

	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	(17) Legal	Effective Date:	July 2019
	Policy Title:	Court Appointed Special Advocate (CASA) and Guardian Ad Litem (GAL)	Previous Policy #:	N/A
Policy Number:	17.10			

CODES/REFERENCES

O.C.G.A. §15-11-2 Definitions
 O.C.G.A. §15-11-104 Appointment and Removal of Guardian Ad Litem; Use of a CASA
 O.C.G.A. §15-11-105 Powers and Duties of Guardian Ad Litem
 O.C.G.A. §15-11-106 Participation of a CASA
 Child Abuse Prevention and Treatment Act (CAPTA) [Public Law 100-294], Section 8(b)(6)

REQUIREMENTS

The Division of Family and Children Services (DFCS) shall:

1. Request the appointment of a Guardian Ad Litem (GAL) for the child, when a dependency complaint is filed.
2. Cooperate with the Court Appointed Special Advocate (CASA) and/or GAL when they are appointed to represent the best interest of a child in each abuse or neglect case resulting in a judicial proceeding.
3. Notify the CASA and/or GAL of the development of the case plan of the child for which he/she was appointed and provide them an opportunity to be involved in the development of the plan and/or participate in the Family Team Meeting (FTM).
4. Permit the CASA and/or GAL access to all records and information relevant to a child's case to which he/she is appointed when such records are not otherwise protected from disclosure pursuant to Code Section 19-7-5 or federal law.

EXCEPTION: Such records and information shall not include records and information, from Georgia's Office of the Child Advocate for the Protection of Children or from the Department of Juvenile Justice.

PROCEDURES

The Social Services Case Manager (SSCM) will:

1. Ensure the Special Assistant Attorney General (SAAG) requests a GAL be appointed when the dependency complaint is filed.
2. Document the name of the CASA and/or GAL in Georgia SHINES.
3. Engage the child in a discussion of the following:
 - a. The name of the individual appointed as the CASA and/or GAL.
 - b. The duties and responsibilities of the CASA and/or GAL (See Practice Guidance: Duties and Responsibilities of a CASA and/or GAL).
 - c. CASA and/or GAL interactions with the child, including visits.
4. Engage the CASA and/or GAL in a discussion of the following:
 - a. Circumstances that placed the child in foster care.
 - b. How the child is adjusting in foster care.

- c. Needs and services that have been identified for the child.
 - d. Their perspective on the progress of the case plan.
 - e. Their perspective on the child's safety and well-being, progress toward achieving permanency, and any proposed motions or requests to the court.
 - f. Recommendations to the court.
5. Verify the CASA and/or GAL requesting the record are appointed for the child whose record they are requesting to review, prior to providing access to records.
NOTE: A CASA and/or GAL may only review records of a child for whom he or she is appointed. PHI of anyone other than the child in DFCS custody may not be provided to a CASA who is not a GAL.
 6. Provide access to the DFCS case record and ensure the appointed CASA and/or GAL receives pertinent information regarding the child, as requested. DFCS staff must be physically present during the review as no CASA and/or GAL will be allowed unmonitored access to DFCS case records.
NOTE: The names of reporters should be removed. Follow policy [2.5 Information Management and Documentation: Health Insurance Portability and Accountability Act \(HIPAA\)](#) regarding third-party Protected Health Information (PHI). PHI of anyone other than the child in DFCS custody may not be provided to a CASA not appointed as a GAL.
 7. Provide copies of all case plans to the CASA and/or GAL.
 8. Arrange for CASA and/or GAL to interview the child.
 9. Invite the CASA and/or GAL to participate in case plan development, FTMs and case reviews (see policies [10.23 Foster Care: Case Planning](#), [19.3 Case Management: Solution Focused Family Team Meetings](#) and [17.2 Legal: Case Review/Permanency Plan Hearings](#)).
 10. Notify the CASA and/or GAL of any significant changes in circumstances of the child's case (e.g. permanency plan, placement change, treatment, etc.).

