

# **GAL ATTORNEY CHECKLIST**

## **Initial Activities Within 48 Hours of Appointment (2 business days)**

Contact the Child/Youth, the Placement, and the Family: Introduce yourself and explain your role, gather information about the child's well-being, learn about immediate needs, exchange contact information, and arrange a visit. Speak with the following:

- Child (when developmentally appropriate)
- Placement provider (foster parent, guardian, kinship, family member)—schedule a visit
- Residential facility—schedule a visit
- Parents or guardians (with their attorney's approval)

### Review Case Files

- Prior court orders, including protective custody orders, adjudications, dispositions, and permanency orders
- 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 understand the permanency plan.

### Review History—Agency and Social Services Records

- Children's Division Case File—caseworker notes, safety assessment, and service plans
- Investigative Reports (Hotline Reports)
- FST meeting notes—summaries of case planning meetings
- Permanency Plan—whether the goal is reunification, guardianship, or adoption
- Visitation Records—Documentation of parental visits, quality of interactions, and any concerns
- Prior dependency cases
- Prior custody cases

### Review Educational Records

- School Records and IEP (If applicable)—academic performance, special education plans, and attendance
- Teacher and Counselor Reports—insight into the child's emotional and social well-being

### Review Law Enforcement and Criminal Backgrounds

- Police Reports—if law enforcement was involved in incidents leading to the case
- Criminal Background Checks—on parents, guardians, or other caregivers

### Review Placement Records

- Foster Care/Home Study Reports—evaluations of the child's living environment
- Placement History—number of moves, reasons for changes, and current stability

### Review Other Relevant Records

- Prior GAL Reports (if applicable)
- Correspondence with parents, caseworkers, and service providers—emails, letters, or case notes

Contact Key Parties: to understand their position, their plans, and their immediate concerns for the child, the placement, and the family

- Agency caseworker
- Residential caseworker
- Parents or guardians (with their attorney's permission)
- CASA

Identify Urgent Needs and Advocate for Immediate Services and Interventions (notify the caseworker)

- Medical needs
- Psychiatric needs
- Safety needs
- Housing stability and needs
- Educational disruptions
- Placement change needed
- Protective actions needed

### **Within 3 Business Days of Appointment (Prior to the 72-hour Protective Custody Hearing)**

#### **Meet the Child in the Home or Facility Setting, with Placement Provider(s) Present**

- Provide child and placement with a verbal and written explanation of your role
- Provide child (when developmentally appropriate) and their provider with your preferred contact information, in writing, and the timeframe during which they can expect return calls from you
- Tell them you will be calling monthly and visiting in-person, either in the providers' home or at another location, every-other-month. In the case of children under the age of 5, all visits will occur at the providers' home.
- Obtain child and provider's preferred method of contact, in writing, and the times they are available for contact
- Assess child's physical, emotional, and mental state, using trauma-informed, age-appropriate interaction
- Observe body language
- Encourage questions and the expression of concerns during the visit and in the future
- Let the providers know that they need to call you immediately if there is a placement change or if the child is scheduled to give testimony, witness, or any other legal interview
- Obtain the names and contact information of anyone who knows, interacts with, or supports the child, such as teachers, coaches, school counselors, therapists, or other service providers
- Establish rapport (consider bringing age-appropriate toy or materials to help child feel comfortable)
- Assess the child's physical appearance (clothing, hygiene, signs of injury or neglect)
- Ask how they feel in their current placement and whether they feel safe (if older child/youth, try to do this out of earshot of provider)
- If applicable, ask about their daily routine, school experiences, and any recent challenges

