
THE *GUARDIAN AD LITEM*

JUDICIAL DISTRICT 3B COURIER

A Child's Advocate
In Court



GAIL C. HORNE, DISTRICT ADMINISTRATOR

July 2009

GAL OFFICE STAFF SCHEDULE:



*GAL Office Hours (Regular Schedule) 8a.m. to 5 p.m.
(Unless we are running errands, out to lunch, or in court
somewhere)

September 7, 2009 – Office closed in observance of
Labor Day



September 19, 2009 – Save the date! GAL
Picnic in the Park . . . details coming soon.



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FROM GAIL HORNE:

It is simply not possible that the summer is already half over! I am not sure how this has happened but . . . I guess that when you spend so much time worrying about budget cuts, employee payrolls and making ends meet that time flies! We talked several months ago about how the economy was going to reflect an increase in child maltreatment. We are beginning to see that happen and will probably see this trend continue

unless or until the economy makes a full recovery. It is the beginning of August; kids are getting ready to go back to school. I appreciate everyone sticking with us during this difficult summer. I know that threats and/or cuts to our program are not in a vacuum and that your personal lives are also being affected by cuts, reductions and economic downturn. To think that you can and do continue to serve your child clients with such determination, such commitment and such excellence is just another tribute to your characters. Your child clients' lives are so enriched by your involvement! I swell with pride when I see you in court, hear from community members that they met you and read your court reports. If I could, I would give each of you a big raise! Since I cannot do that, please know that I cherish each of you for the work that you do and even more importantly, **I feel personally privileged to know you and support your efforts.** We will get through this and because of each of you, so will our child clients!! Thank you, Thank you, Thank you!!

Volunteer Spotlight



In each newsletter, we turn the "spotlight" on an incredible volunteer who sets an example in his or her advocacy efforts and inspires each of us to do more. This is an opportunity to sing praises for the work that each of you contributes to our program, and is also an excellent way for us to get to know each other a little better.

Have you ever met a person that makes you laugh every time you see him? A person who has a smile on his face and because of that, it makes you put a smile on your face? A person that is always able to make you laugh, see the silver lining in every cloud and focus on the good? Well I have! I cannot begin to tell you how pleasant that is in the work that we all do. There are too, too many times when it is really hard to find the silver lining or focus on the good. **Bob Clark** is a breath of fresh air in our program. He is pleasant, funny, compassionate and a true blessing to the children that he represents. Bob has only been with the program for two years

but in those two years he has been a pleasure to all staff, a model to all children and an accomplished advocate in that he has a firm comprehension of “attracting more flies with honey than vinegar.” Thanks for being such a positive influence in every life you touch.

WELCOME, NEW VOLUNTEERS!



Congratulations and welcome to the newest trained and sworn-in volunteers:

Craven County: **Thomas Curran** and **Karen Wilkin**

FROM MISSY BLACKERBY

GAL Attorney for Craven County

With the budget crunch felt all around us, we must be more creative in finding mentors, activities and the like for the children that we represent. I'm sure that we have all seen the wonderful effect that positive programs have on the many children in our care. Recently I have met several people who are literally just waiting for a call to help with programs such as ours. They want to mentor, counsel and volunteer in programs that can and will have a positive influence on the youth population.

The GAL program volunteers are a wealth of information that so many depend on in helping children and we need to do all we can to research and hopefully find programs and people to continue to fuel good influences. So many sources are so thankful that the GALs are here and willing to take time out of their lives to help others. I truly believe that providing good role models for the youth is such a blessing and can lead them in the right direction. We need to encourage each other to continue to work as hard as we can to find activities and people that can further our goal to provide each child the best possible entrance into adulthood.

FROM CONNIE BROPHY:

Drug Court Gives Parents Last Chance at Reclaiming Children

This information is from a story published in the *Gaston Gazette* in May of this year. Gaston County is in the southern Piedmont, west of Charlotte.

Since August of 2006, Gaston County has had in place a Family Drug Treatment Court. It is a state-funded program that works with parents or guardians who are in danger of

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losing custody of their children due to abuse or neglect charges.

Thirty people – the parents of 42 total children – have voluntarily enrolled since the court’s beginning. There are 10 parents currently enrolled. The program seeks to ensure compliance with our one-year-to-permanence requirement.

The proceedings are run by a tight-knit 12-member team of officials, including a coordinator, a judge, attorneys and treatment providers. Court is held every 2 weeks. In between court sessions, parents go through a rigorous schedule of drug monitoring, counseling and job and life skills training that lasts from 12 to 18 months.