The Social Services Supervisor (SSS) will:

1. Ensure a GAL is appointed for a child, prior to any dependency hearing.
2. Provide guidance to the SSCM on the collaboration and sharing of information with the CASA and/or GAL.

PRACTICE GUIDANCE

Court Appointed Special Advocate (CASA)

The Georgia CASA Program utilizes volunteers who are screened, trained and supervised in their role of advocating for the best interests of an abused or neglected child involved in dependency proceedings. About one-third of all Georgia counties have local CASA programs. There is a "Statewide Protocol" between DFCS and Georgia CASA. This protocol is designed to promote cooperation and coordination in working together around the needs of dependent children.

The role of a CASA in juvenile court dependency proceedings shall be to advocate for the best interests of the child. Before executing duties as a CASA and upon completion of all the requirements of an affiliate court appointed special advocate program, a CASA shall be sworn in by a judge of the Juvenile Court in the court or circuit in which he/she wishes to serve. A CASA shall not be assigned a case prior to being sworn in.

The court may discharge a CASA when:

1. The CASA acted in a manner contrary to the child's best interests;
2. The CASA has not appropriately participated in the case;
3. The court deems continued service as inappropriate or unnecessary; or
4. The CASA has acted in a manner contrary to the mission and purpose of the affiliate court appointed special advocate program.

NOTE: The Department of Human Services (DHS) Personnel Policy Manual prohibits DFCS employees from serving on the Board of Directors of any agency that receives funds under a contract with the state. This prohibition applies to local CASA programs since the state organization has a contract with DHS. However, DFCS staff may serve in an advisory capacity of "liaison" to the Boards and Advisory Boards should there be such a position. The liaison will not be a voting Board member.

Attorneys and Guardians Ad Litem (GAL)

In any dependency proceeding, the court may appoint a GAL for a child who is a party to the proceeding if the child has no parent, guardian, or custodian appearing on the child's behalf or if the interests of the parent, guardian or custodian conflict with the child's interests, or in any other case in which the interest of a child requires a guardian. In dependency cases, an attorney or CASA or both, may be appointed as the child's GAL. GALs who are not CASAs appointed as GALs do not have the same access to DFCS records as CASAs appointed as GALs. Thus, SSCMs should contact their SAAG when a non-CASA GAL requests access to records.

An attorney for an alleged dependent child may serve as a child's GAL unless or until there is conflict of interest between the attorney's duty to the child as the child's attorney and the attorney's opinion of the best interests of the child as GAL. A court shall appoint a CASA to act as GAL, whenever possible.

To comply with CAPTA, SAAGs will request that a GAL be appointed for all children in foster care via a motion at the preliminary protective hearing or in the dependency petition. While the GAL and DFCS share common goals in the safety, permanency, and well-being of the child, their perspectives differ in that GAL is child focused while the DFCS focuses on the child and the family, simultaneously.

Before appointment as a GAL, the individual shall have received training appropriate to the role as GAL which is administered or approved by the Office of the Child Advocate for the Protection of Children. For attorneys, pre-appointment GAL training shall be satisfied within the attorney's existing continuing legal education obligation and shall not require the attorney to complete additional training hours.

The court may remove a GAL from a case when:

1. The GAL acted in a manner contrary to the child's best interests.
2. The GAL has not appropriately participated in the case.
3. The court deems continued service as inappropriate or unnecessary.

