

CASA Companion

The CASA Role



CASA of the Sabine Neches Region

**A voice for children in
Orange, Jasper, Hardin,
Newton, Sabine
and Tyler Counties**



**Every child deserves a champion:
an adult who will never give up on them,
who understands the power of connection
and insists they become the best they can
possibly be.”**

– Rita Pierson

CASA Companion - The CASA Role

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Introduction

As a CASA Companion, you will have access to sensitive and confidential information. Although you will not be involved in the case at the same level as the Advocate, emotional attachments can occur. Therefore, it is very important for a CASA Companion to have a basic knowledge and understanding about the roles and processes included when working with children and families involved in the child welfare system.

The CASA Role

A CASA volunteer is a court-appointed, trained and committed adult who ensures that each child's individual needs remain a priority in an overburdened child welfare system. They get to know the child while also gathering information from the child's family, teachers, doctors, therapists, caregivers, and anyone else involved in the child's life in order to make independent and informed recommendations to help the judge decide what's best for the child.

WHO SUPPORTS THE ADVOCATE?

CASA volunteers are paired with a staff professional who supports and guides them every step of the way. This includes preparing for and attending case-related hearings and meetings, and guiding the volunteer to pertinent resources specific to each case. The different CASA programs call this professional by a variety of titles, such as advocate supervisor, advocate coordinator, case supervisor and coach supervisor. When the staff professional who is there to guide them is not available for a meeting or hearing, another CASA staff member might attend to support the volunteer.

VOLUNTEERS' PRIMARY DUTIES

CASA volunteers are expected to perform the tasks listed below. These tasks constitute what is minimally required to effectively fulfill the role as an advocate for a child in the child welfare system:

- Review/research case information.
- Participate in case staffings, family team meetings, court hearings, school related meetings, etc.

- Establish rapport and relationships with the child and all other parties in the case.
- Meet with the child regularly (at least once per month, or per your program's requirements) and monitor their placement.
- Assess the child's physical, mental, behavioral and educational needs.
- Observe parent-child interactions.
- Monitor adherence to court orders to ensure compliance.
- Identify needs and advocate for services (make referrals as needed).
- Stay abreast of the most up-to-date case information.
- Check for accountability in service planning and delivery to ensure for quality.
- Document all activities, accurately taking note of any concerns, progress or lack thereof.
- Identify resources within the child's family and help build/maintain connections.
- Facilitate communication among parties while maintaining confidentiality.
- Submit required reports and case updates on or before the specified due date.
- Monitor compliance with court timelines to expedite permanency.
- Maintain consistent contact with the supervisor (at least monthly).
- Complete a minimum of 12 hours of in-service training each year.
- Comply with CASA/GAL policies, procedures and ethical guidelines that promote and protect the CASA/GAL program.
- Remain appointed until the case is closed.
- Maintain monthly contact with caregiver.
- Maintain monthly contact with service providers.
- Maintain documentation required by local CASA/GAL staff.

Texas Family Code: Foster Children's Bill of Rights

Title 5. The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship

Subtitle E. Protection of the Child

Chapter 263. Review of Placement of Children Under Care of Department of Family and Protective Services

Subchapter A. General Provisions

Sec. 263.008. Foster Children's Bill of Rights

(a) In this section:

- (1) "Agency foster home" and "facility" have the meanings assigned by Section 42.002, Human Resources Code.
- (2) Repealed by Acts 2015, 84th Leg., R.S., Ch. 944, Sec. 86, eff. September 1, 2015.
- (3) "Foster children's bill of rights" means the rights described by Subsection (b).

