

# Wake County Guardian ad Litem Program

## February, 2010 Newsletter



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## I Am Glad that I Had a Guardian ad Litem

My name is Mariah. I was privileged enough to have a Guardian ad Litem (GAL). I will tell you it was an awesome experience. I met my GAL in either late September or early October. I felt a bond from our first encounter. She always told me that she was my advocate and that she was my voice when I was or wasn't there. She stuck to her word. My GAL would call at least once a week to make sure everything was going well with me. One incident that opened my eyes up to realize that she genuinely cared for me is when I went through the process of changing schools. I was so upset about changing schools. I just couldn't believe that someone would make a senior go through that. I wasn't sure if she was aware of what I was going through. Then I heard the phone and it was her. I expressed how I felt and likewise I listened to her advice. Even though she was my advocate she kept things real with me. She told me that I needed to look at the positive things in the situation and go into the school with optimism in my spirit. I appreciated the fact that she didn't just throw whatever I said out the window but she also didn't take what I said and run with it. My GAL presented this encounter positively. She also had hoped that I would do well. In addition, I value the fact that she did not ever doubt what I said. She has my trust and I have hers. My GAL also showed me support on a personal level. She went out of her way to help me feel better. I believe that we both feel that our experiences together has developed into something more because she wants to continue to be a support for me and I would love for her to continue to be in my life. I receive great advice and words of encouragement from my GAL. I thank her for always being there for me. I love her. She is the best GAL a person could ever have.

### My Guardian ad Litem

When I was in foster care I saw a lot of different people but I was always happy when my GAL came over. My GAL was awesome! I was always excited when she came over. She listened to me and told me about the court. I think she really cared about me and where I went. I am now happy to be back home with my mom.

(10 year old girl)

### To Our Many Volunteers

While these words express the thoughts of two children's relationship with their GAL's, we know these sentiments are shared by the many children we work with. Thank you to each and every one of you who dedicate your time to provide a voice to children in court.

Wake County Guardian ad Litem Staff

## An Article By: The Honorable Jim Fullwood, District Court Judge

Some time ago Naeime Livingston requested that I write an article for the *Wake County Guardian ad Litem Newsletter*. Folks, I'm no writer. I mustered up great courage. A resounding "NO" burst from my mouth.

Time passed and again came the request. A moment of weakness. A call to duty. A not so resounding "yes" escaped my lips.

Once again time passed.

What now? (A question I, like you, and like all of the others who participate in 4C Abuse and Neglect cases often ask.)

A Topic: Something profound? Humorous? Thought provoking? Maybe --"Abuse and Neglect: A View from The Bench." Perhaps - "Gangs: What you Always Wanted to Know But Were Afraid to Ask." Sincerely - "Thank You and The Other Members of the 4C Family For All that You Do." How about - "The 4C Puzzle, Are There Missing Pieces?"

Deadline.

At Last! A poem.

### How to Create The Perfect Family

©Kathy

You will need:

1 house  
3-6 people, depending on how long you want to wait for it to be done  
3 cups of pets  
2 cups of patience  
3 ounces of anger/frustration  
3 quarts of laughter  
4 teaspoons of trust  
And last but definitely not least,  
Lots and lots of love

First, open the house, and make sure that it will be the right size for your family. Mix the desired amount of people with the pets, carefully so you don't damage them. In a separate bowl, stir the love and laughter together. Set aside. Taking each person separately, evenly distribute the patience and trust, making sure that each one gets an equal amount (Failure to distribute evenly may lead to different recipe! See recipe for "My impatient family" for details...). Carefully open the bottle of anger/frustration. Using a Q-tip, dab small portions of the anger/frustration onto each person. Lastly, take the love and laughter and sprinkle it all over the house, pets and people. Let sit until all parts of the recipe are thoroughly combined, and voila! Your Perfect Family is complete.

Time Passes—Next Case.

History; Background Information; Visitation; Child(ren)'s Placement, Needs, and Wishes; Parents' Situation; Permanency Planning; Reasonable Efforts to Engage Relatives; Efforts/ Current Situation. Etc.

Recommendations?

What Now? (A Question....)

Sincerely,

Thank you and all the other members of the 4C family for all that you do!



## Spotlight on Anita McLeod Volunteering Since 2007



During my years of working in the legal profession, I became aware of the Guardian ad Litem Program. It greatly interested me, so when I came home from work a few years ago, I decided to get involved. I wanted to use the newly-found time I had available to me to volunteer and make a difference in the lives of others. I was also reminded at that time of a Bible scripture from James 1:27, “Religion that God the Father accepts as pure and without fault is this: caring for orphans and widows who need help ...” The children who become involved in the Guardian ad Litem program are not technically orphans, but as you well know, in many ways, they are. They are in need of loving protection and guidance. We are able to assist in providing that help for these children in our role as their Guardian ad Litem.