- Observe the child’s interaction with caregivers, other children, and the overall home environment
- Ask key questions (depending on age and comfort level)—Do you feel safe, and do you like living here? Do you get to see your parents, siblings, or other important people? How is school, and do you have the help you need? Are you feeling okay? Have you been to the doctor or talked with anyone about your feelings? What do you want to happen in your case? Is there anything you’d like me to tell the judge for you?
- Observe and Document the Placement Environment—is the home clean, safe, and appropriate for the child? Does the child have their own space or a suitable sleeping arrangement? Do they have personal belongings (clothes, toys, school supplies)? Is there food available, and does the child seem well-fed? Are there any red flags (neglect, hazards, tension in the home)?
- Speak with the Caregiver (if appropriate)—ask about the child’s adjustment, behaviors, needs, and any concerns; discuss, medical appointments, therapy, schooling, and visitation with family; remind them of their role in supporting the child’s well-being and participation in case proceedings; ask if they have concerns about the case or need additional supports
- Explain the next steps to the child (when age-appropriate)—Let them know when you will see them again and reiterate how they can contact you; Explain upcoming court hearings or meetings in a way they can understand; Assure them that their voice matters and you will advocate for their best interests
- Document the child’s statement’s, behaviors, and placement environment
- Follow up on any concerns by contacting the caseworker or the court, as necessary
- Advocate for timely services needed by notifying the caseworker

**Contacts/Interviews: Within 2 Weeks of Appointment, and Thereafter Between Hearings or ASAP During Major Changes in the Child’s Life (placement changes, school disruptions, trial home placement/major changes in parent visitation, etc.)**

Call or meet with all persons having contact with, or knowledge of, the child in order to ascertain the child’s physical and mental health condition, safety, struggles, wishes, feelings, attachments, and attitudes

- Caseworkers
- Foster parents, guardians, kinship providers
- Biological parents (with their attorney’s permission)
- Siblings
- CASAs
- Deputy juvenile officers
- Therapists
- Psychiatrists/ psychologists/counselors
- Teachers
- Coaches
- School counselor/school nurse
- Daycare personnel
- Parent’s as Teachers
- First Steps

- Parent aides
- Other service providers or supports

Advocate for additional child services through the caseworker or the court when interviews with above parties reveal a need

Monitor the timely implementation of services and court orders, and communicate any delays or non-compliance to the responsible agency

**Child/Youth Meetings: In-Person, Every-Other-Month, in Various Environments (to build trust; assess safety; determine physical, mental, social, and familial well-being; learn child’s wishes, determine best interest)**

- At placement provider’s home (this is necessary at every visit with infants and toddlers)
- At residential/mental health/hospital facility
- In the community, at a public setting
- At school
- At hearings
- At ACCT offices (with third party present)

**Child/Youth Meetings: In-Person Monthly, During Major Life Events Until Situation Stabilizes**

- Children in high-risk or unstable situations, to monitor well-being
- When major changes occur in the child’s life, such as placement changes, medical or psychiatric events occur, trial home placement or major visitation changes are ordered, school disruptions occur
- When child will be testifying at a hearing, in order to prepare for hearing and assess child’s condition after hearing

**Child/Youth Phone, Zoom, FaceTime Calls: Once a Month, Between In-Person Visits (calls will be with caregiver for infants, toddlers, and pre-verbal children)**

- To ascertain child’s continued physical, mental, social, and educational well-being
- To identify child’s ongoing concerns and answer questions
- To inform the child of the purpose of each hearing and explain hearing results
- To provide information about the child’s rights, services, and permanency options
- To discuss the child’s wishes
- To encourage attendance at court hearings, when appropriate
- To continue building rapport and trust through listening and providing emotional support
- To ensure that the child understands the nature of proceedings, the placements and services that may result, and the possibility of future modifications and placements that may result
- To reassure the child that their voice is being heard by the court

- To counsel the child's decision-making

### **Observations of Child in Their Placement Living Environment and at Visitations with Family Members Every 90 days**

The GAL visits the child in his/her daily living environment and observes the child's interaction with caregivers, then reports any concerns to the caseworker