(b) It is the policy of this state that each child in foster care be informed of the child's rights provided by state or federal law or policy that relate to:

- (1) abuse, neglect, exploitation, discrimination, and harassment;
- (2) food, clothing, shelter, and education;
- (3) medical, dental, vision, and mental health services, including the right of the child to consent to treatment;
- (4) emergency behavioral intervention, including what methods are permitted, the conditions under which it may be used, and the precautions that must be taken when administering it;
- (5) placement with the child's siblings and contact with members of the child's family;
- (6) privacy and searches, including the use of storage space, mail, and the telephone;

Texas Family Code: Foster Children's Bill of Rights

- (7) participation in school-related extracurricular or community activities;
 - (8) interaction with persons outside the foster care system, including teachers, church members, mentors, and friends;
 - (9) contact and communication with caseworkers, attorneys ad litem, guardians ad litem, and court-appointed special advocates;
 - (10) religious services and activities;
 - (11) confidentiality of the child's records;
 - (12) job skills, personal finances, and preparation for adulthood;
 - (13) participation in a court hearing that involves the child;
 - (14) participation in the development of service and treatment plans;
 - (15) if the child has a disability, the advocacy and protection of the rights of a person with that disability; and
 - (16) any other matter affecting the child's ability to receive care and treatment in the least restrictive environment that is most like a family setting, consistent with the best interests and needs of the child.
- (c) The department shall provide a written copy of the foster children's bill of rights to each child placed in foster care in the child's primary language, if possible, and shall inform the child of the rights described by the foster children's bill of rights:
- (1) orally in the child's primary language, if possible, and in simple, nontechnical terms; or
 - (2) for a child who has a disability, including an impairment of vision or hearing, through any means that can reasonably be expected to result in successful communication with the child.
- (d) A child placed in foster care may, at the child's option, sign a document acknowledging the child's understanding of the foster children's bill of rights after the department provides a written copy of the foster children's bill of rights to the child and informs the child of the rights described by the foster children's bill of

Texas Family Code: Foster Children's Bill of Rights

rights in accordance with Subsection (c). If a child signs a document acknowledging the child's understanding of the foster children's bill of rights, the document must be placed in the child's case file.

- (e) An agency foster home or other residential child-care facility in which a child is placed in foster care shall provide a copy of the foster children's bill of rights to a child on the child's request. The foster children's bill of rights must be printed in English and in a second language.
- (f) The department shall promote the participation of foster children and former foster children in educating other foster children about the foster children's bill of rights.
- (g) The department shall develop and implement a policy for receiving and handling reports that the rights of a child in foster care are not being observed. The department shall inform a child in foster care and, if appropriate, the child's parent, managing conservator, or guardian of the method for filing a report with the department under this subsection.
- (h) This section does not create a cause of action.

Texas Family Code: Powers and Duties of Guardian Ad Litem for Child

Title 5. The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship

Subtitle A. General Provisions

Chapter 107. Special Appointments, Child Custody Evaluations, and Adoption Evaluations

Subchapter A. Court-Ordered Representation in Suits Affecting the Parent-Child Relationship

Sec. 107.002. Powers and Duties of Guardian Ad Litem for Child.

- (a) A guardian ad litem appointed for a child under this chapter is not a party to the suit but may:
- (1) conduct an investigation to the extent that the guardian ad litem considers necessary to determine the best interests of the child; and
 - (2) obtain and review copies of the child's relevant medical, psychological, and school records as provided by Section 107.006.
- (b) A guardian ad litem appointed for the child under this chapter shall:
- (1) within a reasonable time after the appointment, interview:
 - (A) the child in a developmentally appropriate manner, if the child is four years of age or older;
 - (B) each person who has significant knowledge of the child's history and condition, including educators, child welfare service providers, and any foster parent of the child; and
 - (C) the parties to the suit;
 - (2) seek to elicit in a developmentally appropriate manner the child's expressed objectives;
 - (3) consider the child's expressed objectives without being bound by those objectives;

Texas Family Code: Powers and Duties of Guardian Ad Litem for Child

(4) encourage settlement and the use of alternative forms of dispute resolution; and

(5) perform any specific task directed by the court.

(b-1) In addition to the duties required by Subsection (b), a guardian ad litem appointed for a child in a proceeding under Chapter 262 or 263 shall:

(1) review the medical care provided to the child;

(2) in a developmentally appropriate manner, seek to elicit the child's opinion on the medical care provided; and

(3) for a child at least 16 years of age, ascertain whether the child has received the following documents:

(A) a certified copy of the child's birth certificate;

(B) a social security card or a replacement social security card;

(C) a driver's license or personal identification certificate under Chapter 521, Transportation Code; and

(D) any other personal document the Department of Family and Protective Services determines appropriate.

