

From Bob Noone's
GAL Tips - Judicial Conf.

GAL CHECKLIST – Appendix A Guidelines

Conflict Check , set up file, obtain initial Petition, Emergency Order, Appointment Order
Notification of child, caretaker of appointment ()phone () email ()mail
If appropriate, insure client has access to email in foster home or shelter.
Contact DHHR caseworker () reviewed file with DHHR ()Prior CPS files?
Face to Face meeting w/client. ()private consult if others present
INVESTIGATION: Home/Documents/Priors/Rap on Parents/
Copies of important Docs: School, Medical, Mental Health
Advise client of subject matter of Petition if appropriate
Conduct Independent Investigation ()home visit ()retain private investigator
Interview ()Caretakers ()therapists ()School Personnel ()Medical Providers ()Sibs
Child Needs ()Therapy ()CAC Referral ()Tutoring ()Med attention
McKinney Vento provision in orders for schooling?
Ascertain other placements of child's wishes – eg – Fostering Connections Act
Keep client up on developments ()Schedule regular updates
Ascertain Client's wishes.
MDT Prep – should client attend () Arrange transport ()foster parents invited? ()Therapist ()Relatives ()School Personnel ()Agency Case Worker –KVC, Necco,etc

DISCOVERY, MOTIONS, EVIDENTIARY DEVELOPMENT prior to hearing
Participate in any discussion regarding proposed testimony of child
Records Maintenance – ()Paper ()Cloud based
Age Appropriate Sharing of Documents
Formulate MDT plan with client if age appropriate, discuss parental goals of MDT
Psychological and Physical Exams appropriate? Probative value?
Review all pre-dispo reports prior to hearing , Review MDT report – submit corrections of those reports if necessary.
Submit Written report per Rules – 5 days prior to Dispositional Hearing (Redact?)
HEARING PREP (pre hearing memo; subpoena witnesses; motions)
Advise child of court decisions.
Sibling associations (Maintain Sib contact vs. SOS Order at permanency stage)
Maintain Periodic Reviews
If Child over 14 – Transitional Plan (3/2014 DHHR Policy letter), See Age Out Checklist
Ensure Disop order has periodic review by CPS, order report to parties.
Continue to monitor through permanency
Post-dispositional duties – determine if appeal required; file TIMELY response to any appeal. See requirements of Rule 11 – Rules of Appellate Procedure,
STAY on until permanent placement (rule 52(g))... bring modification of dispo order if required by circumstances of client.

MDT CHECKLIST FOR: _____

DATE: _____ TIME: _____ m. - LOCATION: () Office of GAL, Robert T. Noone () DHHR

TO DO	MOM	DAD	Notes
Update on visitations (supervised until drug free)			
Results of drug screen from court dates			
EVAL: Substance Abuse (who responsible for appt?)			
EVAL: Full Psych			
EVAL: Parenting			
Note: evals note done timely should be grounds to extend IP, as we can't have results 3 months into a 6 month IP and expect lasting change.			
Drug screening / random and pre-set days. Give them a calendar at MDT. Days for each Parent?			
Review of DHHR Safety Services in past - why fail?			
Employment: past jobs? Present employment? Job Search? Transferable Skills?			
Mental Health : Past Tx, Current Assessment? Physical Health: Any Functional limitations? Meds?			
Past criminal issues: Any domestic violence, destruction of property, assault, battery, public intox. ANGER ISSUES to be addressed			
Counseling -if recommended. (Issues: if residing as a couple - how handle both ceasing all drug use, domestic violence counseling.)			
AA/NA if recommended (with attendance verification)			
Can we get rid of excuses for not contacting DHHR and maintaining screens, etc. Arrange Transportation			
CONCURRENT PLANNING: name all potential relatives to checkout at first MDT. Non-relatives. Concurrent plan is: _____			Note: Admin Order on Relative.
If remain as a couple, handle what to do if one parent stays clean and the other does not.			
Outside agency referral - what services - regular reporting. Notify Counsel and DHHR if missed!			
Releases signed for prior meds/ mental health/ etc.			

PARENTAL ACTIVITY FORM FOR IMPROVEMENT PERIOD

Name: _____ MONTH OF _____ 20____

AA/NA MEETING: Minimum 2/x Week: (always get documentation)

DATE OF MEETING	Location:	NOTES:	I have written documentation?

CONTACT WITH DHHR & MANDATORY DRUG SCREENING & PILL COUNTS:

Father calls DHHR before _____. M. On (circle days): M T W Th F

Father's mandatory screen to be taken before _____. M. On (circle days): M T W Th F

Mother calls DHHR before _____. M. On (circle days): M T W Th F

Mother's mandatory screen to be taken before _____. M. On (circle days): M T W Th F

***(Or if on DRC Call-in, note dates below you were required to call in)

Date of request for screen:	Where Screen taken or indicate if screen missed.	Pill Count	Scheduled Screen Result*	Random Screen Result*

* also indicate if screens were missed or avoided.

