

*Guardian ad Litem News
Judicial District 9A
First Quarter 2009 Edition*



Greetings from the Guardian ad Litem office of NC Judicial District 9A!

As we all are very aware, the current budget situation is necessitating us to all tighten our belts a bit – and in an effort to be as fiscally conservative as possible, we have opted to follow the CASA lead and distribute our newsletter electronically, as opposed to mailing hard copies to each of you.

PROGRAM UPDATE:

We have been notified that there will be no mileage reimbursement for staff or volunteers until sometime after June 30 due to the State budget situation. Please continue to stay in touch with your child client via telephone if this creates a hardship with your travel at this time. We will notify you immediately if/when this situation changes.

WELCOME to the following volunteers who have recently joined us: Violette Bell, Susan Lea Hester, Pat Lea, Marylu Knight, Pat Morris, Sandra Treacy, Jody Irby, Bettie Yarboro-Jackson, and Paula Royster. We are so happy to have these new faces with us, and we look forward to a long and successful association as they help us advocate for the children of Person and Caswell counties.

As of this writing, we are carrying 64 children in our two counties, and as you are aware, we never have enough volunteers to cover all the children who need you. Please “talk us up” to your friend and families – if you know someone who is looking for a volunteer opportunity that will truly make a difference, please refer them to us.

Last month we closed cases for eight (8) children who were all reunited with their parents, and/or found permanency with relatives. Thank you, as always, for your help in achieving permanency for our child clients.



Happy Birthday to these great volunteers who celebrated their birthdays during the first quarter of 2009:

January:

4 - Lela Currier
21 - Susan Hester

February:

13 - Helen Slaughter
18 - Jody Irby
18 - Violette Bell
23 - Patricia Lea

March:

11 - Patricia Morris

We are sending our best wishes to Charlene Wilson as she is recuperating from heart surgery. Thanks to Violette Bell who has offered to step in and pick up Charlene's case until she is able to return to us full force. (And thanks to **all** of you who always so graciously accept cases when we need your help – we couldn't do it without you!)

We would also like to convey our deepest sympathy to Lela Currier, who lost her brother recently.

UPCOMING EVENTS:

April is Child Abuse Awareness Month. In conjunction with that, Person County is again observing its annual Week of the Young Child. A few of the activities planned for April 19-25 are:

Tuesday: A kindergarten readiness rally

Wednesday: WOYC will host the Chamber of Commerce's monthly breakfast.

Friday: "Family Fun and Fitness Night" at Huck Sansbury Park.

Saturday: "Family A-Fair", also at Huck Sansbury, from 10:00 am – 2:00 pm.

All of these activities are geared toward families, and we hope you will enjoy many of them with YOUR family.

CALENDAR OF INTEREST:

April 24, 2009:

OPC Mental Health is hosting a training class from 9:00 -12:00 at the Person County Office Building Auditorium. The title of this class is "A Framework for Understanding Poverty", and is designed for, among others, guardians ad litem. Because poverty touches so many of our child clients, this class would be beneficial to all. If you would like to attend, please call Jolane at 336-503-5266 and she will give you registration information.

May 1-2, 2009:

GAL Conference, celebrating the 25th Anniversary of the GAL Program in North Carolina. Much to our delight, we now have 10 people registered to attend. We will give you all the details of this great conference in our next newsletter.

What is a GAL?

A Guardian ad Litem is a trained community volunteer who is appointed by a district court judge to investigate and determine the needs of abused and neglected children petitioned into the court system by the Department of Social Services. The Guardian ad Litem (GAL) Volunteer makes independent recommendations to the court for services, which focus on the needs of each child. The Guardian ad Litem advocates for a permanent and safe home for every child within the shortest time possible.

What is Motivation?

" . . . motivation would not be thought of as a personality problem, or as a trait that a person carries through the counselor's doorway. Rather, motivation is a state of readiness or eagerness to change, which may fluctuate from one time or situation to another. This state is one that can be influenced."

William Miller, 1991

On February 27, 2009, several of our GAL volunteers attended a class hosted by OPC Mental Health. The class was titled "An Overview Of Motivational Interviewing", and was presented by Paul Nagy with the Duke Department of Psychiatry and Behavioral Sciences. Attending were Nancy Wagstaff, Teresa LaVoy, Pat Morris and Helen Slaughter. All attending commented on the broad knowledge of the presenter, and found the class to be very beneficial. The training focused motivational interviewing skills and the therapeutic ingredients needed for change: "positive regard, empathy, authenticity, collaboration and encouragement".

If haven't called us lately, we have new phone numbers and a new fax number. Please make a note of the following changes:

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PO Box 1531
Roxboro, NC 27573

Nancy.K.Wagstaff@NCCourts.org 336-503-5265

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GAL Program State Website

<http://www.nccourts.org/Citizens/GAL/>

The following article was written by Deana Fleming, who is the GAL Associate Counsel in Raleigh. We found this article to be very interesting, and believe it can help you with questions you may have concerning legal permanency, and your role as GAL in helping to achieve that goal.

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 import 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.)



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

Henri J. Nouwen