(c) A guardian ad litem appointed for the child under this chapter is entitled to:

(1) receive a copy of each pleading or other paper filed with the court in the case in which the guardian ad litem is appointed;

(2) receive notice of each hearing in the case;

(3) participate in case staffings by the Department of Family and Protective Services concerning the child;

(4) attend all legal proceedings in the case but may not call or question a witness or otherwise provide legal services unless the guardian ad litem is a licensed attorney who has been appointed in the dual role;

(5) review and sign, or decline to sign, an agreed order affecting the child;

Texas Family Code: Powers and Duties of Guardian Ad Litem for Child

- (6) explain the basis for the guardian ad litem's opposition to the agreed order if the guardian ad litem does not agree to the terms of a proposed order;
 - (7) have access to the child in the child's placement;
 - (8) be consulted and provide comments on decisions regarding placement, including kinship, foster care, and adoptive placements;
 - (9) evaluate whether the child welfare services providers are protecting the child's best interests regarding appropriate care, treatment, services, and all other foster children's rights listed in Section 263.008;
 - (10) receive notification regarding and an invitation to attend meetings related to the child's service plan and a copy of the plan; and
 - (11) attend court-ordered mediation regarding the child's case.
- (d) The court may compel the guardian ad litem to attend a trial or hearing and to testify as necessary for the proper disposition of the suit.
- (e) Unless the guardian ad litem is an attorney who has been appointed in the dual role and subject to the Texas Rules of Evidence, the court shall ensure in a hearing or in a trial on the merits that a guardian ad litem has an opportunity to testify regarding, and is permitted to submit a report regarding, the guardian ad litem's recommendations relating to:
- (1) the best interests of the child; and
 - (2) the bases for the guardian ad litem's recommendations.
- (f) In a nonjury trial, a party may call the guardian ad litem as a witness for the purpose of cross-examination regarding the guardian's report without the guardian ad litem being listed as a witness by a party. If the guardian ad litem is not called as a witness, the court shall permit the guardian ad litem to testify in the narrative.
- (g) In a contested case, the guardian ad litem shall provide copies of the guardian ad litem's report, if any, to the attorneys for the parties as directed by the court, but not later than the earlier of:

Texas Family Code: Powers and Duties of Guardian Ad Litem for Child

- (1) the date required by the scheduling order; or
 - (2) the 10th day before the date of the commencement of the trial.
- (h) Disclosure to the jury of the contents of a guardian ad litem's report to the court is subject to the Texas Rules of Evidence.
- (i) A guardian ad litem appointed to represent a child in the managing conservatorship of the Department of Family and Protective Services shall, before each scheduled hearing under Chapter 263, determine whether the child's educational needs and goals have been identified and addressed.

The Four Key Components of the CASA/GAL Volunteer Role

INVESTIGATION

Gather information to carry out an objective examination of the situation including getting to know the child(ren) and their families. This includes developing an understanding of the needs of the child(ren), the relationships that the child(ren) have with family members and fictive kin, the history of the child(ren) and their family, the family environment and cultural norms, and the existing or potential support system.

This information is gathered through regular visits in the placement (and elsewhere), plus conversations, research, and observations with the child(ren), their parents, relatives, fictive kin, teachers, doctors, therapists, caregivers, service providers, daycare workers, CPS caseworkers, the attorney ad litem, and anyone else who has knowledge of the child(ren) or the family. This is not an investigation of the abuse or neglect that started the case. Investigators with CPS have already completed that.

FACILITATION

Identify resources and services for the child(ren) and their family, and facilitate a collaborative relationship between all parties involved in the case, helping to create a situation in which the child(ren)'s needs can be met. Ensure that any information that you obtain during your investigation reaches the parties that need that information. For example, if you are told that your child is failing math during a conversation with the child's teacher, do not assume that the CPS caseworker has that information. Make sure to give that information to anyone who needs it.

