



# Guardian's Voice

## District(s) 2 and 3A

### From the Desk of the Administrator

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Dear Volunteers,

After a busy, hot summer I know you must be feeling as I do – looking forward to the beauty of the Fall, and for an *early* cold snap!

We hope you will be pleased to see we have embarked on a new initiative to try and get a quarterly newsletter out to our volunteers. We are unique in that we are two separate Judicial Districts with combined staff and attorney advocate resources, serving a broad geographical area encompassing the counties of Pitt, Beaufort, Martin, Washington, Tyrrell and Hyde (yes, the island of Ocracoke is in our District if anyone wants to ride the ferry sometime)!

A quarterly newsletter will hopefully help us keep you abreast of events, policies and issues about both District(s) 2 and 3A as well as provide you with continuing education information. We encourage you to please give us feedback and let us know how this newsletter can best serve you as time goes by.

Our current statistics speak for themselves as to the significant advocacy work that is going on in our counties:

- 82 active GAL volunteers
- 132 children being served in Pitt Co.
- 74 children being served in Beaufort Co.
- 20 children being served in Martin Co.
- 6 children being served in Washington Co.
- 1 child being served in Tyrrell Co.
- 2 children being served in Hyde Co.

As advocates, you are the heart and soul of these programs. We can never say often enough how much we appreciate you and the valuable work you do for the youth in your respective communities. Every child deserves a chance -- a chance to be safe, to have a family, to develop their strengths and talents, for their voice to be heard, and to grow up hopeful about their future. Each of you helps make those chances possible.

As we enter the Fall, remember we shall be gathering together for our popular annual *Volunteer Appreciation Family Picnic*, now set for Sunday, September 26. It is always a wonderful opportunity to share fellowship with one another and recognize the valuable work that you each do. Your dedicated advocacy gives hope to the children we serve and helps strengthen the fabric of their individual lives.

-- Catherine

## The 3 Key Principals of the Adoption and Safe Families Act (ASFA)

***Our Mission is to provide trained independent advocates to represent and promote the best interests of abused, neglected and dependent children involved in the state court and to work towards a plan that ensures that these children are in a safe, permanent home.***

- 1 – The safety of children is the paramount concern.
- 2 – Foster care is a temporary setting and not a place for children to grow up.
- 3 – Permanency planning should begin as soon as the child enters foster care.

### **District 2 News from Michele**

It's hard to believe the summer is just about over – it's been a very busy season for us in the District 2 office. We currently represent 100 abused and neglected children in Beaufort, Hyde, Martin, Tyrrell, and Washington Counties. In the past three months we have taken in 29 new children and have achieved permanency for 17 children. We represented a total 118 children in court hearings in our 5 counties. Our caseload in Beaufort County has really exploded this summer – we now represent a record 74 children in Beaufort County; and, although appeals have been rare in our district, we've had three appeals filed in Beaufort County by respondent parents this summer.

Thank you for your continued hard work and dedication to ensure your child's voice is heard in court. We will be conducting training for new volunteers this Fall, so if you know anyone that might be interested in becoming a GAL volunteer, please have them call the office at 974-7864.

### **CASA/GAL Volunteer Safety**

The GAL program is highly invested in keeping you—the GAL volunteers—safe. If you ever have a question or concern about the safety of any aspect of your work or if you feel apprehensive or fearful, you should immediately consult with GAL program staff. The safety tips below are mostly common sense and good advice whether you are doing GAL volunteer work or not.

- **Think ahead.** Know the situation and know where you're going in order to look confident.
- Meet a parent or another person in a **neutral place** initially, and if necessary, thereafter.
- **Be aware** of the immediate area.
- **Tell someone** where you'll be, how long you'll be there, and when you expect to return. If plans change, call and let that person know.
- Keep safe, but **be respectful** of the neighborhoods and homes you are entering.
- **Travel in pairs** if necessary.
- You may want to **avoid carrying a bag**.
- **Trust your instincts.** If you are really uncomfortable, take protective action—walk away.
- **Don't share personal information** about yourself or your family, especially your phone number(s) and address. Home addresses can easily be found on the Internet using a home phone number. All correspondence and communication should flow through the CASA/GAL program office.
- If you witness or see signs of illegal activity, **get out** of the situation as soon as you can.