CONTACT With Counselors / Therapist / In-Patient Treatment / Day Report Counselors

DATE	Psychologist / Therapist (regarding Domestic Violence / Substance Abuse, etc.)	Notes - indicate any missed appointments or rescheduled	

Contact with Family Service Coordinators, In-Home Counselor or Parent Training

Date	Counselor/	Notes

FINANCIAL SUPPORT: (Things you do to support your children while they are in care?)

DATE	Amount Provided or Items Purchased	Notes:	Receipts ?

PARENTING DUTIES AND VISITATIONS:

DATE	ACTIVITIES: (Also Note missed visitations & reasons why)	NOTES: (indicate length of visit)

EMPLOYMENT / EDUCATION : (or attempts to seek employment if you are unemployed)

DATE	EMPLOYER	GROSS EARNINGS	NOTES:

RESIDENCE: (Please note attempts to find adequate housing if part of the Improvement Period.)

My Current residence is at _____.

DATES	LOCATION	NOTES

CONTACT WITH DHHR OR SOCIAL WORKER:

DATE	ACTIVITY

OTHER ACTIVITIES: (Such as Doctor Appointments, Classes not listed above, etc.)

OTHER NOTES if you need more space:

1. Fill this out and bring to each meeting with attorney, attorney’s staff and to all court hearings. If you need extra copies let us know. Keep it up to date. If you run out of space, just get another sheet of paper. Missing appointments almost always negatively impact your case.
2. Keep a pocket calendar. Do not forget appointments, screens, meetings.
3. Keep a record of every call to DHHR, Day Report, etc. When you call, ALWAYS leave a message if you do not get your party. Ask the name of the person taking the message if it is not an automated answering system.
4. Advise DHHR of every doctor appointment and any prescriptions. If the case involves drug abuse, please advise the doctor of your addiction issues and ask for a non-addictive, non-narcotic alternative prescription.
5. If you do not have a phone, GET ONE. A TracPhone, cell phone, etc. Save enough minutes each week to call me, your social workers and for us to get ahold of you if needed.
6. If you do not have an email account, establish one. If you don’t have a computer, find a friend who does or go to the library. Pick an email name that is not offensive if used for a job interview or at school. (Use something like “JohnDoe25601@hotmail.com” not “Hottie1@hotmail.com”)
7. Keep ALL LETTERS and Court Orders in ONE FILE. Don’t scatter my letters or your court orders throughout the house. You will get copies of my letters and Court Orders by email. Save those emails. I will save the ones you send to me.
8. Keep accurate records of your income and expenses each month. If you have children, you will be expected to contribute to them regardless of court order. Keep track of all payments and gifts.

Robert Noone, Guardian ad Litem
Robert Noone Legal Services

IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA

Petitioner,

vs.

Case No. __-JD-_____

XXX,

Respondent,

ORDER GRANTING VIDEO CONFERENCING
and RELEASE OF RECORDS

On this day came Robert T. Noone, Court appointed Guardian *ad litem*, for the above named Juvenile, and requests this Court to permit the Guardian *ad litem* access to confer with his client via means of video conference, if such is available at the residential facility, group home or treatment center housing the respondent, including but not limited to the National Deaf Academy (NDA), as well as access to treatment records.

Wherefore, it is ORDERED and Adjudged that NDA (or other facility housing the respondent) SHALL invite counsel, the Guardian *ad litem*, prosecutor and probation officer to participate by phone or video conference in periodic treatment team meetings or monthly progress meetings. Likewise the parties shall be provided copies of treatment plans, incident reports, progress notes, etc. All Counsel, GAL and Probation Officer shall also be permitted to speak directly

with any therapist, case manager or clinician assigned to the respondent. An update, including therapy progress reports, shall be provided to the parties at least monthly following admission date as follows (Please advise Medical Records that reports may be faxed or scanned to email without necessity of paper copies):

Probation Officer: Morgan Wolfe:	Fax 1-304-792-8537
	Email: sarah.wolfe@courtsww.gov
Juvenile's GAL Robert Noone:	Fax 1-888-706-2398
	Email: Bob@BobNoone.com
Juvenile's Counsel, Steven Thorne	Fax 1-304-369-6800
	Email: smthorne@suddenlink.net
SW: XXX WV DHHR:	Fax 1-304-792-7003
Prosecutor, Sabrina Deskins	Fax 1-304-792-8677
	Email: sdeskins@lccwv.us

This Court finds that the need for disclosure and ability to meaningfully confer with counsel and local MDT treatment team outweighs any privacy interest of the juvenile.