When I began the training, I felt a bit overwhelmed with all the new information, because I had never done any work with troubled children and families. I could tell that the staff of the Wake County Guardian ad Litem Program were very motivated about their work and seemed like they would be quite helpful to a new volunteer in working a case. Shortly after I was sworn in by the Court as a Volunteer Guardian ad Litem, I was assigned my first case. As I had believed, the staff of the GAL Program were available every step of the way for all my questions and concerns. I have learned much since I began this journey in the world of the GAL Program.

This work demands much of your heart and your mind. Sometimes you have to be stern and tough; sometimes you have to make hard decisions; sometimes you have to think how you can fit all the case information concisely, yet effectively, into a court report; sometimes it is difficult to maintain your composure; sometimes you are just angry. And, underlying all of that is your compassion that drew you into this work to begin with. But, when you see positive changes occurring in the life of the child you represent, when you see that child smile at you, and when you can look into that child’s future and see hope for a brighter tomorrow, you know that every ounce of hard work and tears that you have invested in that child were worth the sacrifices that were made.

Anita McLeod, GAL

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## Developmental Disabilities Services

The NC Department of Health and Human Services provides services to developmentally disabled individuals through two major Divisions. First, the Division of Vocational Rehabilitation Services focuses on vocational training and rehabilitation for the disabled. With this program, people with physical or mental disabilities receive help entering the labor market. There are 72 local Vocational Rehabilitation offices to assist disabled individuals enter the workforce. Second, the Division of Mental Health, Developmental Disabilities and Substance Abuse Services provide a wide variety of community-based support services, including sheltered employment and residential services to over 9,000 adults with developmental disabilities to enable them to live and work in the least restrictive setting possible. To access these services there are 33 Local Management Entities under the Division of Mental Health, Developmental Disabilities and Substance Abuse Services that link disabled individuals with services available in their area.

### **Who Is Eligible?**

Wake County residents age 3 and older whose condition meets the state definition of “Developmental Disability (NC General Statutes G.S. 111c-3 (12a) are eligible for services. A copy of an evaluation by a professional who has diagnosed the developmental disability is required. This is most often a psychological evaluation. For more information regarding services in Wake County please call (919)250-3133.

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## SHOULD GUARDIANS AD LITEM ACT AS SURROGATE PARENTS?

**Deana K. Fleming, Associate Counsel  
Administrative Office of the Courts  
Guardian ad Litem Services Division**

By enacting the Individuals with Disabilities Education Act, commonly referred to as IDEA, federal law ensures that children with disabilities receive a free appropriate public education. To meet this purpose, children with disabilities and their parents are entitled to certain procedural safeguards to ensure that children covered by IDEA receive proper services. To determine if a child is covered under IDEA, there will need to be a **multi-disciplinary evaluation**. Note that a guardian ad litem may request an evaluation of a child to determine if educational services need to be put in place. Once the evaluation is completed and it is determined that the child is in need of special education services, then the child will receive an **Individualized Education Plan (IEP)** related to the necessary services. In conjunction with the IEP, there are required meetings to evaluate and update the services of the IEP and to assess child's progress. A child's guardian ad litem should be invited to these IEP meetings; however, should the guardian ad litem also serve as the child's "surrogate parent" at these meetings? The short answer is that it is not advised.

Normally a child's parent is invited to participate in the IEP meetings and advocate on behalf of his or her child. What if there is not a parent available? N.C. Gen. Stat. § 115C-109.2 (c) (2009) provides that the school must appoint a surrogate parent for a child within 30 days of the determination that the parents are not known or cannot be located; or if the child is a "ward of the state" which refers to a child in the custody of the Department of Social Services (DSS) or the Department of Juvenile Justice & Delinquency Prevention (DJJDP). Many of the children that guardians ad litem represent are in DSS custody who need a surrogate parent for purposes of special education. In subsection (b) of the statute, it specifically provides that it is the responsibility of the State Board to establish procedures for appointment of surrogate parents to represent the educational interests of the child. This section is in compliance with the IDEA, specifically 20 U.S.C. § 1514 which covers procedural safeguards. Under both state and federal law, the surrogate parent may not be a DSS employee (that is why the social worker cannot be the surrogate parent for a child in DSS custody).

