among the CASA coordinator and volunteers and the local departments and caseworkers are good. Usually, the CASA supports the recommendations of the caseworker and helps to ensure that the court's disposition of the case is adhered to. Sometimes, the CASA is able to reach parents when a caseworker can't. By making sure that the parents understand that she is a volunteer and that her only stake in the process is to see that the child, and the family, receive the best services possible, she can often convince a resistant parent to cooperate in the development and implementation of a service plan.

Through their direct experience with the foster care system, CASAs can, and have, become more effective advocates for system-wide improvements in child welfare service delivery. They learn first-hand the frustrations of caseworkers working under limitations of time, resources and available service options. NCJW Sections, in particular, have been able to play a major advocacy role because of their long-established reputation and credibility in the area of juvenile justice.

Evaluation

It is still too early to tell how much of a difference the CASAs are making for the children involved in the system; NCJW is still gathering hard data. An evaluation consultant is developing an administrative self-assessment profile and interview and case-review schedules; the data collected should enable project directors and advisory boards to see whether their goals are being met and to set new goals for the future.

Comments from the field indicate that the CASA project is doing well. In its first 6-month report, the St. Louis Section noted that several of its CASAs have decided to devote all their volunteer time to the project, giving as their reasons the "... responsible para-professional nature of the job, the chance to do direct service, and the value of working with families whose children are in foster care."

A Jacksonville judge who sits on the juvenile bench wrote to the project chairwoman, "I am happy and proud to say that our confidence [in deciding to cooperate with the project] was not misplaced. The judges have been very satisfied with the services rendered by the CASA volunteers."

The Greater Dallas Section reported that, as of November 30, 1980, its 46 volunteers and professional staff had given more than 4,000 hours to the CASA project. Other community professionals gave 1,400 hours of their time. The cost to a community for just the salaries and expenses of such professionals would be staggering.

The Future of CASA

Now that they have completed their first year of operation, the three original CASA projects are working to secure funding to ensure their continuation. Jacksonville is now receiving funds from the state as part of a demonstration project, and Greater Dallas has asked for support from its county government. St. Louis is vigorously seeking support from corporations, foundations and private individuals.

The Foster Care Committee is compiling a "how-to" manual (scheduled for publication in the fall of 1981) and is working on a national training effort to create a cadre of volunteers from the existing projects to serve as advisers to other NCJW Sections and community groups planning to develop similar projects.

The future of the CASA project looks bright but, as with any good service project, there is room for expansion. Three additional NCJW Sections have become involved in CASA projects—Greater Detroit, Greater Miami and Suncoast (St. Petersburg and Clearwater, Fla.). Greater Detroit's project, which operates in the Oakland County (Mich.) Juvenile Court, involves an interesting variation on the CASA model: volunteers are assigned to cases of children who have already been freed by the court for adoption, to ensure that a permanent living situation is established for the child as soon as possible. The two Florida Sections are participating in projects that are part of that state's volunteer guardian *ad litem* demonstration program.

The National Council of Jewish Women is grateful for the support and commitment of the Edna McConnell Clark Foundation, which continues to provide financial support.

The Foster Care Committee is also grateful to the directors of other advocacy projects around the country who have shared their training materials, time and devotion with us. Through CASA and our other projects, the NCJW will continue to develop ways to improve the foster care system for those children who require a temporary home outside their family.

¹Edward Wakin, *Children Without Justice: A Report by the National Council of Jewish Women*, New York, 1975.

²U.S. Department of Health and Human Services, *Representation For the Abused and Neglected Child: The Guardian Ad Litem and Legal Counsel*, DHHS Publication No. (OHDS) 80-30272, August 1980.

³Child Abuse Prevention and Treatment Act, P.L. 93-247, as amended, (Sec. 4(b)(2)(g), 42 U.S.C. § 5101 et seq.

⁴For a discussion of areas of consensus regarding the role of a guardian *ad litem*, see Howard A. Davidson, "The Guardian Ad Litem: An Important Approach to the Protection of Children," CHILDREN TODAY, Mar.-Apr. 1981.