It is further ORDERED that the Guardian *ad litem*, Robert T. Noone, shall be permitted to confer with his client via video conference using such means readily available video programs such as Skype, Polycom Conferencing, AnyMeeting Conferencing, etc.

Counsel is further permitted to use said video conferencing to provide the juvenile for MDT meetings, joint conferences with social workers, therapists, prosecutors, probation officers, legal guardians, parents or others that may be brought into video meeting during the course of treatment MDTs or hearings held on the juvenile's behalf.

For purposes of MDTs and judicial reviews, the Court finds Rule 43 (d) of the WV Rules of Juvenile Procedure (adopted July 2010) applicable:

(d) Video Appearances. If video conferencing is available, the court may direct, with or without a motion, that the juvenile or other hearing participants may appear for a judicial review by video conference.

It is further ORDERED that a copy of this order shall have the full effect as the original.

The parties of this case, as well as the facility affected, shall have a period of ten (10) days to file written objections to this Court's Order. If no written objections are filed within ten (10) days, the Court's Order shall remain in full force and effect.

Entered this _____ day of _____, 20__.

Judge ERIC O'BRIANT

Prepared and Presented By:

Approved for Entry

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Sabrina Amick, Esq.
Assistant Prosecuting Attorney

IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Petitioner,

vs.

CASE NO.: _____

XXX,

Respondent.

**ORDER REQUIRING
DEVELOPMENT OF LIFE SKILLS CURRICULUM
AND TRANSITIONAL PLAN**

The parties to the above styled action are hereby advised of Rule 51 of the *West Virginia Rules of Juvenile Procedure* to this matter requiring development of a Life Skills Curriculum and Transitional Plan for every juvenile between ages 14 and 18 years, either in the custody of the DHHR or DJS. The above named respondent/juvenile is deemed appropriate for development of such a plan.

It is hereby ORDERED that the WVDHHR/DJS is charged with, as part of the MDT process, development of the Individualized Service Plan for the above juvenile, which shall include a Life Skills Curriculum.

LIFE SKILLS CURRICULUM

1. Life Skills to be taught to the juvenile shall include at a minimum: personal hygiene, food and financial management; housekeeping, nutrition planning, job seeking skills, education/vocational instruction and community resources. The juvenile shall participate in the formation of his/her own

Life Skills Curriculum.

TRANSITIONAL PLAN

2. The DHHR, with the MDT, shall assist the juvenile with developing a Transition Plan that is individualized **at the direction of the juvenile**, which includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services. At all status hearings occurring before this Court, the MDT findings shall include a specific section addressing the Transitional Plan.

SERVICES

3. This Court FINDS that this juvenile meets the criteria for Transitional Plan services and shall receive, in addition to those services specified in subparagraph (a) of this Rule, the services ordered by the Court related to the Transitional Plan. Delivery of these services shall be monitored by the case worker/case manager assigned to supervise the case and shall be reported to this Court at Judicial Review, so long as the juvenile remains under court jurisdiction.

REPORTS

4. The case worker/case manager assigned to supervise the juvenile shall report to the Court during Judicial Reviews regarding the efforts to obtain appropriate Transitional Plan Services, including but not limited to,

voluntary placement agreement with the juvenile, educational training vouchers, other services funded through the Chafee Foster Care Independent Living Program, and training to procure a drivers license, if applicable. The WV DHHR shall also assist the respondent in obtaining the necessary information to pursue a drivers license, as well as providing her with necessary documentation (social security card, birth certificate, etc.) so that she may obtain a proper identification card from the State of WV prior to her release from the facility.

The parties have a period of 10 days, from the date of entry of this Court's order, to file any objections in writing. If no written objections are received within said ten (10) days, then this Court's order shall remain in full force and effect.

The clerk of this Court is hereby directed to forward a certified copy of this Court's order to all parties of record, including to the WV DHHR.

Entered this ____ day of _____, 20__.

JUDGE

Prepared and presented by:

Approved for Entry by:

Robert T. Noone, Esq., WBSB # 2476
Robert Noone Legal Services
Guardian ad litem
P O Box 1050
Logan, WV 25601

Form #6

ENGAGING OLDER ADOLESCENTS (AGES 16+) IN THE COURTROOM

JUDICIAL BENCH CARD¹

Document court actions

Document in the court order:

- If the youth is present, have him identify himself on the record.
- OR if the youth is not present, address the reasons why the youth is not in attendance.
 - What efforts were made and the accommodations offered to encourage the youth's attendance.
 - Explore and encourage resolution of common reasons for nonattendance, including interference with the school schedule and transportation issues.
 - In the absence of exceptional circumstances, postpone the hearing until the youth can be present.
 - Request a current picture that will be introduced into the record.²

Communicate with the youth during the court hearing

- Use age-appropriate language.³
- Talk with the youth about his interests, likes, and dislikes.
- If helpful, offer to have a conversation in chambers, making sure it complies with all procedural rules.
- Provide an age-appropriate list of legal terms to the youth before court to which he may refer during the hearing.⁴
- Avoid legal jargon and acronyms.
- Ask directed questions.⁵
- Encourage the youth to ask questions, particularly if he doesn't understand a question or statement.
- Recognize cultural differences in language.
- Publicly praise the youth's accomplishments.