ADVOCACY

Speak up for the child(ren) by making fact-based recommendations regarding the child(ren)'s best interest in a written court report and verbally during hearings. Understand that, although court is a very important part of CASA's advocacy, it is not the only place advocacy occurs.

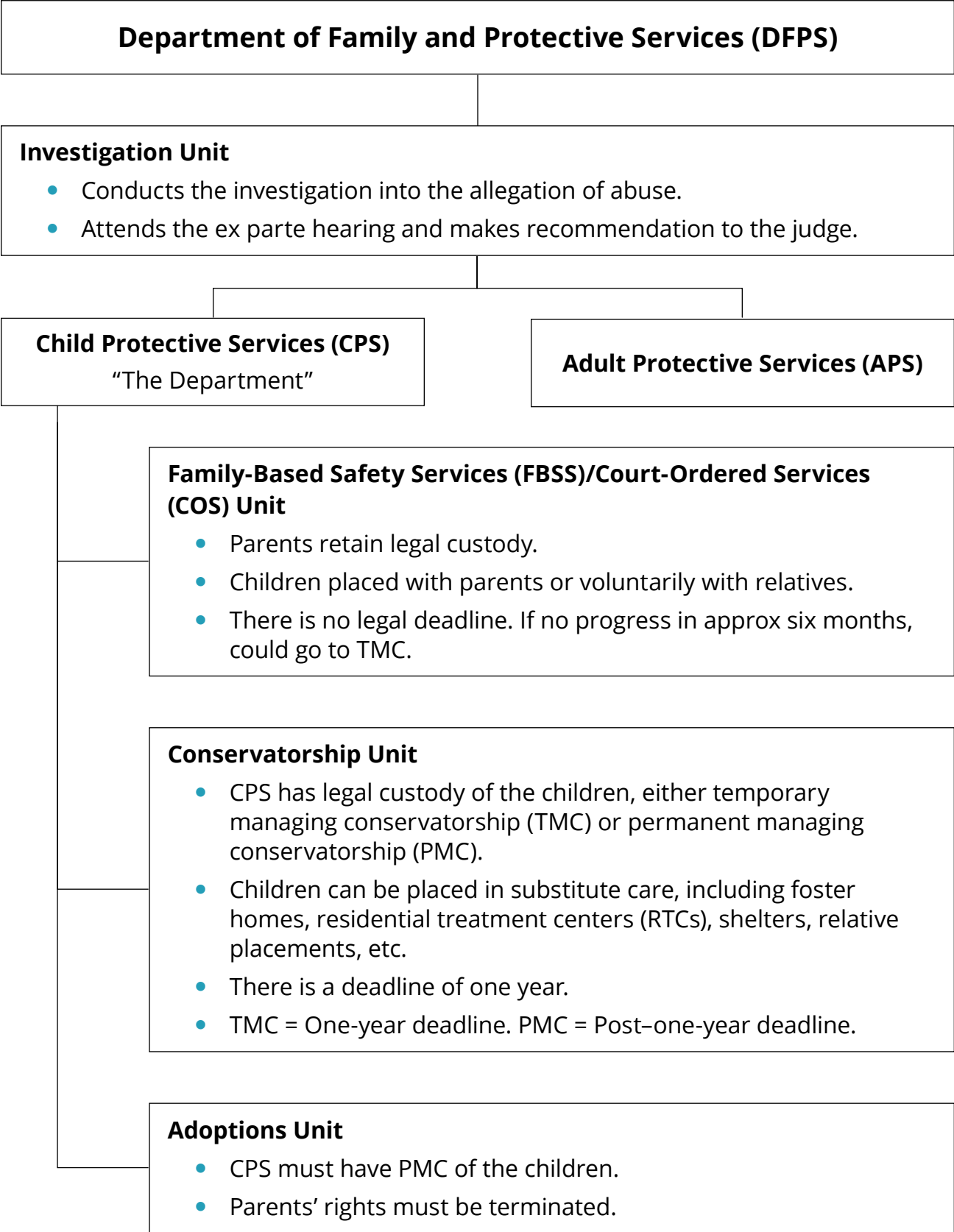
The Four Key Components of the CASA/GAL Volunteer Role

The majority of our advocacy actually occurs outside of the courtroom during meetings and conversations with the parties on the case. If you see a need that is not being met for your child(ren), you should discuss it with your supervisor and bring it up to the parties immediately. Do not wait for court to be the child(ren)'s advocate.

