



Best Practices for ACCT Attorney GALs

CONTINUING EDUCATION AND TRAINING:

- Annually complete 15 hours of continuing legal education required of all attorneys (mandatory)
- Annually complete 3 hours of continuing legal education devoted to GAL legal work (mandatory). This can count towards the 15 hours required annually of all attorneys indicated.
- Complete ACCT-specific training on GAL expectations.
- Complete a study of the National Association of Counsel for Children (NACC) 2021 revised *Recommendations for Legal Representation of Guardian and Youth in Neglect and Abuse Proceedings*.
 - <https://naccchildlaw.org/wp-content/uploads/2024/01/NACC-Recommendations-Final.pdf>
- Optional training in the completion of guardianships and adoptions according to ACCT timelines (commission-based; attorneys receive payment above ACCT salary for each case they complete)
- Optional formal programs: non-self study training, chosen by the attorney to sharpen their advocacy: e.g. Adverse Childhood Experiences; Interviewing child victims; CASA training; trauma-informed care; TBRI training; dynamics of child abuse and neglect; family dynamics and domestic violence issues; available community resources and services; child development issues; cultural and ethnic diversity and gender-specific issues; case law affecting children (federal, state, and local); factors to consider in determining best interest of the child in light of the child's right to be with his or her family balanced with his/her right to timely permanency (ACCT will consider additional monetary compensation for these and other ACCT-approved trainings as they become available).

PROFESSIONALISM:

The ACCT Attorney shall always act professionally and ethically responsibly, including in compliance with GAL Program policies and standards and the rules of the Missouri Bar.

COMMUNICATION:

ACCT Attorneys shall maintain a courteous and respectful relationship with ACCT staff, members of the Family Support Team, children, and families. The ACCT Attorney shall be open and responsive to the concerns, opinions, and ideas of the children appointed to the ACCT program,

staff, volunteers, and outside agencies. *Emails and phone calls should be returned within two business days.*

- Communication with the Child: It is the responsibility of the ACCT Attorney to regularly communicate with the children for whom they are appointed. Should an ACCT Attorney encounter barriers in gaining access to an assigned child, the ACCT Attorney must pursue all administrative and legal means to gain access to the child. It is important and necessary to immediately inform the child's caseworker and the dependency court of any denied access and to work together with them to resolve the issue.
- Communication with Team: The ACCT Attorney shall have regularly scheduled opportunities to meet with the team and children represented by the Program. The ACCT Attorney should be available for in-person meetings as well as telephone conferences. The ACCT Attorney shall respond to the team in a timely manner. It may also be necessary to check in with team members periodically, in addition to scheduled meetings, as foster care is twenty-four hours a day, seven days a week.
- Communication with Placement: It is of paramount importance to maintain open communication with placement, especially for younger children or kinship placements. For younger children, placement can assist in providing details on the affect and emotional response of a child or children before and after parental contact to aid the GAL in making informed decisions. For older youth, it is important for a placement to be heard and feel supported as this may reduce the chances of a disruption, which has a negative cumulative effect on a child.

CONFIDENTIALITY:

Pursuant to state and federal law, the ACCT Attorney shall at all times strictly follow all laws and rules related to confidentiality.

ACCT ATTORNEY EXPECTATIONS:

The ACCT Attorney shall use his or her judgment, knowledge of the law, and knowledge of child welfare issues to facilitate the most appropriate advocacy in the child's best interest. The ACCT Attorney shall at all times advocate for the child and the best interests of the child. The best interests of the child shall be the paramount consideration in every decision or action of the ACCT Attorney.

The ACCT GAL Attorney:

- Shall thoroughly and adequately prepare for all court proceedings .
- Shall develop a theory and strategy of the case to implement at hearings, including factual and legal issues.
- Shall timely file legal petitions (which may include Termination of Parental Rights petitions), motions, responses, or objections as necessary after consulting with the team to advance the child's best interest.
- Shall obtain copies of all pleadings and relevant notices
- Shall participate in depositions, negotiations, discovery, pretrial conferences, and hearings.
- Shall present and cross-examine all witnesses, prepare and present exhibits, present evidence, and provide independent evidence, as necessary, to prove the prima facie elements of the legal position determined by the team to serve the child's best interest.