- To assess the environment's continued safety, cleanliness, and appropriateness
- To assess the child's physical, mental, and emotional health
- To assess the child's meeting of age-appropriate developmental milestones
- To assess the child's hygiene and nutritional status
- To assess interactional relationship with caregivers
- To assess the caregivers' ability and interest in meeting the child's needs
- To address any concerns/needs expressed by the caregiver and the child

The GAL attends and observes visits between the child and their family members either at the agency visit rooms (one-way mirror), or in the home or community

- To assess how the child interacts with the parents/family members
- To assess the family's parenting skills
- To assess the child's emotional state, sense of safety, and comfort level during visits
- To assess the appropriateness and quality of supervised and unsupervised visits
- To assess the child's connectedness with immediate and extended family members, mentors, or other significant relationships that provide emotional support
- To assess the child's understanding of, and adjustment to, the permanency plan during trial home placement

### **Ongoing Record Review, As Generated Between Hearings, on Child, Their Parents, and the Placement Provider**

- To obtain a more complete picture of current child and family problems
- To suggest additional professional and lay witnesses who can provide testimony necessary to a full hearing of the issues before the court
- To reveal alternate potential placement resources
- To provide the GAL with original source information rather than others' descriptions, summaries, or characterizations of evidence

Records pertaining to the child

- Medical (inpatient and outpatient)
- Psychological evaluations
- Psychiatric records (inpatient and outpatient)
- School or daycare records
- Counseling or therapy records
- Family therapy reports
- Parent aide reports
- CASA court reports (generated prior to each hearing)

- Agency caseworker court reports (generated prior to each hearing)
- Delinquency records
- Criminal records
- Substance abuse records
- Other service-providers' reports (e.g., Parents as Teachers, First Steps)

Records pertaining to the parents or guardians

- Medical records (inpatient and outpatient)
- Psychiatric records (inpatient and outpatient)
- Psychiatric recommendations
- Individual and family therapy records
- Psychological Evaluations
- Parenting assessments
- Criminal records
- Substance abuse assessment and treatment records
- Parenting class attendance records
- Parent aide reports
- Other service providers for parents and families (First Steps, Parents as Teachers, Independent Living Resources, RACS, Compass Health, etc.)
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## **Meeting Attendance for GALs**

The GAL shall be present and actively participate in all meetings involving the child and/or their parents, including, but not limited to the following:

- Family Support Team (FST) meetings (in-person, at agency)
- Permanency planning review team meetings
- Individual Educational Plan (IEP) meetings
- Best Interest Determination (BID) meetings
- Disciplinary Hearings
- Professional meetings involving the child

The GAL shall participate, when appropriate, in the development and negotiation of any service plans, parenting plans, proposed orders, and staffing that affect the best interest of the child as they relate to the case at hand

The GAL in a pending case shall be present and protect the interests of the child who is a witness in any judicial proceeding in which the GAL has been appointed. The GAL should endeavor to protect the child from multiple depositions and repetitive examinations that are not in the child's best interest

- Conferences between the counsel for a party and the child
- Any proceedings or meetings involving the child

## **Hearing Attendance for GALs**

The GAL shall attend all of the following hearings (or send another ACCT contract or pro bono attorney in his/her place, if necessary)

- Protective Custody Hearing—held 72 hours, or three business days, after child taken into custody
- Adjudication Hearings—held within 60 days of child removal
- Dispositional Hearing—held within 90 days of child removal
- Dispositional Review Hearings—held every 90-120 days after the Dispositional Hearing, during the first 12 months of child being in CD custody
- Permanency Hearing—held within 12 months of child removal and every 12 months thereafter
- Permanency Review Hearing—held at least every 6 months following the initial Permanency Hearing, as long as the child remains in CD custody
- Termination of Parental Rights (TPR) Trial—a petition for TPR must be filed by the juvenile office or the CD when the child has been in foster care for 15 of the most recent 22 months, or when the court has determined the child to be an abandoned infant, or when the parent has certain serious offenses against the child or another child