It is not uncommon for a guardian ad litem to attend an IEP meeting where neither the school nor DSS has proactively appointed a surrogate parent. As a result, the guardian ad litem may be asked "on the spot" to fulfill this role, otherwise everyone will have to attend another IEP meeting. The guardian ad litem should not feel pressured or obligated to take this role. The guardian ad litem is already fulfilling the role of court-appointed advocate for the child. On the other hand, some guardian ad litem volunteers have an education background and feel that they can advocate much better for the child than someone appointed by the school while other guardians ad litem do not have the time or expertise. So the law does not specifically prohibit a guardian ad litem from being a surrogate parent like the DSS social worker is explicitly disallowed, but it is a policy decision of the Guardian ad Litem Program to protect our volunteers for the reasons listed below.

### **Concerns about having a guardian ad litem act as surrogate parent include:**

- 1) The responsibilities of a surrogate parent are different than those of the guardian ad litem and can be seen as outside the scope of statutory duties. As a result, the liability shield of N.C. Gen. Stat. § 7B-1206 may not apply to educational decision-making, thus opening up a well intended volunteer to civil liability;
- 2) Acting as surrogate parent can be seen as a "service provider" role—remember that guardians ad litem are court-appointed advocates and not service providers;
- 3) Guardians ad litem already have plenty of responsibility fulfilling statutory duties and if possible, attending the IEP meetings without have the responsibility of acting as surrogate parent;
- 4) Under state and federal law, it is the responsibility of the State Board of Education to establish procedures for appointing a surrogate parent; and
- 5) Guardians ad litem may not be well versed in special education needs and there is no training to prepare a guardian ad litem for this role.

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## The SAFEchild Center...building a future by healing the present

In the 17 years since being established, SAFEchild has become a highly effective, highly respected non-profit that has helped children, caregivers and families learn how to create healthy, nurturing home environments free from abuse and neglect.

The name SAFEchild means **Stop Abuse for Every Child**, and the organization is continuing to make progress toward that goal every day.

In order to realize the vision of eliminating child abuse in Wake County, the organization believes it is time to take on new responsibilities that will expand the care they are able to offer children and families. The time is right for us to establish the SAFEchild Center; a child-focused, child-friendly facility that will house the interdisciplinary team needed to treat, investigate and prosecute cases of abuse.

Imagine this: a warm, welcoming center where children who have been sexually or physically abused come to talk with caring professionals who help them with physical and psychological healing, and help them navigate the legal system that involves police, district attorneys and courts. All the services that the young victims and their families need would be housed under one roof.

Currently there is no central location that provides all the resources and support services needed so desperately by children and families who are victims of abuse. The SAFEchild Center will ease the amount of stress a family endures when they have to go to a variety of locations to seek the medical evaluation, treatment, and legal investigation that are all part of an abuse assessment. But more importantly, the SAFEchild Center will prevent children being re-traumatized due to multiple interviews conducted by different agencies.

Collaborating partners include child protective services, the district attorney's office, all Wake County law enforcement entities, Wake Med, other areas hospitals and non profit agencies, and others who are committed to the well being of children.

The Center will be housed in a small house on Kidd Road and should be open by July 1, 2010. For more information about how you can make the Center successful please email Marjorie Menestres at 743-6140 or email her at [Mmenestres@safchildnc.org](mailto:Mmenestres@safchildnc.org)

[www.safchildnc.org](http://www.safchildnc.org)

### The SAFEchild Center Wish-list

- Office furniture --- Receptionist desk, office desks, lamps, sofa, tables and chairs, file cabinets, 8 feet portable folding tables
- Office supplies----copier and colored paper, notepads, pens, pencils, files, pendaflex folders, staplers, markers, easels, easel pads, paper clips, calendars, bulletin boards, in/out of office wall hanging
- Computers --- Table top and lap top with windows 2007
- Monitors --- 15 to 19" flat screens
- Printers --- laser
- Copiers
- Shelves for books and toys
- TVs to play DVDs
- DVD player
- DVDs for children
- Postage machine
- Rugs
- Subscriptions to children's magazines for the waiting room
- Toys, dolls, arts and craft supplies and stuffed animals for children ages infants through 13
- Racks to hold brochures about community resources
- Child friendly art work for the walls
- Outdoor sign with name of center for the front of the center
- Healthy snack foods and drinks
- Laminating machine
- Three ring binders
- Refrigerator
- New toys to give children after the interview and or exams
- Porch furniture

Submitted by: Marjorie Menestres, Executive Director of the Wake County Safechild.