- Shall attempt to reduce case delays and ensure the court recognizes the need to speedily promote permanency for the child.
- Shall counsel the child concerning the subject matter of the litigation, the child's rights, the court system, the proceedings, the ACCT Attorney's role, and what to expect during the legal process
- Shall discuss the court orders, actions, and their consequences with the child (as developmentally appropriate).
- Shall express the child's wishes to the court and other parties regardless of whether the child's preferences conflict with the attorney's determination as to what is in the child's best interest.
- Shall determine whether it is appropriate for the child to testify at a hearing if the child is subpoenaed by another party. The GAL will consider the necessity, possible benefits, and the repercussions for the child. The GAL will consider the availability of other evidence, including evidence admissible through hearsay exceptions that may substitute for direct testimony. If the ACCT Attorney determines that testifying will be contrary to the child's best interests, he/she shall seek agreement of all parties to refrain from calling the child as a witness. In the absence of such agreement and when appropriate, The ACCT Attorney shall seek other remedies, such as court orders limiting the scope or circumstances of the child's testimony. If the child is compelled to testify, the GAL shall seek to minimize the negative consequences by seeking appropriate accommodations allowed by law, such as camera testimony or testimony via closed-circuit television.
- Shall ensure the youth is prepared to testify if compelled (and secure safeguards and supports for the emotional impact on the youth).
- Shall review all proposed orders submitted to the court to ensure that the proposed orders are accurate, preserve appellate issues, and clearly state desired outcomes. If a proposed order is drafted incorrectly, the ACCT Attorney shall act in a timely and appropriate manner to correct the record, such as by filing objections to the proposed order or by filing a separate proposed order.
- Shall follow all court orders. If the Attorney believes that compliance with the order will jeopardize the child's best interests, he/she should consider filing a motion for rehearing or an appeal.

The primary hearings a GAL attorney for a youth or child attends throughout the dependency case are:

- Protective Custody Hearing: To be held within 3 business days, excluding weekends and legal holidays, from the date the child is taken into legal custody. This hearing determines whether the child should remain in temporary state custody pending further proceedings.
- Adjudication Hearing; To be held within 60 days of the child being removed from the home. At this hearing the court assesses the evidence to decide if the allegations of abuse and neglect are substantiated, thereby determining if the child falls under the court's jurisdiction.
- Dispositional Hearing: To be held within 90 days of the child's removal. This hearing follows adjudication, establishes a long-term plan for the child's care, which may include services for the child and family, placement decisions, and visitation arrangements.
- Dispositional Review Hearings: Occur every 90 to 120 days after the dispositional hearing during the first 12 months of the child being in the custody of Children's Division (CD). These hearings monitor the child's status and the family's progress in complying with court-ordered services or conditions.

- Permanency Hearing: Conducted **within 12 months of the child's removal**, and every 12 months thereafter. This hearing focuses on establishing a permanent living situation for the child, whether through reunification with the parents, adoption, guardianship, or another permanent arrangement.
- Permanency Review Hearing: Held at least **every 6 months** following the initial permanency hearing, as long as the child remains in CD custody. These hearings assess the progress towards achieving the child's permanent placement plan.
- Termination of Parental Rights (TPR) Trial: this hearing considers legally severing the parental rights if reunification is not considered in the child's best interest. TPR frees the child for adoption. While Missouri statutes do not specify an exact timeframe for conducting a TPR trial after a petition is filed, certain mandates guide the process: 1. **Mandatory Petition Filing:** Under Missouri Revised Statutes 211.447.2, a petition to terminate parental rights must be filed by the juvenile officer or the Children's Division when the child has been in foster care for at least 15 of the most recent 22 months; when a court has determined the child to be an abandoned infant; or the parent has committed certain serious offenses against the child or another child. 2. **Expedited Proceedings:** Missouri law emphasizes the need for expedited handling of TPR cases. According to Missouri Revised Statutes 211.455, in all cases involving the termination of parental rights, the court shall, consistent with due process, expedite the proceedings by entering necessary scheduling orders to ensure the case is not delayed. Such cases are given priority in setting a final hearing and are to be heard at the earliest possible date over other civil litigation, except for Children's Division child protection cases.
- Document: **Case number; type of hearing attended; date of hearing; whether or not the hearing met the required timelines stated above (and if not, why); time spent; brief description of your advocacy actions** (e.g., presenting your "best interest" recommendations; informing the court of the child's wishes, even when they differ from your own recommendations; recommending to the court that another attorney ("child/youth's attorney" or "expressed interest attorney") be appointed to represent the child's wishes when there is a serious conflict with your "best interest" advocacy; stating the child's expressed concerns, encouraging adherence to timelines, subpoenaing witnesses, examining and cross-examining witnesses, filing petitions, motions, parenting plans, responses, and objections; communicating any non-compliance with court orders to the court., other); and **brief description of outcome** (e.g., new services ordered; new court orders or directives for parents, for child, for family; visitation changes, etc.).