The GAL shall attend Custody and Domestic Case Hearings (Divorce, Paternity, Modifications)

- Temporary Custody/Temporary Orders Hearing—addresses immediate custody and support issues early in the case
- Mediation (if required by the court)—the GAL may participate in custody mediations
- Pretrial Conferences—hearings where parties discuss settlement options and trial readiness
- Trial (Final Custody Hearing)—if the parties do not settle, the GAL presents recommendations to the court

The GAL shall attend other potential hearings

- Emergency Hearings—if an urgent issue arises requiring immediate court intervention
- Status Conferences—regular case updates with the judge
- Post-Judgment Hearings—if there are disputes over enforcement or modification of custody or visitation orders

## **GAL Actions Related to Hearings**

- Actively participate in all hearings involving the child and his/her family
- Thoroughly and adequately prepare for all court proceedings .
- Develop a theory and strategy of the case to implement at hearings, including factual and legal issues
- Advocate for timely decisions that move the child closer to stability
- Present “best interest” recommendations
- 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
- Recommend to the court that another attorney (“child/youth attorney,” or “expressed interest attorney”) be appointed to represent the child’s wishes when there is a serious conflict with the GALs “best interest” advocacy
- Make the court aware of the child’s expressed concerns/questions
- Encourage adherence to timelines
- Follow all court orders
- Communicate to the court any non-compliance with court orders

- Consider filing a motion for a rehearing or an appeal if the ACCT Attorney believes that complying with a court order will jeopardize the child’s best interest
- Timely file legal petitions (which may include Termination of Parental Rights petitions), motions, parenting plans, responses, or objections, as necessary, after consulting with the team to advance the child’s best interest.
- Obtain copies of all pleadings and relevant notices
- Participate in depositions, negotiations, discovery, pretrial conferences, and hearings.
- Subpoena and present witnesses, examine 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
- Attempt to reduce case delays and ensure the court recognizes the need to speedily promote permanency for the child.
- Counsel the child (when developmentally appropriate) 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
- Discuss with the child (when developmentally appropriate) any court orders, actions, and their consequences for the child
- Determine whether or not it is appropriate for the child to testify at a hearing if the child is subpoenaed by another party. Take into consideration 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
- Seek agreement of all parties to refrain from calling the child as a witness when the ACCT Attorney determines that testifying will be contrary to the child’s best interests
- Seek other remedies, such as court orders limiting the scope or circumstances of the child’s testimony when all parties do not agree to refrain from calling the child as a witness
- Seek to minimize the negative consequences when a child is compelled to testify: use appropriate accommodations allowed by law, such as camera testimony or testimony via closed circuit television
- Ensure the child is prepared to testify, if compelled
- Review all proposed orders submitted to the court to ensure that the proposed orders are accurate, preserve appellate issues, and clearly state desired outcomes
- Act in a timely and appropriate manner, such as filing objections to the proposed order or filing a separate proposed order, when a proposed order is drafted incorrectly

## **GAL Advocacy for Expediting Timely Permanency**

### 1. Advocate for Early Case Resolution

- *Request Accelerated Hearings* by filing motions to prioritize or expedite the court’s schedule for critical hearings, such as adjudication, disposition, or TPR
- *Encourage Early Settlements* by working with parties (parents, attorneys, caseworkers to negotiate agreements on services, placement, or permanency goals, avoiding delays caused by contested hearings
- *Prepare for Court Advocacy* by filing petitions or motions when necessary, such as a Petition for Termination of Parental Rights (when reunification is not viable), a Motion for Placement to expedite placement with a relative or foster family, and a Motion for Services to secure support for the child or parents