# 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.

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



District 3A trainees from the Summer of 2010.

Pictured are Amos Jones, Helen Harper, Judge Galen Braddy and Lenora Anderson  
(not pictured is Bob Aikens)

### **Welcome New Volunteers:**

Congratulations and welcome to ALL the newly sworn in volunteers. The following volunteers were sworn in throughout both Districts during the summer of 2010:

Amos Jones	Helen Harper	Lenora Anderson	Robert Aikens
Lucy Horton	Katie Blaylock	Harriet Hickey	

### **“Each One, Reach One”**

The EORO Program is still in full swing. If you have friends or family members who might be interested in becoming a GAL Volunteer, now is the time to make referrals. We are in need of new volunteers. We are getting new petitions every day. We have close to 98% of our cases district wide covered by volunteers. We would like to have 100% of our cases covered by volunteers and are still recruiting towards that goal.

## GAL Spotlight on Volunteer Delane Armstrong

Delane first became a Guardian ad Litem in the Fall of 1997, and shortly thereafter was put on her first case. In her 13 years since becoming a volunteer, she says she has learned many things; first and foremost, you have to be skeptical of everything you hear. She states that when she was first interviewed, she was very optimistic and was open to many different viewpoints.

Delane first became interested in the Guardian ad Litem program after speaking with an old high school friend that was a foster parent. The foster parent went on to explain how important the GAL was to the children that had come into her care and how much of a difference they made to the children.

Delane commented on some of her success stories of being a GAL:

“99% of the foster parents have been angels on this earth and it has been a privilege to work with them.” Several of Delane’s GAL kids were adopted. Another success for Delane is working with the GAL team in Pitt County: Catherine Darby, Wanda Naylor, Michele Benson, Wendy Rawlings and many more. Delane gets along well with the Social Workers at DSS. She has appreciated the professionalism of the court officials and DSS.

Delane is currently working to assist us with making GAL *courtesy visits* – when we get requests from other counties who have children placed in our District. We are very appreciative to have Delane as one of our GAL volunteers.

**Sonya Carter** is a Program Supervisor working in the 3A office on Mondays and Tuesdays. She has been a GAL Program Supervisor for 4 years with Lenoir County, where she continues to work Wednesday – Friday. Her main focus in Pitt County is working on Post-TPR cases and monitoring cases. In addition, she is recruiting, interviewing and training new volunteers. If you are working with her directly, please know that she is only available to Pitt County on Mondays and Tuesdays. If you need immediate assistance Wed. through Fri., please call the office. To reach Sonya directly, please call 695-7326.

**Mellyssa Egan Cannon** was an intern with our office last semester. She has now graduated from ECU and recently married. She has agreed to stay on with us as a volunteer and as an office assistant on Wednesdays. While in our office on Wednesdays, she will help out with various office duties. She will also assist with agency meetings and courtesy visits. We are very excited and appreciative that Mellyssa has agreed to continue to help our program. She truly has a heart for the GAL Program and the children we serve.

## Happy Birthday Volunteers!



September

Sissy Goltra  
Wanda Naylor  
Sonya Carter

October

Katie Blaylock  
Phyllis Harris  
Joanne Dearth  
Ella Smaw  
David Ginsburg  
Jamie Lilly  
Verlon Godard  
Judy Fleming  
Jessica Bryn  
Gardner White  
Melanie Davenport  
Sara Clawson

November

Melanie Hite-Clark  
Becky Starkey  
Toya Bullock  
Katherine Cundiff  
Jerri Connelly  
Edna English  
Sharon Smith

December

David Weitz  
Laura Staton  
Shelia Cadmus  
Judy Free  
Peggy Rives  
Jamie Jacobson  
Carol Greene  
Carol Irons  
Catherine Darby

# REMINDERS !

- Please remember to visit your child **at least Once a Month**, unless the child is placed out of your county. This is the most important part of your service as a GAL. If you are having a problem making these visits, please contact us at the office.
- Court reports are due well in advance of your court date. Staff will send you timely notices. Remember– if a report is not submitted within the required time frame, the Court does not have to read the report or consider GAL recommendations. If this happens, your child's voice will not be heard.
- If you are having trouble getting a return phone call from anyone, please call our office.
- Youth Report To The Court - This is a court report that youth can use to have their wishes, needs, and other information heard by the court in his or her own words. Please go to the following website for more information:  
<http://www.nccourts.org/Citizens/GAL/Documents/youthcourtreport.pdf>
- The **7th Annual GAL Volunteer Appreciation Family Picnic** will be held on Sunday, September 26<sup>th</sup> from 4:00 pm to 7:00 pm at the home of Attorney Advocate Wanda Naylor.
- Anonymous GAL surveys go out every Fall. Please look out for this survey, fill it out and send it back as it is important to us.
- We now have a Facebook account called Gal Pitt. Please send us a friend request.