REQUIRED ACTIVITIES WITHIN 48 HOURS OF REPRESENTATION NOTIFICATION OR APPOINTMENT

Consider: These actions demonstrate the GAL's commitment to advocating for the child's safety and well-being long-term. The GAL attorney in a dependency case prioritizes swift action to protect the child's interests and begins building a comprehensive understanding of the case within 48 hours of being appointed (or notification of representation in a TDM, SAAF, or similar program)

- *Review Case Files:* Obtain and review the court orders of appointment and documents filed with it, such as initial abuse/neglect petitions, and supporting affidavits, court docket and hearing transcripts (to track past proceedings and judge's rulings), TPR filings (if applicable to understanding permanency plan). Review agency and social services records, WSAs, CD case files, CASA reports, investigative reports (hotline reports), FST meeting notes (summaries of case planning meetings), Permanency Plan decisions, and visitation records (documentation of parental visits, quality of interaction, and concerns).
- *Review All Available History:* of the child and the family, including prior dependency or custody cases, if accessible.
- *Review Educational Records:* school records and Individual Educational Plan (IEP), (if applicable), teacher and counselor reports.
- *Review Law Enforcement and Criminal Backgrounds:* police reports if law enforcement was involved in incidents leading to the case, criminal background checks on parents, forensic interviews (consider if one is necessary¹), guardians, or other caregivers.
- *Review Placement Records:* foster care/home study reports and evaluations of the child's living environment, and placement history (number of moves, reasons for change, and current stability).
- *Review Other Relevant Records:* prior GAL reports (if applicable), and correspondence with parents, caseworkers, and service providers (emails, letters, and case notes).
- *Contact Key Parties:* Speak to the child's current caregiver (e.g., foster parent, relative placement, residential facility), and to the child (when developmentally appropriate) to introduce yourself, briefly explain your role, and gather information about the child's current living situation, immediate needs, and well-being. Be sure they (and the child, when developmentally appropriate) have your name, telephone number, and address immediately upon appointment to the case. Set up a time to interview the caregiver and the child, and make sure they have your preferred contact information.
- *Contact the caseworker* from the child welfare agency to understand the agency's position, plan, and immediate concerns, and report any immediate needs/concerns learned from initial phone call with the child and placement provider. If appropriate and feasible, and with the permission of their attorney(s), reach out to the parents or guardians to understand their perspective of the situation.
- *Coordinate with Other Professionals:* as time permits, talk with teachers, school counselors, therapists, and doctors to gather pertinent information. Collaborate with any Court Appointed Special Advocates (CASA) assigned to the case. Explain your

¹ Balance the need to make informed case decisions against the emotional and traumatic impact of being questioned about past abuse or neglect. Also consider whether the child will have considered exposure to the alleged perpetrator or not, when considering the timing of requesting a forensic interview (FI) and whether visitation is appropriate if a FI is to be scheduled. If a child is going to be questioned due to potential criminal charges or by multiple agencies, then a forensic interview at a CAC is preferred.

- role in the case and provide your contact information to these parties, encourage them to call you with ongoing concerns and questions.
- *Prepare for Initial Hearing:* Develop a preliminary understanding of the child's best interests and any immediate recommendations to present to the court at upcoming hearings. Identify any additional information or documentation needed for the case. You should also be prepared to make inquiry of the parents or party from whom the child(ren) was removed.
 - Document: **Case number, type of activity (e.g., call, interview, observation, visit, record review, address urgent need, information gathering), person(s) contacted, date when each of the above activities are accomplished, time spent on each activity, and, if applicable, write a brief summary of any actions taken to address urgent needs.**
 - Document: Keep detailed notes on all communications, observations, and actions taken. Begin drafting an initial report or strategy to ensure the child's best interests are effectively represented in court.

