

Guardian ad Litem



THE GUARDIAN GAZETTE

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A Letter of Farewell

As many of you know, I have announced my upcoming retirement from the Guardian ad Litem Program and state employment.

It has been a great job with wonderful co-workers, a very supportive state office staff to work with, and the committed, talented attorneys that serve our district program.

The most rewarding part of the job for me though, is the level of commitment I see from Volunteers. It's not a one time thing either. It's time after time, year after year that I see you Volunteers work for the best interest of children you serve, purely out of the goodness of your collective hearts. I've seen some of you stand up to bruising cross examinations as witnesses in court, go into despicable homes that would be deemed unsafe, work with unsavory characters, fight DSS against seemingly overwhelming odds, be completely left out of the loop by a social worker in the planning for your child, and be involved with children from such utterly hopeless situations that it could cause you depression. But you face these things time and again because you hope to make a difference in a child's life.

It's been great and in many ways a quick 15 years. I'll truly miss my associations with other staff members, DSS workers, attorneys, clerk of court personnel, law enforcement, judges and other courthouse personalities.

What I'll miss the most though, is the Heart and Soul of the Guardian ad Litem Program, you.....Guardian ad Litem Volunteers! It would be a much poorer world without you.

Thank you so much for giving me the opportunity to work with you.

**Thanks,
Jim**



On behalf of all of the staff and Volunteers that have had the opportunity to work with Jim, we say **THANK YOU!** for all of your years of commitment to such a worthy cause and for all of the encouragement and support you have provided to all of us through the years. The Guardian ad Litem Program will not be the same without you and we hope that you know that you will be greatly missed!

We wish you much happiness in your retirement and new found freedom to explore what the world has to offer! We hope that you and Pam will enjoy this next chapter in your lives together and that it will be a great new adventure for both of you!



"Far and away the best prize that life offers is the chance to work hard at work worth doing."

- Theodore Roosevelt

Free Directory Service

Phone companies are charging us \$1.00 to \$1.75 or more for 411 information calls (Directory Assistance). Most of us do not carry a telephone directory in our vehicles, which makes this situation even more of a problem. When you need to use the 411 information option, simply dial 800 Free411 (800-373-3411) without incurring any charges at all. In addition you will be given several options beyond residential and business numbers, such as weather and celebrity news. Two notes: you will be charged for minutes used if dialing from your mobile phone and you will be required to listen to a brief advertisement before getting your number.

-- Adapted from District 3B Newsletter



Your GAL Responsibility in Achieving the Permanent Plan

By Deana K. Fleming, GAL Associate Counsel

The GAL volunteer appointment terminates “when the permanent plan has been achieved for the juvenile and approved by the court.” Until permanency is reached, it is the GAL’s duty to make an independent investigation and to advocate for the child’s best interest. Although the court ultimately determines a child’s permanent plan, the GAL Team has great responsibility in independently assessing and advocating for what permanent plan is in the child’s best interest.

The GAL does not have to agree with the permanent plan set forth by DSS, but has standing to advocate another position to the court.

In order to advocate for the best possible permanent plan, it is necessary to begin assessing permanence as early as disposition (possibly in your first GAL report), and this assessment should be ongoing in your investigation. Begin advocating for concurrent planning from the onset. Concurrent planning puts the parents on notice early in the case that an alternative reunification may be necessary even if not yet ordered by the court. It is okay to advocate for reunification and guardianship to a relative. Do not hesitate to put forth termination of parental rights if that is your true assessment of the child’s best interest.

The GAL should advocate zealously for permanence at every review and permanency planning hearing. In cases where the GAL may support a different plan than DSS, it is particularly important for the GAL to come prepared with evidence to support why the GAL plan is favored; and why the plan advocated by DSS or the parent is not appropriate, or may lack true permanence. As the GAL, it is your responsibility to inform the court regarding your evaluation of permanence in each child’s case by the court report and/or testifying.

In determining a particular plan of permanency, it is important to be aware of systemic pitfalls that are seen statewide. One common widespread problem we have identified is children being placed in inadequate households labeled “permanent” in an effort to close out the case and avoid pursuing more permanent options such as TPR/adoption. It is not uncommon for custody to be given to a relative whose own childrearing practices raised red flags, or where it is likely that the child will be given back to the offending parent after time has passed. Such stop-gap measures do not provide our child-clients with safe, stable, permanent homes and should be avoided when advocating for a child’s best interest.

