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BEST PRACTICES for your Guardian *ad litem* - It's a Big Deal



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Robert Noone Legal Services
October 2015
Morgantown, WV


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_PLEASE NOTE THAT PRESENTATION WILL VARY FROM THE SLIDES BASED ON HOW THE SPIRIT MOVES, NEW LAW PRESENTED AND LENGTH OF DISCUSSION. ____

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It's Kind of a BIG DEAL if you Appoint a lawyer who take the GAL duty seriously:

- Days are GONE when we jokingly called ourselves "Kiddie Lawyers" doing Kiddie Law.
- No other law touches and impacts lives more than Chapter 49 of WV Abuse Neglect law
- The Sanctions to the Parents and Effect on Kids make it the civil equivalent of the **DEATH PENALTY**
- Until Jeffery R.L. & the April 2014 GAL RULES our "local standard " for representing kids would have been considered MALPRACTICE in other areas of law. (like meeting client 2 minutes before hearing in the hall, not returning calls, failing to keep client informed... vs. being considered good in other areas of law!)



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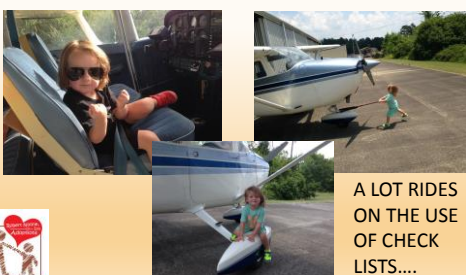
WHAT FLYING TAUGHT ME ABOUT
ADVOCATING AS A GUARDIAN AD LITEM . . .




GOOD APPROACHES
MAKE GOOD LANDINGS



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A LOT RIDES
ON THE USE
OF CHECK
LISTS....



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What Pilots Know...
USE of CHECKLISTS

Checklists for Prepping Case
Checklists for Hearing
(Hearing, **MDT**, Testimony,
Notice Requirements)
Checklists for the Bench
(Bench Book and Bench Cards)



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EXAMPLE OF CHECKLIST - MDT

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 apprt?) | | | |
| 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. | | | |

ENCOURAGE HONESTY @ MDT

____ MANY OF THE FORMS WILL BE IN THE COURSE MATERIAL FOR DOWNLOAD.

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GAL CHECKLIST – Appendix A Guidelines

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

IN YOUR MATERIALS... On Line

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EXPECT From the Lawyer or GAL


KEY DUTIES:

- Notify child and caretaker of GAL appointment or charges
- Initiate contact with foster home and social worker
- Obtain copies of school, medical, social service or other records (why not share?)
- Face to Face Meeting... and private consultation
- Update client on REASON for a GAL and court proceedings...
- INTERVIEW Caregivers, case workers, school folk, therapists.
- **ASCERTAIN the wishes of the Child!**

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EXPECT From the Lawyer or GAL

- Interviewing of SIBLINGS, RELATIVES... Medical Providers
- Independent Investigations, including in-home visits
- MONITOR whether receiving tutoring, lessons, counseling (You can help here also with insights from the Shelter)
- Keep Child advised of Developments (don't forget about tech – Skype, Facetime, texting).
- Let child know of Parent's progress on IP, if appropriate.
- Consider parent visits, sibling visits, restrictions, etc. (get updates from you as to what works)
- REPRESENT CHILD UNTIL.... PERMANENCY ACHIEVED!




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MUSIC LESSONS?
BAND CAMP?
PROM?
GRADUATION?



NEW RULES CONTEMPLATE EDUCATIONAL STABILITY @ Preliminary Hearing



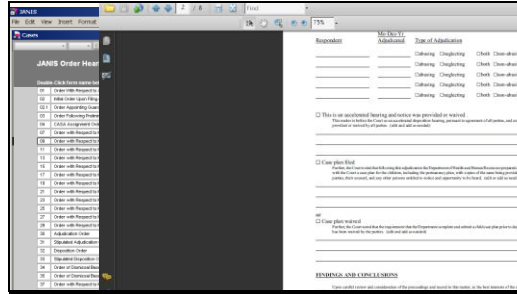
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USING JANIS AS A CHECKLIST? - Suggest to your GAL

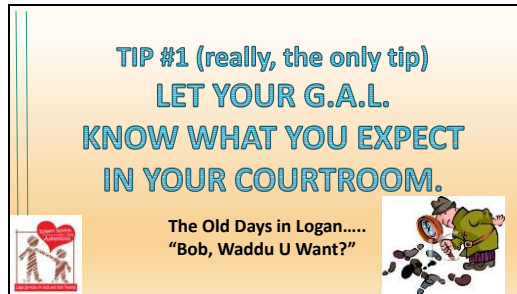


JANIS has form orders and checklists for each phase of an abuse/neglect case.... And its FREE !