Across the county and state, the majority of those enrolled in the court are women, many of whom have already hit rock bottom. While there always remain other avenues for reclaiming their children, this court often represents their last option for proving they can get and stay clean and they are ready to embrace parenthood.

The judge meets with the team for 30 minutes before each court session, reviewing each parent’s progress. If they have failed a drug or alcohol screen or failed to complete counseling requirements, they stand to receive jail time or other penalties. Positive reinforcement is used for those who successfully achieve benchmarks such as 90 or 180 days of sobriety, or who graduate from the program. The team members feel that the structure of the program and the affirmation of succeeding aids in its success. One of the mothers interviewed for this article credits her personal achievement from the encouragement she receives from the team members and other parents in the program.

Twelve such courts exist in North Carolina. Statewide 90 percent of parents going through the court have graduated and reclaimed their (70) children.



FROM JANE CLARE:



You may recall that in May of this year, staff and some volunteers attended the GAL state meeting in Cary. The workshops were very helpful and one in particular stuck in my mind. It was entitled

“A View From the Bench: What the Court Needs to Expedite Permanency for Children in Foster Care.” A panel of judges talked about our court and offered some information from their perspective. There were several things mentioned

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by the judges from their stand point in order to help move cases along from the very beginning.

- Review paternity. Do we know the identity of the father(s)?
- Start looking for family members who may be resources – “shake the family tree”
- Initiate ICPC requests for home studies as early as possible.
- Determine if there is Native American ancestry in the family.
- Front load services. Assessments and referrals can be made. Even if a parent can't be ordered to do something prior to adjudication, a willing parent can proceed.
- Set the case earlier than the usual schedule if it needs to be heard earlier
- This is a race, not a marathon. The parents need to start making progress.

FROM JERI GORMAN:

On May 1 and 2, 2009, the Guardian ad Litem program celebrated the programs 25th Anniversary by holding a conference in Raleigh, NC. “Making Children Our Priority for 25 Years” was the theme for the two-day conference. Over 700 hundred volunteers and staff members attended the two-day conference. A good time was had by all with good food, great speakers and wonderful presentations. Bob and Becky Clark, Johnnie Smith, Attorney Advocate John Halada and the 3B staff were in attendance.



Volunteer Appreciation Picnic – We have finally set a new date for the picnic. The new date will be September 19, 2009 at Walter B. Jones Park in Havelock. Please mark your calendars. We look forward to spending a fun day with you and your families. I will be sending out more information soon!

VOLUNTEER CORNER

Your GAL Responsibility in Achieving the Permanent Plan

—Deana K. Fleming, GAL Associate

The GAL volunteer appointment terminates “when the permanent plan has been achieved for the juvenile and

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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.

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 why the GAL plan is favored; and why the plan advocated by DSS or the parent is not appropriate, or may lace 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 study 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?

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- ◆ 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.

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 ground 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).

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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 it is in fact in the child's best interest and meets 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 review 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.)



Best Interest and Visitation

Visitation is more than a requirement of law and policy. Visitation is a parent's right and can be essential to a child. It serves many purposes:

Children need visits to:

- * Keep a connection to their family
- * Mitigate their grief
- * Have their worth reaffirmed
- * Have the assurance that their parents "exist"
- * Reestablish a relationship with their parents

Parents need visits to:

- * Remain attached to their children
- * Stay motivated to work for reunification
- * Practice what they have learned in treatment
- * Understand the unique needs of their children
- * Mitigate their grief
- * Reestablish a relationship with their child
- * Demonstrate their attachment and disabilities

Supervising agencies need visits to:

- * Assess parent's ability to be responsive to their child's needs
- * Prepare child and parent for reunification
- * Assist parents to understand the child's needs and behaviors
- * Guide and observe parent's responses to child's behaviors
- * Observe changes in parent's behavior over time

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* Gather evidence to support continuing or changing the case plan

Creative visitation:

By thinking creatively, visitation can become a meaningful and positive experience for the child and a more effective decision-making tool for parties involved in a child's life.

How to increase the opportunity for more frequent and meaningful visits:

Think about school and day care. Most children would welcome lunch with their parents and most schools not only allow it, but also encourage it. Day care providers will cooperate with encouragement. The parent can learn about this most important aspect of their child's life and meet the teacher or care provider.