Remember, a placement should only be considered permanent if it is very unlikely that the placement will disrupt. Evaluating a permanent plan is more subjective than objective and will depend on the facts of your case. The following guidelines can assist you in determining the appropriate permanent plan.

Return to Parents

Reunification with parents is most possible when the following questions can be answered and the underlying issues they suggest have been dealt with:

- Have issues that brought the child into care been addressed by the agency?
- Have the parents made the changes that the child protective services agency requested?
- Has the DSS social worker observed and documented a reduction of risk?
- What have the visits we observed told us about the parent's ability to care for the child?
- Have we considered recommending a trial placement as a way to observe actual changes in child care?
- Have new issues that relate to risk been observed and addressed?
- Has DSS changed the rules or "raised the bar" in reference to expectation that are not related to risk?
- Would DSS remove this child today?
- Is this a multi-problem family that is likely to relapse?
- What services can be put in place to prevent relapse?
- Have the legal and/or biological fathers been identified?
- Have we recognized the child's grief and need to reconnect to the family of origin?

Guidelines for Determining Whether a Permanent Plan has been Achieved

- 1. Reunification is a permanent plan.** However, it should only be seen as permanent if the issues that led the family to court have been properly addressed, and the minimum standard of care will likely continue to be met after court supervision ceases. Trial placement in the home should be utilized before custody is returned.
- 2. Adoption is a permanent plan.** Remember that adoption can only be achieved after TPR or relinquishment of all parents.
- 3. Guardianship is a permanent plan, but is less permanent than adoption.** It should only be advocated as permanent if there has been a good faith attempt to pursue adoption, or if sound reasons exist for not pursuing adoption. For example, if grounds to terminate rights cannot be established.
- 4. Custody is a permanent plan, but is the least permanent option.** Custody should only be considered if a good faith attempt has been made to pursue adoption (unless sound reasons exist for not pursuing adoption), and if a good faith attempt has been made to pursue guardianship (unless sound reasons exist for not pursuing guardianship). For example, if it is in the child's best interest to allow the parent to easily modify the custody arrangement if/when their continued progress allows them to provide for their child(ren).
- 5. Be sure the placement family is fully informed.** A placement should only be considered permanent if the placement family is fully informed and fully capable.

- 6. Be cautious of relative placements.** Although relative placements are often utilized and even given preference, a placement should never be considered permanent based only on the fact that members of the family are relatives of the child. Oftentimes, it is too easy for a child to be returned to the parents by a family member if the placement becomes difficult. Relative placement should only be considered permanent if they are in fact in the child's best interest and meet all other guidelines for considering a placement permanent.
- 7. One-year test.** A placement should only be considered permanent if the success of the placement has been tested for at least one year. This one-year period is a reference to the review statute NCGS 7B-906 that allows reviews to be waived when the child has resided with a relative or other suitable person for one year. (Note: the one-year test need not apply in reunification cases.)





"I shall pass through this world but once. Any good therefore that I can do or any kindness that I can show to any human being, let me do it now. Let me not defer or neglect it, for I shall not pass this way again."

- Mahatma Gandhi

HAPPY BIRTHDAY TO YOU!!!

A special Happy Birthday goes out to all of our volunteers who are celebrating a birthday this quarter...

OCTOBER

Genevieve Beach	10-1
Bill Kirk	10-8
Louisa Davenport	10-9
Robin Mitchell	10-14
Luella Kye	10-17
Carol Francis	10-24
Ann Boyd	10-30

NOVEMBER

Brenda McKinney	11-13
Leslie McDaniel	11-26
Emily Shirley	11-28

DECEMBER

Bette Cross	12-3
Jimi Moore	12-5
Sharon Mitchell	12-10
Cindy Barnette	12-11



We are excited to have the following volunteers join the Guardian ad Litem Program in Rutherford County:

- Cheryl Earehart
- Sharon Mitchell



SPOTLIGHT ON **B.J. WASHINGTON**

Many of you are familiar with B.J. Washington. B.J. was sworn in as a Guardian ad Litem Volunteer on October 15, 2001 when the Rutherford County Courthouse was being remodeled and court was being held at the Stonecutter Mills building in Spindale.