Observe the youth's behavior and appearance

- Observe the youth's interaction with caregivers, parents, and guardians.
 - Does the youth look to them for help, support, advice, etc.?
- Observe the youth's physical appearance and health.
 - Is the youth appropriately dressed?
 - Does the youth look well-nourished?
 - Does the youth have appropriate personal hygiene?

Preparations for court attendance

- Ensure that your courtroom is teen friendly.⁶
- Ensure all children are accompanied by a support person at the hearing such as the foster parents, CASA, mentor, coach, or other adult role model.
- Have the agency invite the youth to submit report cards, letters, drawings, stories, poems, or other age-appropriate materials periodically. Refer to anything previously submitted.
- Read anything that the youth gives to the court while the youth is present.
- When appropriate, ask for the youth's input and opinions.
- Talk with the youth about permanency options.⁷
- Review the outcome of the hearing with the youth and answer any questions (or ensure that someone else will do so).
- Ensure the youth understands what was ordered and why.
- When appropriate, share court documents with the youth.⁸
- Ask the youth what he wants to accomplish before the next hearing.
- Consult with the youth and his caregiver when scheduling the next hearing so it does not interfere with the youth's normal daily routine, including school.
- Keep a school district calendar on the bench to ensure there are no conflicts with state standardized tests.

¹ This bench card was created to assist judges when a child is present in the courtroom. It does not include what information the judge should require from additional parties, such as a report from the child's therapist about the child's mental health status.

² The social worker or caregiver can provide the court with a picture.

³ Older adolescents can understand more complex concepts.

⁴ See Andrea Khoury, *With Me, Not Without Me: How to Involve Children in Court*, Child Law Practice, Vol. 26, No. 9 (November 2007).

⁵ Where do you want to live? What do you like about your home? Do you know why you live away from home? Do you see your mom and dad? What things do you like to do with them? Do you wish you could see them more?

⁶ It may be necessary to address issues related to the youth's safety at the courthouse and the appropriateness of courtroom waiting areas. Judges may find it beneficial to have age-appropriate games and books available.

⁷ Questions that address permanency may include: Who do you spend most of your time with? Over the holidays, who do you spend time with? Is there a relative that you are close to? Is there a close family friend that you like to spend time with? Do you know what adoption is? Do you want to be adopted?

⁸ Sharing court documents increases awareness and gives the youth a sense of control.

- Thank the youth for coming to court.
- Encourage the youth to attend the next hearing.
- Ask the youth whether he has any last questions, thoughts, or concerns.

Possible questions to ask the youth

- Who is your favorite teacher? Why?
- Do you participate in sports or other extracurricular activities?
- Is there anyone helping you with vocational or college applications?⁹
- When will you graduate?
- What are your post-graduation plans?
- Do you have an interest in the military?
- Do you have a mentor?
- Do you have someone you can call at anytime?
- Who do you rely on if you need help?
- Do you drive?
- What do you like to do on the weekends?
- Do you have a job?

⁹ For a more detailed list of questions to ask regarding school and related issues, see National Council of Juvenile and Family Court Judges, *Asking the Right Questions: A Judicial Checklist to Ensure That the Educational Needs of Children and Youth in Foster Care Are Being Addressed* (2005). Other resources to address education issues can be found at the Legal Center for Foster Care & Education website, www.abanet.org/child/education, and in the Legal Center's recent publication, *Blueprint for Change: Education Success for Children in Foster Care*, available at www.abanet.org/child/education/blueprint.

Form #7

Checklist - Abuse Neglect Interview Sample (Shape to your own style)

Intro: Explain your role... who you are... why Judge wants you to have a lawyer....

1. Why you're here? Tell me.

2. Background information:

Age: DOB:

School: _____ Grade: _____ Classes/Favorite? _____

What are grades like? In any special classes? Extra curricular?

Did school change when petition was brought/placed in custody?

3. Outside of school—what do you like to do?

4. Siblings? Ages/Names?

Who was living in home with her? (Other family/persons)

5. How long in the home?

6. Police ever come to your home?

7. Can you explain what happened with (parent/grandparent)?

How did it make you feel?

If you could live ANYWHERE, where would that be? Understand what may happen?

8. Best Friends, Favorite Teachers, Favorite relatives... Are they cut off from you now?

9. Fostering Connections Act Questions... Other placements the DHHR didn't consider?