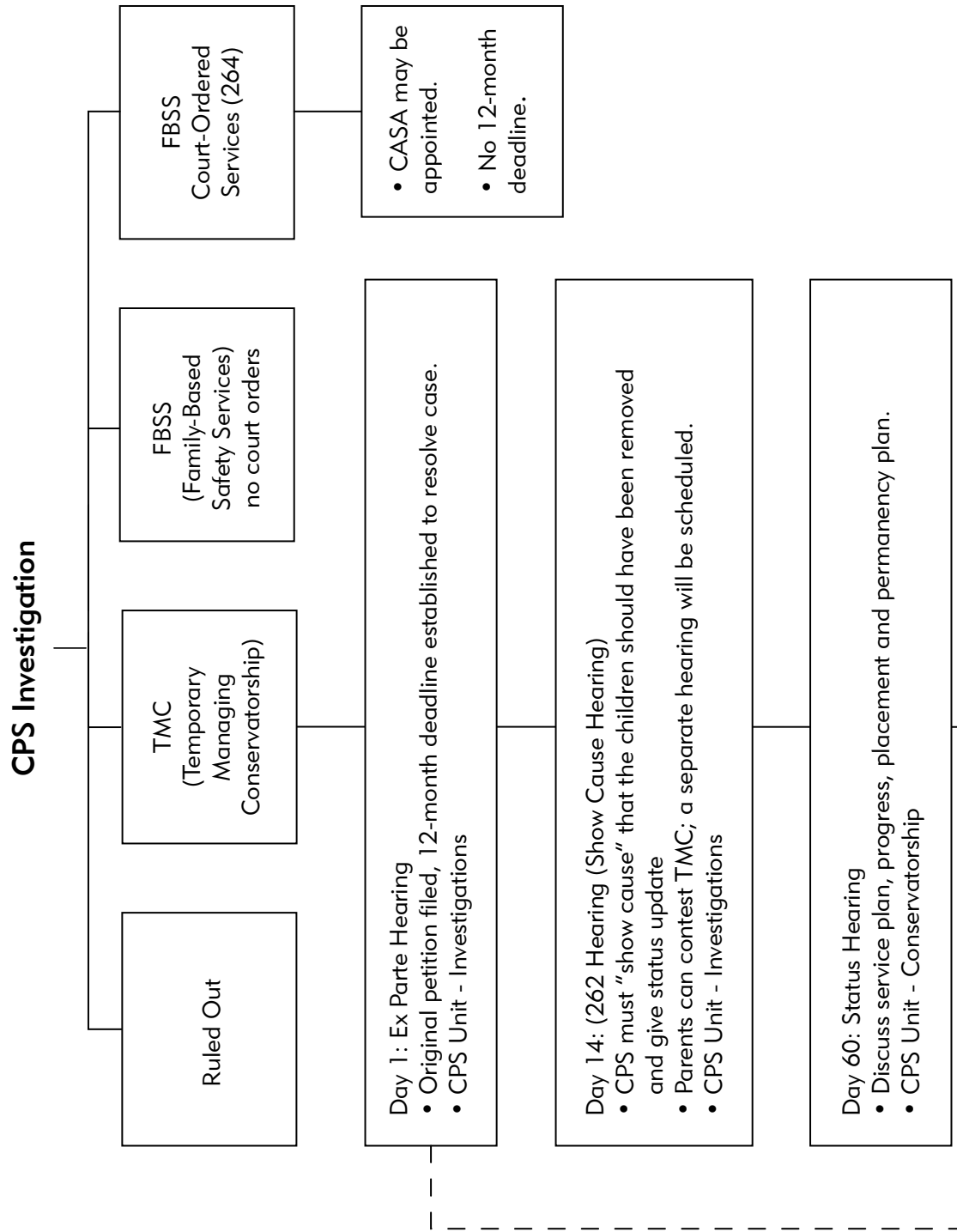
MONITORING

Visit the child(ren) in their placements regularly to ensure their safety and assess their needs. Keep track of whether the orders of the court and the plans of the CPS services agency are carried out, and report to the court or the CPS caseworkers when any of these parties do not follow those orders and plans.