During the first decade or so of her marriage to the late Sam Washington, B.J. taught school in Florida, California, Pennsylvania, New Jersey, and Virginia. She later earned a Master of Science degree in guidance counseling and psychology. Sam was a territory manager with Sears for 25 years. His duties required frequent relocations.

B.J. is the mother of three children, all boys, who are now parents themselves. She has a total of eight grandchildren, all of whom reside in either Texas or Georgia.

B.J. became aware of the GAL program as an alumnus of Kappa Alpha Theta, B.J.'s sorority at William and Mary College. Kappa Alpha Theta has over 125 active campus chapters nationwide

with 180 alumni chapters. Some years ago the sorority took on CASA (the national organization of which the North Carolina Guardian ad Litem Program is a part) as a national project. Members were encouraged to volunteer on a local level, and thankfully, B.J. decided the GAL Program would be a good fit for her.

The toughest case B.J. has had as a GAL was due to the fact that it was her first case and she had more limited experience. It was also difficult because she was involved with this case for six years. The two boys in the case were in four foster home placements and were also placed back in the home of their father twice. The case moved to termination of parental rights and was appealed to the Court of Appeals. It took two years to finally uphold the lower court's ruling. Happily the boys were adopted.

Besides her GAL work, B.J. actively volunteers with Hospice and the Mountain Branch of the Rutherford County Library in her hometown of Lake Lure.

The Guardian ad Litem Program of Judicial District 29A is fortunate to have so many good, long term volunteers such as B.J. Washington.

THANK YOU B.J.!

“Anyone who willingly enters into the pain of a stranger is truly a remarkable person.”

- Henri J. Nouwen



The Guardian ad Litem Program has lost a longtime and highly valued guardian and friend. Rodger Anderson recently passed away after a brief period of failing health. Below is an excerpt from his obituary:

“Mr. Rodger Leroy Anderson, age 79, of Marion, died Wednesday, August 19, 2009 at Care Partners Hospice Center in Asheville. Mr. Anderson was born in Dade County Florida on October 12, 1929 and was a son of the late Leroy Anderson and Ouida Murphy Anderson. He retired from Lenar Corporation and was a U.S. Army Veteran. Mr. Anderson was a member of Faith Tabernacle Church and was a Guardian ad Litem who worked with abused children.

Surviving Mr. Anderson is his wife, Jean Reese Anderson, of the home; Mark Anderson, Son and wife Pam and their sons, Seth and Aaron, of Palm Beach, FL; Roger Anderson, Son and wife Debbie and their daughters, April and Heather of Tampa, FL; and Steve Anderson, Son, of Marion.”

Rodger had been a GAL Volunteer for over five years having been sworn in on March, 12, 2004. He and his wife Jean, who is also a GAL Volunteer, worked as

a team on many cases and were working on a multi-child case right up until his illness. Rodger was always willing to help out and accept new cases as he genuinely was concerned for the well-being of children and wanted to defend those who could not defend themselves.

He will be remembered as a warm-hearted and jovial soul with a great wit and wisdom. He would always find a way to make us smile even when discussing the most difficult of cases. And most of all, he would always share stories of the children he cared so much about.

In Memoriam

We, as the Guardian ad Litem Program, would like to make a donation in Rodger’s memory that would be something he would believe in and support. After consulting with his wife, Jean, we decided that the McDowell County Fraternal Order of Police Holiday Food Baskets would be a worthy organization and cause. This food drive provides baskets of food to needy families and senior citizens right here in our community.

If you would like to contribute toward this cause in Rodger’s honor, please contact Michele Rink at 652-7806 or at Michele.a.rink@nccourts.org. As this is a time sensitive food drive, we would like to get a response no later than October 15th.

COURT CALENDAR

MCDOWELL COUNTY

OCTOBER

Thursday, October 8th – Powell
Friday, October 9th - Powell
Monday, October 19th - Powell

NOVEMBER

Wednesday, November 4th – Pool
Friday, November 20th - Pool

DECEMBER

Thursday, December 3rd – Davis
Tuesday, December 22nd – Davis

RUTHERFORD COUNTY

OCTOBER

Thursday, October 8th – Davis
Friday, October 9th – Davis
Thursday, October 22nd - Powell

NOVEMBER

Thursday, November 5th – Davis
Thursday, November 19th – Pool

DECEMBER

Thursday, December 3rd – Powell
Friday, December 4th – Powell
Thursday, December 17th – Powell