WITHIN 3 BUSINESS DAYS OF REPRESENTATION NOTIFICATION OR APPOINTMENT (PRIOR TO THE 72-HOUR PROTECTIVE CUSTODY HEARING)

- Meet the Child: Make every effort to meet the child in person at their placement home to establish rapport and assess their physical, emotional, and mental state. This meeting should be conducted in an age-appropriate and trauma-informed manner. Explain your role in the process to the child (depending upon level of development and age) and to the placement provider (If available, give them a brochure that outlines the role of the GAL). If meeting in person is not immediately feasible, a phone or video call may suffice temporarily. *If the child is an infant, toddler, or is pre-verbal, a visit to the child in the placement-provider's home is necessary throughout the case.* Provide the child and the provider with your written contact information and the timeframe during which they can expect you to return calls. Ascertain their preferred method of being contacted by you and obtain their contact information. Encourage them to reach out to you with questions and concerns, and explain to them you need to be contacted promptly if there is a change in (preferably prior to) placement of the child. Let them know what to expect as far as future visits and phone calls from you. Obtain contact information for other helpful contacts: teachers, counselors, etc.
- Note: when first receiving a case, more time may be required to establish a relationship with a youth. You may have to overcome barriers they erect due to trust issues., However, it is important to earn their trust so that you can truly understand who they are, in order to advocate for that is in "their" best interests. This may necessarily differ from what they want which further underscores the need to establish a relationship.
- Identify and Address Urgent Needs: This could include medical care, counselling, safety concerns, housing stability, or educational disruptions. Advocate for immediate services or interventions, as necessary, by contacting the caseworker or the court.
- Assess Safety and Placement: Evaluate the child's current placement for appropriateness, safety, and stability. Determine whether emergency placement changes or protective actions might be needed. Go beyond a superficial assessment of safety to include emotional safety and well-being. If a child does not feel safe in a placement, then there will likely be issues and the child may attempt to disrupt the placement.

ONGOING CASE MANAGEMENT REQUIREMENTS

CHILD/YOUTH INTERACTION:

Consider: Frequent in-person contact and intentional communication, tailored to the youth's individual circumstances and the child's stage of development, is key to the ACCT GAL role because consistent and meaningful engagement with the child builds trust and ensures the effective advocacy of the GAL. According to the National Association of Counsel for Children (NACC), "there is no substitute for authentic youth engagement at every stage." The GAL should conduct interviews with the child except when the child is too young (under age 2-3) or some other serious and legitimate circumstance prevents an interview. Many jurisdictions now recommend monthly visits between the child/youth and their GAL. To the extent appropriate, the GAL must observe the child's physical, mental, social, and familial well-being and form opinions concerning best interest and the child's safety. The GAL should meet the child in various environments, such as the home, the school, or a neutral space in order to better understand their day-to-day experiences. There should be an opportunity at each interaction for the GAL to speak with the child/youth out of earshot of others involved with the case, yet in a setting that protects the youth and the GAL (a public setting, or with a neutral third-party present). While the GAL should not diagnose or work therapeutically with the child, he/she should observe the child's physical, mental, social, educational, and familial well-being in order form opinions concerning the child's best interest. These first-hand, informed observations will assist the GAL when conferring with other specialists and presenting evidence to the court.

- Meeting frequently in-person with the child/youth will assist the GAL in ascertaining the child's wishes, which is an important part of what the GAL is tasked with presenting to the court. According to the NACC, "*Children and youth with lived experience in the child welfare system have consistently called for earlier and more frequent opportunities to be heard in the decisions that impact their lives...Client-directed representation, however, provides the greatest assurance of maximizing youth voice and minimizing attorney bias that too often exacerbates racial and ethnic disparities in the child welfare system. Consistent with past policy endorsement and amicus work, NACC supports expressed interest representation as the preferred model of children s legal representation.*"
- Although ACCT's attorneys are tasked with a "best interest" model of representation at this time, when it comes to the representation of infants and pre-verbal children, or youth of diminished capacity, it is possible for the attorney to have a more complete picture of what the child would want by making first-hand, trauma informed observations of the child, and seeking guidance from collateral sources (family, supports, experts, and other professionals). As the NACC points out, "*Legal scholarship and social science research around attachment both point to family integrity as the starting point...from there, attorneys should further investigate and consider the child s present and future rights, interests in safety, permanency, and well-being, and factors such as family preservation, attachment, identity, and cultural connection, sibling relationships, health, etc.*"
- After the initial in-person meeting with the child within the first the business days of appointment to the case, *subsequent in-person meetings with the child/youth are to take place, at a minimum, every other month*, either at the placement provider's home, at the family home (during visitation), at a residential/mental health facility, in the community, at hearings, at agency meeting rooms, at school, or at the ACCT office (with the legal secretary or the legal consultant present). When meetings at the school or in the community are being considered, special care must be taken to ascertain the child's/youth's comfort/preference with meeting in places where peers may pose a problem. *In the case of a*