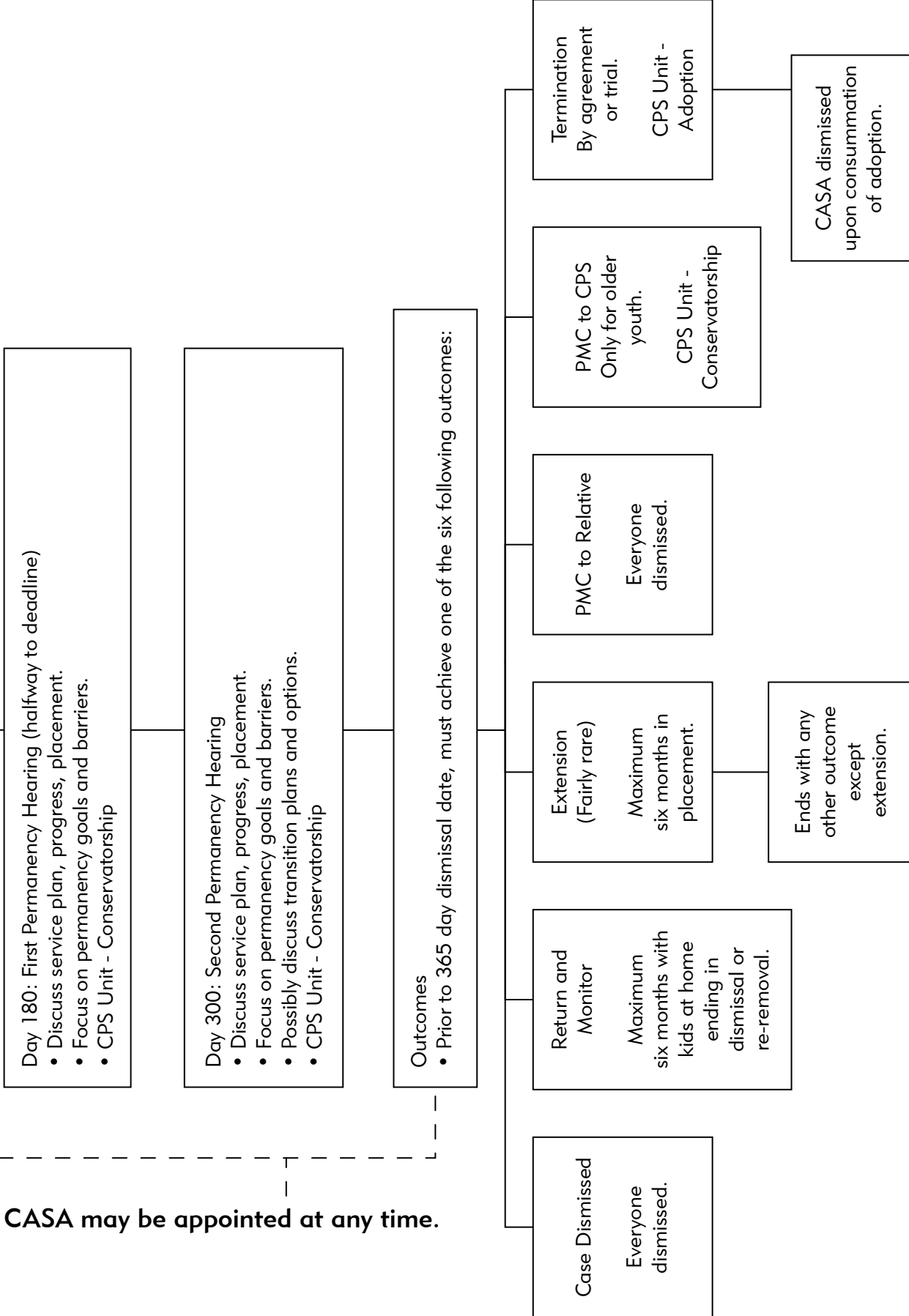
Department of Family and Protective Services Units



Child Protective Services Process Flowchart



CASA may be appointed at any time.