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## 10 Benefits of Practicing Culturally Competent Child Advocacy

1. Ensures that case issues are viewed from the cultural perspective of the child and/or family:  
  
Takes into account cultural norms, practices, traditions, interfamilial relationships, roles, kinship ties, and other culturally appropriate values  
  
Advocates for demonstrated sensitivity to this cultural perspective on the part of caseworkers, service providers, caregivers, or other involved with the child and family.
2. Ensures that the child's long-term needs are viewed from a culturally appropriate perspective:  
  
Takes into account the child's need to develop and maintain a positive self-image and cultural heritage  
  
Takes into account the child's need to positively identify and interact with others from his/her cultural background.
3. Prevents cultural practices from being mistaken for child maltreatment or family dysfunction
4. Assists with identifying when parents are truly not complying with a court order and when the problem is culturally inappropriate or non inclusive service delivery
5. Contributes to more accurate assessment of the child's welfare, family system, available support systems, placement needs, services needed, and delivery.
6. Decreases cross-cultural communication clashes and opportunities for misunderstandings
7. Allows the family to utilize culturally appropriate solutions in problem solving
8. Encourages participation of family members in seeking assistance or support
9. Recognizes, appreciates, and incorporates cultural differences in ways that promote cooperation.
10. Allows all participants to be heard objectively.

*Adapted from a document created by  
CASA for Children, Inc, Portland, Oregon*

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### **In January 2010:**

- 13 Children entered foster care.
- 5 Children were placed with their biological families.
- 1 Youth aged out.
- 6 Children were legally adopted.

"I always wondered why somebody didn't do something about that. Then I realized I was somebody" --Lily Tomlin



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## Up-Coming Events

**GAL Supper Club:** Wednesday, February 10, at 6:15 PM at Winston's Grill in Raleigh. Please RSVP to Fred Ames at [fredames@nc.rr.com](mailto:fredames@nc.rr.com) if you are planning to attend by Tuesday February, 9. You can view the restaurants' menu at [www.winstonsgrille.com](http://www.winstonsgrille.com). The restaurant is located at 6401 Falls of Neuse Road Raleigh, NC 27615-6812 (919) 790-0700

**Volunteers Swearing-In Ceremony:** Wednesday, February 24, 2010 at 8:45AM in courtroom 4C. During this ceremony, volunteers who participated in our February training will be able to take their oaths.

### March In-Service: Special Education: Entitlements for Children with Disabilities

Children with disabilities that impair their ability to learn and make progress in school may be entitled to special education services in the public schools. This presentation will cover the basics of a child's entitlement to special education and how an advocate can enhance a child's opportunities to learn. The talk will acquaint the audience with the terminology and processes that are used in special education, offering Guardians ad Litem tools to use in advocating for a child.

The presentation will be given by **Jane Wettach, Clinical Professor of Law at Duke Law School and Director of the Duke Children's Law Clinic.** Staffed by law students working under attorney supervision, the Children's Law Clinic represents low-income children in special education disputes. Prof. Wettach also teaches Education Law at Duke Law School. This In-Service training will be held, **Friday March, 10 2010 from 9:30 to 11:30AM** in the Waverly Akins Building first floor conference room, 337 South Salisbury St. Raleigh, NC 27601. This is the same building out office is located in. If you would like to attend please contact Carrie Flatt at 919-792-5353 or [carrie.e.flatt@nccourts.org](mailto:carrie.e.flatt@nccourts.org)

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## Happy Birthday Volunteers!

Katrina Forbes  
Viridiana Vega  
Barbara Suddueth  
Sally White  
Jodi Cobb  
Tonya Van Valkenburg  
Daniel Butler  
Michelle Hochendoner  
Frank Tortora

Colleen Vogler  
Tia Sanders  
Stephanie Sames  
Elizabeth Payne  
Kara Hames  
Jennifer Mizelle  
Jill Skelley  
Lynn Snow  
Dawn Hooton

Helen Paddock  
Lesley Castle  
Nili Clifford  
Jan Lowe  
Kathleen Abbey



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On January 27, 2010 the Wake County Guardian ad Litem Program Volunteers were provided with the opportunity to participate in an educational and eye opening in-service training experience. The topic of this training was **“DRUGS UNCOVERED: WHAT PARENTS NEED TO KNOW!”** We would like to express our thanks and appreciation to the Poe Center for hosting us. In addition, we want to thank Ms. Terri Moore, Program Coordinator with the Poe Center and a Guardian ad Litem Volunteer Advocate for facilitating this training. Below, please find a few pictures relevant to this training.



Terri Moore



Shown below is a mock teen's bedroom.



We had a wonderful turnout!!