

SCOTLAND/HOKE COUNTY GUARDIAN AD LITEM NEWSLETTER

July - September Newsletter

District 16-A

Welcome our New Advocates:

Contessa Baldwin
Kenise Sumler

Next Court Dates:

Hoke:

July 17
Aug 7th
September 11th

Scotland:

July 1st and 2nd
July 30th and 31st
September 3rd and 4th

Please mark your calendars with these dates!

Happy Birthday to our Volunteers:

July 6 th - Mary Neil Morris	Aug 27 th - Michelle Myer	Sept. 1 st - Juanita Pate
July 16 th - Joe Sernak		Sept. 16 th - Ray Green
July 20 th - Teresa Samuel		
July 21 st - Larry Allen		

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 assess 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 permanent plan than DSS, it is particularly important for the GAL to come prepared with evidence to support 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 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.)

Message from Jeff...

Patty and I recently attended training sessions entitled "Knowing Who You Are." Originally designed for social workers, the Guardian ad Litem Program received a grant to do the training with GAL staff across the state. We believe that eventually training will include our volunteers. The basis of the training is: "A journey to help youth in care develop their racial and ethnic identity, KWYA is a three-part curriculum for social workers and other adults and professionals in the child welfare system. Created with the direct collaboration of alumni foster care, youth still in care, birth parents, and resource families, the curriculum helps child welfare professionals explore race and ethnicity, preparing them to support the healthy development of their constituent's racial and ethnic identity." As part of this process I will be providing our volunteers with a list of questions to consider when working with our children. Obviously, race and ethnicity are not the only factors to consider when evaluating our children's placements. However, a recent case made me stop and think about what our role as GAL should be. The teen-aged youth was placed in a home where the foster parent attended church up to five times a week, often where the services lasted several hours. Although the youth attended church prior to foster placement, church services and Sunday school lasted only two hours on Sunday and possibly included a youth meeting Sunday evening. The youth balked at attending so many hours at an unfamiliar church and expressed his concern about the incompatibility of the church's beliefs with his own. As a volunteer, what do you think your response would be to this situation?