## 2. Request and Monitor Services and Ensure Case Plan Compliance

- *Identify and Advocate for Services* that address barriers to permanency, such as substance abuse treatment, mental health counseling, or housing assistance for parents
- *Monitor Compliance* by ensuring parents are actively participating in court-ordered services (e.g., therapy, counseling, parenting classes, substance abuse treatment) and documenting progress or lack thereof
- *File Motions* to expedite reunification if the parents meet requirements of their case plan and the home environment is safe
- *Encourage Regular and Meaningful Visitation* between the child and parents to maintain their relationship if reunification is the goal
- *File Motions for Review of Modification* if a parent is not progressing or engaging in services, request a court review or modification of the case plan, including exploring alternate placement options
- *Push for Service Delivery* by filing motions to ensure timely delivery of services for the child and parents (e.g., therapy, visitation, assessments)

## 3. Build Relationships with Key Stakeholders

- *Work Collaboratively* with caseworkers, therapists, foster parents, and attorneys to ensure that everyone is working toward permanency
- *Communicate Regularly* with the child to understand their desires, concerns, and preferences, and include their voice in permanency planning

## 4. Advocate for TPR

- *Request Filing a TPR Petition* by the juvenile officer or CD if reunification efforts are no longer viable (e.g., after 15 of LAST 22 months in foster care)
- *Expedite TPR Proceedings* by requesting that the court schedule a timely TPR trial and avoid unnecessary continuances

## 5. Promote Concurrent Planning

- *Support Concurrent Planning* by ensuring the case plan includes a concurrent goal (e.g., adoption or guardianship) alongside reunification to prevent delays if reunification fails
- *Advocate for Identification of Permanent Placements* by encouraging early recruitment and approval of adoptive or guardianship placements to avoid delays post-TPR. Ensure adoptive families are properly vetted and prepared

## 6. Advocate for Stability in Placement and Advocate for Alternative Permanent Placements

- *File for Placement Review* if a child's current placement is unstable or unsuitable by requesting a review or change of placement to ensure the child is in a safe, stable environment conducive to permanency
- *Pursue Kinship or Relative Placement*, if suitable, by advocating for a child to be placed with relatives or kin who may provide a permanent home
- In rare cases, when other options are not feasible, consider as a last resort Another Planned Permanent Living Arrangement (APPLA) and ensure that the child receives the necessary support services

## 7. Ensure the Child's Voice is Heard

- *Present Child's Wishes* by ensuring, if the child is old enough, that their preferences are presented to the court regarding placement or permanency goals
- *Request Direct Testimony or Representation*, if appropriate, by asking that the court allow a child to testify or attend hearings to emphasize their needs or goals
- Balance the child's expressed wishes with their long-term best interests to advocate for a plan that provides safety and stability

#### 8. Address Delays or Non-Compliance

- *File Motions to Compel Compliance* if any party (e.g., caseworker or parents) is not complying with court orders or delaying services
- *Request Court Oversight* by advocating for regular status or review hearings to monitor progress and avoid stagnation in the case

#### 9. Utilize Alternative Dispute Resolution

- *Encourage Mediation of Family Group Conferences* in order to facilitate discussions between parties to resolve disputes or clarify goals, potentially leading to faster agreements on permanency plans

#### 10. Advocate for Fast-Tracking Younger Children

- For younger children (e.g. under age 3), advocate for the court to fast-track proceedings due to critical importance of early bonding and stability

#### 11. File for Permanent Guardianship or Adoption

- If reunification is not possible and TPR is not appropriate, file motions to establish a permanent guardianship or finalize adoption to ensure permanency without delay

#### 12. Enforce Federal and State Timeframes

- *Cite Federal and State Laws* using statutes like the Adoption and Safe Families Act (ASFA) to remind the court of strict timelines for achieving permanency, such as the requirement to file for TPR after 12-15 months foster care unless exceptions apply

#### 13. Advocate for Post-Permanency Services and Independent Living Services (for Older Youth)

- For older youth, advocate for transitional services like independent living programs, job training, and educational support to prepare them for independence if permanency through adoption or guardianship is not feasible
- Promote post-adoption or post-guardianship services to support families and prevent disruptions