Child Protective Services Hearings

FBSS/COURT-ORDERED SERVICES HEARINGS

Chapter 264 or COS Review

Court-ordered services cases have review hearings around every three to four months. There is not a legal deadline for these cases. The focus is on both the children and the parents. CASA is expected to have a report and be present at the hearing to provide recommendations.

TEMPORARY MANAGING CONSERVATORSHIP HEARINGS

Ex Parte Hearing

Once a child is removed from a home, the case will need to be before a judge within 72 hours. Usually, only CPS is present at that point, so the hearing is called ex parte, meaning all parties are not present. This is when the attorney ad litem is generally appointed and often when CASA is appointed. CASA is not normally involved in a case at this point.

262 Hearing (Show Cause)

This hearing will happen about two weeks after the ex parte hearing. The name refers to the chapter of the Texas Family Code that requires a hearing in which the parents are present and can answer the allegations of abuse and neglect. CPS can start the service plan at this time to show the parents what they can complete for the case to move toward reunification. If CASA was appointed ex parte, CASA will be present at this hearing.

Status Hearing

This hearing takes place two months after the 262. This hearing will solidify the service plan and clarify what the parents need to be doing and address the services the children may need. CASA is expected to have a report and be present at the hearing to make recommendations.

First Permanency Hearing

This hearing takes place at six months from the beginning of the case. This is the approximate halfway point, and the judge wants to know where the case is going and how to get there. It is important to make sure all original concerns are addressed and there is a strong permanency plan and a strong concurrent plan. CASA is expected to have a report and be present at the hearing to make recommendations.

Second Permanency Hearing

Generally, four months after first permanency, there is another hearing to make sure everything is still on the right track. At this hearing, the judge wants to see the permanency plan being put into action. If the parents aren't working toward reunification, mediation and merits are generally requested. If the parents are doing well, discussion begins about the reunification plan and the possibility of return and monitoring. CASA is expected to have a report and be present at the hearing to make recommendations.

Third Permanency Hearing

Each case is different, and some do achieve legal permanency before this stage and therefore do not require a Third Permanency Hearing. At this point, the one-year time frame is nearly over and the court is moving toward permanency. In rare cases, a six-month extension can be requested. CASA is expected to have a report and be present at the hearing to make recommendations.

PERMANENT MANAGING CONSERVATORSHIP HEARINGS

Permanency Hearings After Final Orders

If the child stays in the Permanent Managing Conservatorship of CPS, there will be regular hearings approximately every four months. These hearings focus on the well-being of the child, school and medical needs, and the adoption process, if applicable. CASA is expected to have a report and be present at the hearing to make recommendations.

OTHER HEARINGS

Contested Placement Hearing

This hearing will be called if there is disagreement about a child's placement. CASA will be expected to have an opinion about the best interest, and a court report may be needed if applicable and appropriate.

Special Hearing or Motion for Further Orders

All parties, including CASA, have the ability to set a hearing. This can be done for any reason, and CASA is expected to attend any hearing that is set. CASA will be given notice of at least three business days. CASA will often receive a motion from the attorney setting the hearing explaining the nature of the hearing. A court report may be needed if applicable and appropriate.

The Roles in a Child Welfare Court Case

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 they can live in a safe, stable home without ongoing need for intervention from the child protection agency.
- The child needs the court to address the areas of safety and protection, placement if the child is out of the home, family contact, belonging to a family, financial support, a support system, education, and mental and physical health.
- The child needs the court intervention to be focused and timely.
- The child needs services provided that will meet their needs.

CASA VOLUNTEER/GUARDIAN AD LITEM

What does the CASA volunteer do in the case?