- newborn/baby/toddler/or pre-verbal child, observation of the child and their placement provider in the placement's home is necessary every other month.*
- *In-person meetings with the child are required once/month, or more frequently, for children in particularly unstable or high-risk situations (such as a residential placement facility) in order to monitor their safety, well-being and to ensure their needs are being met.*
 - *In-person meetings with the child should take place around key points in the case, such as court hearings, placement changes, or when major decisions (like schooling changes or visitation) are being considered.*
 - *Phone, FaceTime or Zoom calls are to take place at least once/month. For very young children, these calls will be with the placement providers.*
 - The GAL shall explain, when appropriate, the court process and the role of the GAL to the child, and he/she should ensure that the child is informed of the purpose of each court hearing. Older youth should be provided with information about their rights, services, and permanency options, including the possibility of remaining in care until twenty-one years of age. Older youth should be encouraged to attend hearings and should be aware of their role during proceedings. The opportunity to attend court should be presented to a youth twelve years² of age or older. If the child/youth wants to be present and speak at hearings, but is uncomfortable, to decrease trauma to the child, the GAL should explain to the child what is happening and what is expected of the child in all proceedings, adapting the information to the child's age, level of education, cognitive development, cultural background, and degree of language acquisition, using an interpreter if necessary. The GAL should make a diligent effort to ensure that the child understands the nature of the proceedings, the placement or services that may result, and the possibility of future modifications in placement and services.
 - **Document: Case number, person contacted (child/caregiver), date of interaction, type of interaction (phone, in-person), time spent, location, and one or more of the following purposes):** a) observe child for well-being and safety in their placement; b) explain GAL role and legal processes; c) discuss best interest; d) ascertain child's wishes; e) provide information on purpose of each hearing; f) prepare youth for hearing; g) debrief youth post-hearing; h) advise youth of their rights and inform them of their options; i) counsel the youth's decision-making; j) provide emotional support; k) build rapport and trust; l) answer questions and address child's/youth's concerns; m) other.
 - Know your child's ACE Score. Adverse Childhood Experiences are traumatic events that occur during childhood, typically between the ages of 0 and 17. These experiences can have lasting negative impacts on a person's physical, mental, and emotional health throughout their life (more information is provided at the end of this document). Research has proven that ACEs can increase the risk of a wide range of health problems, including: chronic diseases (e.g., heart disease, stroke, cancer), mental health disorders (e.g., depression, anxiety, PTSD), substance abuse, violence, and early death (including suicide). They also have negative effects on future stability, homelessness, educational and vocational opportunities. The higher the score, the greater the adverse impact. Being in foster care adds layers of trauma to pre-existing ACEs. Whenever possible, The GAL should try to mitigate these harmful outcomes and seek opportunities to help the youth when they transition out of care, or age out.

² Take care to notify team members the youth intends to be present in the hearing, and put safeguards in place for potentially upsetting things the youth may hear.

- Look for explanations of a youth's behavior, and ensure if medication when utilized, the least restrictive form is being used. Oftentimes, a child's behavior could be a cry for help or symptomatic of trauma not yet disclosed. Understand that disclosure is a process, and it may take time for them to share information needed to keep them safe. Ensure the medications prescribed are not merely masking symptoms of trauma, and that non-pharmaceutical methods have been first explored and exhausted (such as counselling, EMDR, music or play therapy). Assess whether a youth's behavior is a stress response, searching for the source of the stress and advocating accordingly. For instance, "fight, flight, freeze, and fawn" refers to the four primary stress responses that humans exhibit when faced with a perceived threat, including: fight (confronting the threat directly), flight (escaping from the threat), freeze (becoming immobile or paralyzed), and fawn (appeasing the threat by being overly accommodating or pleasing) - essentially acting to avoid conflict by trying to please the perceived threat. This may provide insight into a youth's behavior and help indicate if there is an underlying concern not yet addressed. Also ensure that a youth has positive stress outlets and opportunities to engage socially in the community.