## Upcoming Court Dates

### Pitt Co.

Sept.: 9<sup>th</sup>, 16<sup>th</sup>, 23<sup>rd</sup>, 30<sup>th</sup>  
October: 14<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>  
Nov.: 3<sup>rd</sup>, 4<sup>th</sup>, 10<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>  
Dec.: 1<sup>st</sup>, 2<sup>nd</sup>, 9<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>

### Beaufort Co.

Sept.: 10<sup>th</sup>, 24<sup>th</sup>  
October: 1<sup>st</sup>, 22<sup>nd</sup>  
Nov.: 5<sup>th</sup>, 19<sup>th</sup>  
Dec.: 10<sup>th</sup>, 17<sup>th</sup>

### Hyde Co.

Sept.: n/a  
October: 4<sup>th</sup>  
Nov.: 17<sup>th</sup>  
Dec.: 30<sup>th</sup>

### Martin Co.

Sept.: 28<sup>th</sup>  
October: 26<sup>th</sup>  
Nov.: 23<sup>rd</sup>  
Dec.: 14<sup>th</sup>

### Tyrrell Co.

Sept.: 22<sup>nd</sup>  
October: n/a  
Nov.: 4<sup>th</sup>  
Dec.: 15<sup>th</sup>

### Washington Co.

Sept.: 8<sup>th</sup>  
October: 13<sup>th</sup>  
Nov.: 3<sup>rd</sup>  
Dec.: 1<sup>st</sup>, 29<sup>th</sup>

## Donate Your Used Ink Cartridges & Toners

The Guardian ad Litem Program is participating in a recycling program for used ink cartridges and toners. If you would like to donate your cartridges, you can drop them off at either office. We can also provide a box for your place of business, church, or social/civic organization. Please contact us for more information.

## Help us Update

Please help us update our volunteer records. Do you have an e-mail address or cell phone number? Have you moved or changed phone numbers? It is important for us to have your current information. Please call the office with any changes or updates.

# A Letter from Deana K. Fleming

## Associate Counsel, Administrative Office of the Courts

Dear Advocates:

An opinion was issued by the Court of Appeals in which the termination of parental rights (TPR) order was reversed and remanded due to the fact that the Guardian ad Litem was not present at the TPR hearing. While a Guardian ad Litem report was prepared and submitted at the TPR hearing as well as most of the hearings in the underlying juvenile case, the GAL assigned to the case was not present in court. The opinion is silent regarding the presence of GAL staff as "substitute" for the GAL in court.

Based on the opinion, a GAL's presence at court hearings cannot be downplayed. Certainly much of your work is done investigating, attending meetings, preparing the court report, etc. outside of court; however, as Guardians ad Litem you are the child's "representative" and should be in court if at all possible. Please pay particular attention to court hearings which are subject to appeal, specifically: termination of parental rights; review or permanency planning hearings when custody is changed (i.e. custody or guardianship is ordered); and the adjudication/disposition hearing.

Thank you for all that you do on behalf of the abused and neglected children in your community.

Deana K. Fleming

Associate Counsel

Administrative Office of the Courts

# **Response Form**

**Please complete this form and email your response to us at [sonya.g.carter@nccourts.org](mailto:sonya.g.carter@nccourts.org) or mail it to our office at:**

**Guardian ad Litem, PO Box 1391, Greenville, NC 27835.**

**We are trying very hard to complete a quarterly newsletter and want to know how you would like to receive the newsletter.**

**Would you prefer to receive your newsletter via email or via regular postal mail?**

**Email** \_\_\_\_\_

**Regular Mail** \_\_\_\_\_

**Thank you for your response.**