- Independently investigate the child's case (not the original allegations of abuse, but the child's ongoing situation).
- Determine the child's needs.
- Explore family and community resources to meet the child's needs.
- Make recommendations to the court.
- Advocate for the child.
- Monitor the case.
- Be the voice of what is in the child's best interest.
- Try to ensure the child's expressed wishes are represented as well, when they are in the child's best interest.

What does the CASA volunteer bring to the case?

- An interest in improving the life of the child through the court process.
- Time, energy and focus.
- Longevity and consistency.
- An "outside the system" point of view and an independent perspective.
- The community's standard for the care and protection of its children.

When is the CASA volunteer involved in the case?

- CASA as an agency can be appointed as early as the ex parte hearing. A volunteer then becomes involved as soon as one is available. This can be as early as a couple of weeks.

ATTORNEY FOR THE CHILD/ATTORNEY AD LITEM

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

- Represent the child's wishes.
- Protect the child's legal rights in court.
- Advise the child on legal matters (if the child is old enough).
- File legal documents relevant to the child's case.

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

- Legal expertise, facilitation and negotiation skills, and courtroom experience.

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

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

What is the difference between the attorney ad litem and the CASA volunteer's role as the guardian ad litem?

- The attorney ad litem represents the child's wants, while the CASA volunteer/guardian ad litem represents what is in the child's best interest or what they need. For example, if a child tells their attorney they want to eat ice cream for every meal every day, the attorney has to represent that to the court. The CASA volunteer can then tell the court that the child needs to have a well-rounded diet, not entirely featuring ice cream, because they are representing the child's best interest. So keep that in mind: what the child wants may not always be in their best interest, and that is the CASA volunteer's job to represent.

PARENTS

Why are the parents involved in the case?

- They have been forced into this court action because a child protection agency asked the court to intervene to protect the child from maltreatment and/or to have their 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 bring to the case?

- Love for the child.
- Family ties and network of connections.
- Their history of parenting the child.
- Their knowledge of the child.
- Their own culture(s).
- Their level of ability and skill as parents.
- Their mental, emotional, and physical health or illness.
- Their support systems.
- Their housing and income, or lack of it.
- Their own issues and problems.
- Their own strengths and resources.

ATTORNEY FOR THE PARENT

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

- Represent the wishes of the parent or caretaker they represent.
- Protect the legal rights of the parent or caretaker in court.
- Advise the parent or caretaker on legal matters.
- File legal documents relevant to the case.

The Roles in a Child Welfare Court Case

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

- Legal expertise, facilitation and negotiation skills, and courtroom experience.

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

- From the petition filing through the end of the court case or whenever the court appoints them.

CHILD PROTECTIVE SERVICES (CPS) CASEWORKER

What is the role of the CPS caseworker in the case?

- The caseworker initiates the case by completing a risk assessment process and, based on risk and/or substantiated allegations of abuse and/or neglect, determining the need for court intervention. The caseworker petitions the court to intervene on the child's behalf because:
 - They have 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, they have removed the child from their home to ensure the child's safety.
- The caseworker petitions the court to order that the agency's intervention and treatment plan be followed by the parents and other service providers, thereby ensuring the child receives proper care and protection without requiring continuous agency intervention.
- 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.

What does the CPS caseworker bring to the case?

- Training in analyzing risk, assessing service needs and providing guidance to families.

- Direct 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 CPS caseworker involved in the case?

- From the initial contact with the family and/or child until the case closes (CPS caseworkers will change throughout the case as it transfers to different departments).

ASSISTANT DISTRICT ATTORNEY FOR CHILD PROTECTIVE SERVICES

What does this attorney do in the case?

- Represent the position of Child Protective Services in court.
- Protect Child Protective Services from liability.
- Advise Child Protective Services regarding its responsibilities as outlined in the law.
- File legal documents relevant to the case.

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.

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.
- Decides if the child meets the legal definition of 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 when the permanent plan has been achieved.
- Files legal documents when it is necessary.

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).

Developing Competencies for CASA/GAL Volunteers

Please copy and past the following link to complete worksheets or click here.

<https://www.casasnr.org/casa-companion-training.html>