



Advocating for a Child's Best Interests: The Role of CASA in Juvenile Court

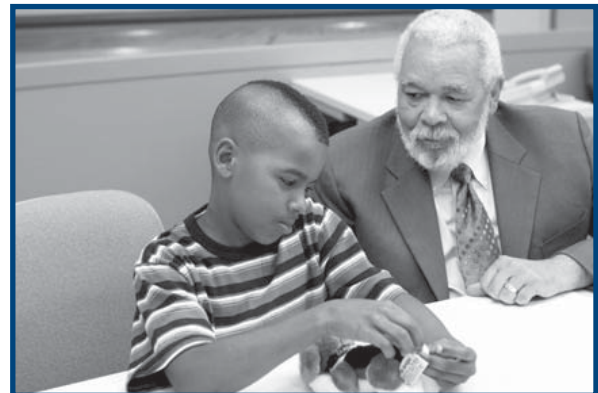
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In 1977, a superior court judge in Seattle, Washington, recognized that he did not have enough information upon which to base life-changing decisions regarding a child's future. Enlisting the help of a group of volunteers, the Court Appointed Special Advocate (CASA) movement began. In the early years, CASA volunteers were likely the sole representative a child had in the courtroom. Seen as "subjects" to the proceedings, children were not considered interested parties and thus did not necessarily require legal representation. The CASA volunteer was there to "speak up for a child" and was the "child's [only] voice in court." It is no wonder that these phrases became slogans trademarked by The National CASA Association and were prevalently used throughout the early stages of the organization's existence. Arguably, it was the innovative use of community volunteers that made the program immensely popular and spurred its momentum both nationally and in Georgia.

Over the last thirty years, amazing strides have been made in the field of child advocacy and juvenile law. Because of several transitional court cases and statutory enactments, juvenile court proceedings have evolved from being viewed as "kiddie court" to demanding the same level of respect as adult courts. With the formalization of juvenile court processes and procedures, children are often considered interested parties to the proceedings and are increasingly afforded more legal rights and better protection. The most significant change relevant to CASA programs is that many children now have an additional representative in court, through the appointment of an attorney. With the dual appointment of a CASA volunteer and an attorney, a child's best interests and legal rights are better represented.

Under the federal Child Abuse Prevention and Treatment Act (CAPTA), both attorneys and CASAs are permissible to serve as a child's Guardian Ad Litem (GAL). By definition, a GAL is an individual who has received training and been appointed by the court to protect and represent the best interests of abused and neglected children. In order to fulfill CAPTA requirements and receive federal grant funding for use in the prevention and treatment of child abuse and neglect cases, each state must provide for the appointment of a GAL to every child. Georgia law provides for the appointment of a GAL in deprivation cases, whereby a trained attorney or CASA volunteer, or both, may fulfill the role.

In practice, a deprived child may be represented solely by a CASA volunteer or an attorney, by an attorney and a CASA volunteer, or in some areas around the state, by neither an attorney nor a CASA volunteer. As a lay GAL, an appointed CASA volunteer always advocates for the best interests of a child by promoting his or her safety, permanency and well-being through independent recommendations to the court. Contrarily, when an attorney is appointed to represent a child, the attorney may either represent the best interests of a child as an additional guardian ad litem, or if the court follows the traditional client-driven model, the attorney represents a child's expressed wishes. Under both scenarios, the attorney seeks to protect a child's legal interests and may proffer evidence and file motions.



The CASA volunteer plays a significant role in a child's case no matter the capacity in which an attorney is appointed. Because CASA volunteers are only assigned one or two cases at a time, the CASA volunteer is able to devote a substantial amount of time and provide individualized attention to each child's case. CASA volunteers also bring a great deal of information to the court that might not otherwise be presented through comprehensive reports and compelling testimony. Furthermore, outside of the courtroom, CASA volunteers are community partners, working alongside the Department of Family and Children Services (DFCS) and other providers. With the incredible amount of energy spent on each case, CASA volunteers bring a sense of urgency to each and every child for whom they advocate. An attorney alone would not be expected, nor compensated, to fulfill all of the roles of a CASA volunteer. Since many attorneys who represent deprived children also have large caseloads and competing demands, the appointment of a CASA volunteer is vital to ensuring adequate information regarding a child's best interests is presented to the court.

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Georgia juvenile law continues to evolve, and legislation is expected to be introduced in the near future that seeks to distinguish the roles of an attorney and GAL. Such a distinction causes CASA's advocacy to become even more critical, as it makes the CASA volunteer the sole individual advocating for the best interests of a child in court. As the 20th anniversary of CASA in Georgia begins to close, a great opportunity presents itself for the CASA network. The demand for CASA volunteers will grow greater than ever before in the organization's history, as the child welfare system looks to CASA as the preferred GAL to satisfy CAPTA requirements. However, with this opportunity comes the responsibility of sufficiently meeting the need to provide a CASA volunteer for each child who need one and to ensure that CASA advocacy is of the highest quality.

If you are interested in volunteering with the CASA organization in your area, please visit www.gacasa.org. ❖

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