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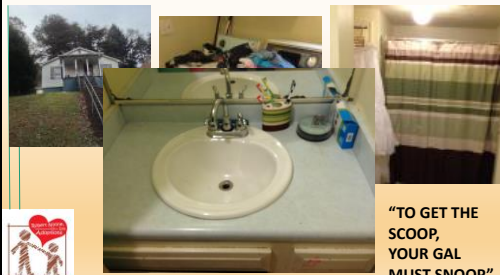
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"WHILE SITTING THERE I LOOKED DOWN AND MAGGOTS WERE COMING OUT FROM THE SIDE OF THE COUCH (IN KITCHEN) WHERE A TRASH BAG FULL OF TRASH WAS. I HAD XXXX GET THE VACUUM AND THEN EMPTY THE BAG AND REMOVE TRASH. HE SWORE IT HAD ONLY BEEN SITTING OVERNIGHT. THE MAGGOTS KEPT COMING AND SO 3 TIMES HE VACUUMED THEN NO MORE APPEARED. I HAD HIM EMPTY BAG AGAIN. XXX STATED SHE WAS MORTIFIED THAT THAT HAD HAPPENED BUT THERE WERE FLIES EVERYWHERE AND DOOR WAS OPEN. THE KITCHEN WAS ONLY PART OF HOME I SAW MAGGOTS IN. [OCTOBER SUMMARY ATTACHED]"


Summary from visit of home service provider incorporated into the GAL report



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"TO GET THE SCOOP, YOUR GAL MUST SNOOP"



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| | | |
|---|-----|----|
| General Atmosphere/Safety | | |
| Home/Apt is safe and well maintained | yes | no |
| Setting has light (versus windows covered) | yes | no |
| Toys are safe and appropriate for the ages of the children | yes | no |
| Window guards on 2nd floor windows, | yes | no |
| There is good light and ventilation | yes | no |
| There are smoke & carbon monoxide detectors, fire extinguishers & a first aid kit in the home | yes | no |
| Medicines/household products & firearms are locked away | yes | no |
| Heating and cooling appropriate | yes | no |
| Utilities working (water, elec, gas, etc.) Cut off notices? | yes | no |
| Parents Smoke? Any health issues with children's breathing? | yes | no |





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WHY isn't Therapy working? Meet the therapist/ question the treatment.
 Example: In State Residential facilities... McDowell Center(TN), Keystone Marion (VA), Deeroux (FL, GA, PA), Ft Walton - Gulf Coast Treatment Center. **As Judge, you can ORDER the response from them to your inquiries.**

In a state private residential facility written treatment update to Court after 5 months. Part of report:

CLINICAL BEHAVIORAL SUMMARY:
 Submitted by: Kay Smith, BS, LSW
 Shawn was placed at our RESIDENTIAL FACILITY on 3-13-15. He has exhibited behaviors such as being disrespectful, cursing, not participating in the program when it comes to his recreation and work program. He lacks the motivation to do anything that requires an effort on his part. Motivation is a big issue. Latest drug screen was negative.

THERAPY:
 Submitted by - Jane Doe, MA
 "Jane has had no issues with Shawn. She feels he is a very polite young man."
 [that was all!!!]

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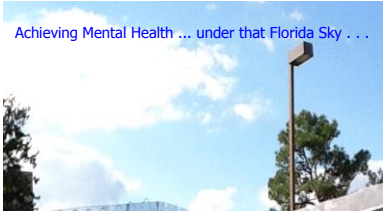
Sending WV Girls to Florida for Treatment

Ft. Walton Beach . . .



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Achieving Mental Health ... under that Florida Sky . . .



WHY even send a GAL?

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**The GAL in the case of the Addicted Parents:
When Screens Suddenly Become CLEAN?**

- Without Intervention or Rehab
- Without Support (AA/NA)
- Without Therapy from an addictions counselor
- And Parent has ATTITUDE . . . Against You.
 - But I've Passed ALL my screens at the Suboxone Clinic !
 - You are prescribed XYZ, but your screen is clean ... ???

ASK HOW?

- Check Board of Pharmacy vs. the screen.
- When to get an expanded panel hair test.
- When to bring the "Blue Glove" to Court.




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GOT DRUGS??? More TIPS for your GAL...

- The secrets to your client's treatment @ home may be in the parent's urine. **How the Money and Time is spent?**
- Children can describe events well – discussion starter: "Has a police car ever been to your house?"
- Meth Making, crushed pills, strange smells, late night dealers or **friends stopping by wavyy after kid's bed time.**
- Making addiction recovery part of the MDT/case plan early.
- "Can't Fix what you don't think is broke!" (a twist on **Paris S.**)
- **Name a concurrent plan to deal with parental drug denial.**
- Measurable expectations (screens, AA/NA, therapy, etc.) with clear goals that are either met or not. Classes?



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And Submitted into the record SUCCESS... FINALLY....