MEETING ATTENDANCE:

- The GAL shall be present and actively participate in all staffing and meetings including, but not limited to, Family Support Team (FST), meetings and permanency planning review team meetings, involving case child/children and/or their biological parents. If unable to attend, the GAL must designate an ACCT staff attorney, ACCT contract attorney, or ACCT pro-bono attorney to attend in their absence.
- The GAL shall attend and advocate for the child's best interest at all Individual Educational Plan (IEP) and Best Interest Determination (BID) meetings, disciplinary hearings, staffings, and other professional meetings on the case child/children.
- The GAL shall participate, when appropriate, in the development and negotiation of any service plans, parenting plans, proposed orders, and staffings that affect the best interest of the child as they relate to the case at hand.
- The GAL in a pending case shall protect the interests of the child who is witness in any judicial proceeding in which the GAL has been appointed. *In matters for which the GAL is appointed, he/she shall be present during any conferences between the counsel for a party and the child. The GAL should be notified of all proceedings or meetings involving the child. The GAL should endeavor to protect the child from multiple depositions and repetitive examination that are not in the child's best interest, as well as guarding against secondary victimization if the youth is victim in a case.*
- Document: **Case number, type or purpose of meeting, date attended, location, time spent, and brief description of outcome.**

CONTACTS/INTERVIEWS:

These can be *in-person or phone calls with persons having contact with or knowledge of the child* in order to ascertain the child's wishes, feelings, attachments, and attitudes. Examples include foster parents, biological parents, siblings, neighbors, extended family members, guardians or kinship providers; caseworkers, CASAs, deputy juvenile officers, therapists, psychiatrists, psychologists, medical professionals, parent aides, daycare personnel, clergy, schoolteachers, school counselors, school nurses, coaches, Parents-as-Teachers and First Steps providers, etc. To

make a recommendation to the court that serves the child's best interests, the GAL should have knowledge of the child's circumstances from all sources.

NOTE: In conducting interviews, the GAL should not communicate with a person the GAL believes to be represented by another lawyer in the matter unless the GAL has the consent of the other lawyer or is authorized to do so by law or by court order.

- These contacts need to be made *early in the case* to each of the above contacts that apply to the child.
- *Additional contacts* with the above must be made *between hearings* in order for the attorney to keep apprised of the child's ongoing needs and concerns, as well as safety. In particular, *quarterly contact between hearings should be maintained with placement providers, agency caseworkers, residential caseworkers, CASAs, therapists, school counselors, daycare providers in the case of young children, and any other service providers for the child or the family.*
- In addition to gathering ongoing information about the child and family, The GAL should attempt to reduce case delays and promote permanency for the child by staying in touch with the child, third-party caretakers, caseworkers, and service providers throughout the term of appointment to ensure that the child's needs are met and the case moves quickly to an appropriate resolution. The GAL shall *monitor the implementation of the court's orders and communicate any non-compliance* to the responsible agency. The GAL should also *ensure services are provided* and the court's orders are implemented in a complete and timely fashion.
- Document for each contact/interview the following: **Case number, person contacted, date of interaction, time spent, type of contact (in-person, phone call, Zoom call, etc.), and purpose of contact: (e.g., gather information about child's well-being at placement and school, ensure needed services are being provided in a timely manner, monitor timely implementation of court's orders, communicate non-compliance with court orders to appropriate agency, other).**

RECORD REVIEW:

Consider: The GAL must *review all relevant records on the child and their parents or guardians at the beginning of the case, and thereafter, as generated, between hearings.* The GAL is entitled to all reports relevant to the case and shall have access to all relevant records related to the child, the placement of the child, and the child's family members. This GAL appointment order should include an order directing release of confidential information and records about the child and family. *The information contained in such records may provide a more complete context for current problems experienced by the child and family, and may suggest additional professional and lay witnesses that can provide testimony necessary to a full hearing of the issues before the court, and may reveal alternate potential placement resources. It is essential that the GAL personally review the available information rather than relying upon descriptions, summaries, or characterizations of the evidence provided by others.* **NOTE:** The GAL will have access to and receive confidential and privileged information that apply not only to the child but also may pertain to a parent or guardian or others involved in the case. The GAL has the duty to maintain confidentiality of all information received. Discussion among parties about confidential or privileged information is allowed. However, it is generally not permissible to re-disclose any of this information to any person not a participant to the case. The GAL should protect against the release of

confidential information about the child during the court process. Most hearings are open. If testimony or evidence about the child that is confidential or privileged will be presented, the GAL may request the courtroom be closed pursuant to Rule 122.01, or that a protective order be entered by the court.