Include parents at the doctor or therapist. If appropriate, parents should be provided with the opportunity to take the responsibility for medical concerns when possible, and to learn about their child's special needs.

Hold visits outside the agency. Parks, playgrounds, and even fast-food restaurants can allow for something approaching normal parent-child interaction: supervising eating, toileting and play.

Hold visits in homes of relatives. Even if the child cannot live with a relative, they may be able to have the child visit in their home with the parent, providing supervision and keeping family connections strong.

Reminders and Tips

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 notify our office.

Help Us Update!!! Please help us update our volunteer records. Do you have a new email address or cell phone number? Have you moved or changed phone numbers? It is important for us to know the best method to contact you. Please call Jeri at 252-514-4701 with any changes or updates that need to be made!

If you are having trouble getting a return phone call from a social worker, please call the office and let a supervisor address this issue.



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Free Directory Service

Phone companies are charging us \$1.00 to \$1.75 or more for 411 information calls. 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. Two notes: you will be charged for minutes used if dialing from your mobile phone and you'll have to listen to a brief advertisement before getting your number.



This is the newest part of our Newsletter, where we hope to answer your questions and be able to share the information with your colleagues. You can be sure that if one person has a question there are many others who also need the information. Please email anyone on staff with whatever questions you might have.



JUVENILE COURT CALENDAR-3B



August 3, 2009 through October 30, 2009

| <u>Date</u> | <u>County</u> | <u>Judge</u> |
|---|---------------|-----------------|
| NO COURT WEEK OF AUG. 3, 2009-AUG. 7, 2009 | | |
| Wed Aug 12 | Pamlico | Judge Spencer |
| Fri Aug 14 | Craven | Judge Quinn |
| Fri Aug 21 | Carteret | Judge Mills |
| Wed Aug 26 | Pamlico | Judge Spencer |
| Fri Aug 28 | Craven | Judge Alexander |
| Thur/Fri Sep 3,4 | Carteret | Judge Quinn |
| Wed Sep 9 | Pamlico | Judge Spencer |
| Thur/Fri Sep 10,11 | Craven | Judge Spencer |
| Fri Sep 18 | Carteret | Judge Quinn |
| Wed Sep 23 | Pamlico | Judge Mills |
| Fri Sep 25 | Craven | Judge Alexander |
| Fri Oct 2 | Carteret | Judge Waddell |
| NO COURT WEEK OF OCT. 5, 2009-OCT. 9, 2009 | | |
| Wed Oct 14 | Pamlico | Judge Alexander |
| Fri Oct 16 | Craven | Judge Waddell |
| Thur/Fri Oct 22,23 | Carteret | Judge Quinn |
| Wed Oct 28 | Pamlico | Judge Waddell |
| Fri Oct 30 | Craven | Judge Waddell |

* BIRTHDAYS *



| | |
|----------------|---------------------------|
| July 4 | Betty N. Tooker |
| July 11 | Lavennia M. Sierocki |
| July 20 | William F. Miner |
| July 23 | Karen Elizabeth Wing |
| | Constance Brophy |
| July 25 | Christine Grady |
| Aug 2 | Jean S. Huryn |
| Aug 8 | Deborah J. Robinson |
| Aug 14 | Richard D. Moat |
| Aug 18 | Madelynn A. Torgersen |
| Aug 20 | Virginia (Ginny) Starks |
| Aug 21 | Patricia F. Cappa |
| Sept 6 | Patricia A. Nelson-Bullis |
| | Lillian (Lynn) F. Pimm |
| Sept. 21 | Joyce C. Weaver |
| Sept. 26 | Kelly Jean Whitley |
| Sept 30 | Ruth S. Mahlmann |

Teacher Debbie Moon's first graders were discussing a picture of a family. One little boy in the picture had a

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different hair color than the other members. One of her students suggested that he was adopted. A little girl said, "I know all about adoption, I was adopted."

"What does it mean to be adopted", asked another child?

"It means", said the girl, "That you grew in your mommy's heart instead of her tummy!"



Whenever I am disappointed with my life, I stop and think about little Jamie Scott.

Jamie was trying out for a part in the school play. His mother told me that he'd set his heart on being in it, though she feared he would not be chosen.

On the day the parts were awarded, I went with her to collect him after school. Jamie rushed up to her, eyes shining with pride and excitement. "Guess what Mom", he shouted, and then said those words that will remain a lesson to me....."I've been chosen to clap and cheer."

—Submitted by Becky Clark