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Logan Court Circuit Court
October 22, 2015

Judge U. NeverMind
Chief Judge

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AS GAL – MAKE IT EASY FOR JUDGE TO UNDERSTAND WHAT YOU’VE LEARNED
- Why I use a “Grade Card”

| Court Ordered Task | MOM (Pass or Fail) | DAD (Pass or Fail) |
|--|--------------------|--------------------|
| Attend AA/NA 2x week | | |
| Twice Weekly Screening Attend | | |
| Provide Drug Prescription List within One Week to DHHR | | |
| Secure Employment or provide documentation of attempts | | |
| Keep Therapy Appointments | | |
| Keep all visitations | | |
| Maintain contact with DHHR each Monday before 11 a.m. | | |



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RECOMMENDATIONS FROM INCEPTION OF THIS IP:

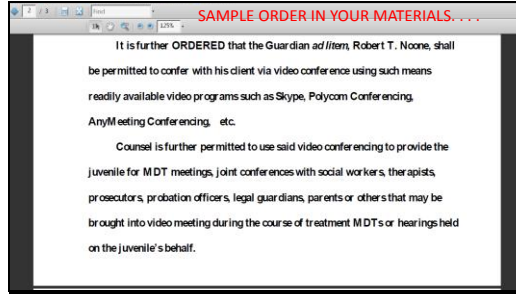
| | PASS | FAIL |
|---|------|------|
| MOTHER REHAB ENTRANCE | | |
| FATHER REHAB ENTRANCE | | |
| MOTHER - PRODUCTION OF VALID PRESCRIPTIONS TO DHHR | | |
| FATHER - PRODUCTION OF VALID PRESCRIPTIONS TO DHHR | | |
| MOTHER - ANY AA/NA ATTENDANCE DOCUMENTATION | | |
| FATHER - ANY AA/NA ATTENDANCE DOCUMENTATION | | |
| MOTHER - ANY WEEKLY PSYCHOTHERAPY | | |
| FATHER - ANY WEEKLY PSYCHOTHERAPY | | |
| NEW RESIDENCE OBTAINED | | |
| MOTHER'S EMPLOYMENT OR DOCUMENTATION OF ATTEMPTS | | |
| FATHER'S EMPLOYMENT OR DOCUMENTATION OF ATTEMPTS | | |
| REDUCTION IN DRUG USAGE? ANY CLEAN SCREENS? | | |
| INFORMATION ON THE STATUS OF THE MINGO CO. FELONIES | | |

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YOUR GAL USING TECH CONSISTENT WITH THE RULES?
ENFORCING THAT USE OF TECH AT FACILITIES.
CONSIDER incorporating in placement order lingo to permit Skype, Waiving Privacy interests so that client may speak with Attorney, SW, PO and attend MDTs. Emails ok if monitored. . .




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GAL THOUGHTS ON "ABUSE/NEGLECT CROSS OVER"

- **Call it out when you see it.** A Juvenile matter that is really an abuse and neglect case should not be treated like a "mini-delinquent." **Consider use of GAL in JD/JS** when merited by circumstances.
- Likewise when an abuse and neglect client "FINALLY" arrives in juvenile court, follow the money (or lack thereof) to where treatment was ignored, denied, a client pushed through cracks. . .
- Get dismissal and ramp-up care in the abuse case.



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THOUGHTS ON CULTIVATING THE BEST GAL FOR YOUR COURT....

-APPRECIATION

- Let them know you read what they write (then it's ok to shut her/him up).
- Quote their recommendations in the Final Ruling if appropriate.
- Appreciation for the GAL's Client. (they are "the reason for the season" in A/N)

-TELL THEM WHAT YOU WANT...

- CONCRETE RECOMMENDATIONS? (Meet with Sally's Therapist – report)
- A QUARTERLY VISIT?
- WHY IS THAT KID STILL THERE, IS THE HOUSE THAT FUNKY?
- GO TO SCHOOL BOARD MEETING, WHY NO TRANSPORTATION?
- SUBPOENA MCKINNEY VENTO COORDINATOR?



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ENCOURAGE SKILL BUILDING?
-Sex Offender & Victim Sub-Specialty
-LGBT Sensitivity
-R.A.D. Awareness

AND

KEEP A SENSE OF HUMOR!!!



Judge Jay Hoke & Bob
October 23rd, 2014
Lincoln County Circuit Court
Hamlin, WV
(facebook picture by permission)

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As Courts, we must daily deal with the effect of BAD PARENTING . . .


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There is no “Guardian ad litem Expert” – Just a bunch of collective wisdom on how to handle various situations ... AND

AS JUDGES WE NEED TO BE SHARING THAT WISDOM OFTEN WITH OUR G.A.L.s



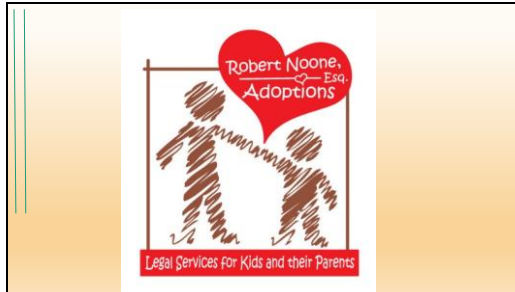
THANKS. BOB.



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For additional info, please contact Bob Noone at
304-784-8818 or Bob@BobNoone.com
Handout materials available.