Best Interest Determination

A CASA and/or GAL shall advocate for a child's best interests in the proceeding for which he/she was appointed. In determining a child's best interest, a CASA and/or GAL shall

consider and evaluate all the factors affecting the best interests of a child based on a child's age and developmental needs. Such factors shall include:

1. The physical safety and welfare of the child, including food, shelter, health and clothing;
2. The mental and physical health of all individuals involved;
3. Evidence of domestic violence in any current, past or considered home for the child;
4. The child's background and ties including familial, cultural and religious;
5. The child's sense of attachments, including his/her sense of security and familiarity, and continuity of affection for the child;
6. The least disruptive placement alternative for the child;
7. The child's wishes and long-term goals;
8. The child's community ties including church, school and friends;
9. The child's need for permanence, including the child's need for stability and continuity of relationships with his/her parent, siblings, other relatives;
10. The uniqueness of every family and child;
11. The risks to entering and being in substitute care;
12. The preferences of the persons available to care for the child; and
13. Any other factors considered by the GAL to be relevant and proper to its determination.

Duties and Responsibilities of a CASA and/or GAL

Unless a child's circumstances render the following duties and responsibilities unreasonable, a GAL, at a minimum, shall:

1. Maintain regular and sufficient face-to-face contact with the child and, in a manner appropriate to the child's developmental level, meet with and interview the child prior to custody hearings, adjudication hearings, disposition hearings, judicial reviews and any other hearings scheduled;
2. In a manner appropriate to the child's developmental level, ascertain the child's needs, circumstances and views;
3. Conduct an independent assessment to determine the facts and circumstances surrounding the case;
4. Consult with the child's attorney, if appointed separately, regarding the issues in the proceeding;
5. Communicate with health care, mental health and other professionals involved in the child's case;
6. Review case study and educational, medical, psychological and other relevant reports relating to the child and the parents, guardians or legal custodians;
7. Review all court related documents;
8. Attend all court hearings and other proceedings to advocate for the child's best interests;
9. Advocate for timely court hearings to obtain permanency for the child;
10. Protect the cultural needs of the child;
11. Contact the child prior to any proposed change in the child's placement and after changes in the placement;
12. Request a judicial citizen review panel or judicial review of the case;
13. Attend judicial citizen review panels concerning the child and if unable to attend, forward a letter to the panel outlining the child's status since the last citizen review panel and include an assessment of the DFCS permanency plan and treatment plans;

14. Provide written reports to the courts and the parties on the child's best interests, including, but not limited to:
 - a. Recommendations regarding placement;
 - b. Updates on the child's adjustment to placement;
 - c. DFCS' and parent's, guardian's or legal custodian's compliance with prior court orders and treatment plans;
 - d. The child's degree of participation during visitations; and
 - e. Any other recommendations based on the best interests of the child.
15. When appropriate, encourage settlement and the use of alternative forms of dispute resolution and participate in such processes to the extent permitted; and
16. Monitor compliance with the case plan and all court orders.

The SSCM's responsibilities to the CASA and/or GAL are:

1. To arrange for the CASA and/or GAL to interview the child and all parties having knowledge of the child's situation.
2. To inform the foster parent or facility staff person that a CASA and/or GAL has been assigned to the child as soon as the identity of the CASA is known.
3. To immediately inform the CASA and/or GAL of the child's change in placement or any other significant change which could impact the CASA's and/or GAL's role or decisions.
4. To share pertinent information regarding the child with the CASA and/or GAL in a timely manner; at a minimum, contacts between the CASA and/or GAL and DFCS need to occur monthly.
5. To make the DFCS case record available for review in the DFCS office (after removing the names of reporters). Follow HIPAA policy regarding the release of third-party PHI.
6. To provide written notification for the CASA and/or GAL to attend and participate in case plan meetings and reviews.
7. To provide copies of all current case plans.
8. To share and discuss with each other case specific recommendations, written suggestions and findings that will be included in reports to be submitted to the court (reaching consensus is not required).

It is in the best interest of children and their families that collaboration occurs between DFCS and CASAs and/or GALs throughout the life of the case. Discussing the child prior to court hearings helps to prevent disputes that may impede the court process.

FORMS AND TOOLS

[Administration for Children and Families, U.S. Department of Health and Human Services
Court Appointed State Advocates \(CASA\) For Children](#)