- All records pertaining to the child: medical records (inpatient and outpatient), psychological evaluations, psychiatric records, school or daycare records, counseling or therapy records (including family therapy), residential records, parent aide reports, CASA court reports, agency caseworker court reports, agency history of case, delinquency records, criminal history, substance-abuse records, service-provider records (PAT, First Steps, etc.).
- Records pertaining to parents or guardians and children: agency case history, medical records (inpatient and outpatient), psychiatric records and recommendations, individual and family therapy records, psychological evaluations, parenting assessments, criminal history records, substance-abuse records, service-provider records (e.g. parent-aide, First Steps, Parents as Teachers, Independent Living Resource Center [ILRC], Compass Health, RACS, parenting class attendance records, substance abuse assessment and treatment records)
- Document: **Case number, parent or child, name of record reviewed, date reviewed, type of record reviewed, when record generated, time spent on review.**

DIRECT OBSERVATIONS:

- The Child's Living Environment and Interaction with Caregivers: *Observational visits are to occur in the child's living environment at least every 90 days (and within a week of placement changes)* after the initial visit in the home of the child's caregiver in order to assess the environment's continued safety, cleanliness, and appropriateness, as well as the child's physical, mental and emotional health, hygiene, and nutritional status, interactional relationship with caregivers, and the caregivers ability and interest in meeting the child's needs. The child should also be observed for reaching age-appropriate developmental milestones. In addition, the placement providers concerns about the child should be noted and communicated to the caseworker and the team.
- The Child's Interactions with Parents, Siblings, and Other Family Members: *Observational visits are to occur when possible during visitation with parents and family members* (at family home, at agency visitation rooms, or in the community). These visits are done to observe how the child interacts with family members, and to assess the appropriateness and quality of supervised and unsupervised visits. Attention is paid to the child's connection with immediate and extended family members, mentors, or other significant relationships that provide emotional support. Family interaction can be observed through one-way mirrors when visits take place at agencies, as these observations are least disruptive to natural family interaction. During visits to the child's home during trial home placement, observations can assess the child's understanding of and adjustment to the permanency plan.
- Document: **Case number, type of observation (e.g., of child with family, of child with placement provider), location of visit (e.g., family home, placement home, agency visitation room), persons present, time spent in observation, brief summary of impressions and concerns, and any actions taken.**

HEARING ATTENDANCE AND GAL ACTIONS RELATED TO HEARINGS:

Note: Throughout the proceedings, the GAL attorney advocates for the child's best interests, makes the court aware of the child's wishes, and ensures that their rights and needs are prioritized in all judicial decisions, and that hearing timelines are followed. According to the NACC's revised recommendations, "*Today, the child welfare field continues to evolve. It is informed by evidence of the trauma of family separation, harmful foster care experiences and outcomes...*" and *too many children and youth do not feel a sense of inclusion in the courtroom proceedings that shape their families and their lives; children's lawyers are duty-bound to address this.*" The harmful effects of prolonged foster care and a lack of permanency planning for children are serious and well-documented. The GAL should expedite permanency, especially where the placement of a young child is at issue. The GAL should attempt to reduce case delays and promote permanency for the child. While it is recognized that delays are usually harmful, there may be some circumstances when delays may be beneficial to the child and should be utilized.

As stated above, the GAL should attempt to reduce case delays and promote permanency for the child by staying in touch with the child, third-party caretakers, caseworkers, and service providers throughout the term of appointment to ensure that the child's needs are met and the case moves quickly to an appropriate resolution. The GAL should monitor the implementation of the court's orders and communicate any non-compliance to the responsible agency. The GAL should also ensure services are provided and the court's orders are implemented in a complete and timely fashion. It is essential for the GAL to have input on the case plan or WSA to ensure proper requests are being made of the parents, and sufficient documentation is occurring to pursue the stated goal, or if necessary, in pursuit of another goal. It is also important to advocate for a concurrent goal so that time is not wasted, and a primary goal change would not require additional time to gather information and evidence that should have been collected previously.

ACES resources:

[About Adverse Childhood Experiences](#) | [Adverse Childhood Experiences \(ACEs\)](#) | [CDC Trauma and ACEs \(Adverse Childhood Experiences\)](#) | [School Health](#) | [Health & Senior Services](#)

The goal is to mitigate the harmful effects of ACEs, and lessen the trauma created by the foster care system through effective advocacy.