

BE AN INFLUENCER:

How Vigorous Case-level Advocacy
Can Yield System Change



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THE GAL ROLE

A guardian ad litem shall advocate for a child's best interests in the proceeding for which the guardian ad litem has been appointed.

(O.C.G.A. § 15-11-105(a))



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TWO SIDES OF THE GAL ROLE

(I) to obtain first-hand, a clear understanding of the situation and needs of the child; and

(II) to make recommendations to the court concerning the best interests of the child.

(42 U.S.C.A. § 5106a(b)(2)(B)(xiii))



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VIGOROUS CASE-LEVEL ADVOCACY



COLLECT
INFORMATION



EVALUATE & ASSESS



MAKE
RECOMMENDATIONS



ADVOCATE FOR &
URGE
IMPLEMENTATION



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***MAKING* A RECOMMENDATION IS NOT THE
SAME THING AS *ADVOCATING* FOR IT.**



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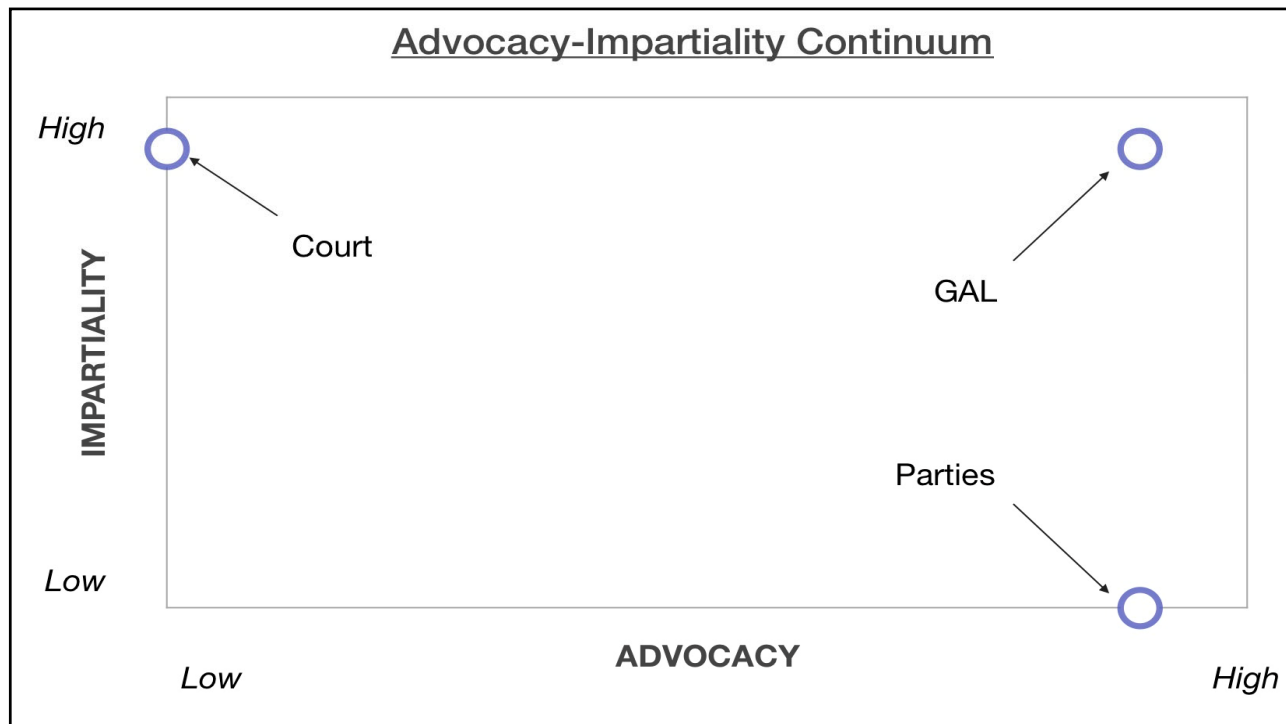
~~THE GAL ROLE~~

A guardian ad litem shall ~~make suggestions regarding a~~
child's best interests in the proceeding for which the
guardian ad litem has been appointed.

(O.C.G.A. § 15-11-105(a))



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CASE PLAN ADVOCACY

“A case plan shall be designed to achieve placement in the most appropriate, least restrictive, and most family-like setting available and in close proximity to the alleged dependent child's parent's home, *consistent with the best interests* and special needs of such child...”

O.C.G.A. § 15-11-201(1)

“A guardian ad litem shall be notified of the formulation of any case plan of a child's case which he or she is appointed and may be given the opportunity to be heard by the court about such plans.”

O.C.G.A. § 15-11-105(d)(2)



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CASE PLAN ADVOCACY

“The contents of the report shall be determined at a meeting to be held by DFCS in consultation with the parent, guardian, or legal custodian and child who was placed in DFCS custody, when appropriate. The parent, guardian, or legal custodian, the child who was placed in DFCS custody if such child is 14 years of age or older, his or her attorney, **and guardian ad litem**, if any, shall be given written notice of the meeting at least five days in advance of such meeting and shall be advised that the report will be submitted to the court for consideration as an order of the court.”

O.C.G.A. § 15-11-200 (b)



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SPECIFIC, TIME-LIMITED GOALS

“Ms. Smith will address her substance-abuse issues in order to create a safe environment for her child.”

“DFCS will make a referral for a substance abuse evaluation for Ms. Smith.”

“Within 14 days of the date of the plan meeting [or incorporation by court order], CM Jones will make a referral to Pee-in-a-Cup Enterprises in Blue Ridge, GA for a substance-abuse evaluation for Ms. Smith.”



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WRITTEN CASE PLAN

Within 30 days of the date a child who is placed in DFCS custody is removed from his or her home and at each subsequent review of the disposition order, **DFCS shall submit a written report** to the court which shall either:

- (1) Include a case plan for a reunification of the family; or
- (2) Include a statement of the factual basis for determining that a plan for reunification is not appropriate.

O.C.G.A. § 15-11-200 (a)



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WRITTEN CASE PLAN & THE COURT'S ORDER

If no hearing is requested [on a reunification case plan], the court shall enter a disposition order or supplemental order incorporating all elements of the case plan for reunification services which the court finds essential to reunification, specifying what shall be accomplished by all parties before reunification of the family can be achieved.

O.C.G.A. § 15-11-200(d)(3)



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GAL advocacy involves monitoring the compliance of *all parties* with court orders and case plans.



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ENSURING REASONABLE EFFORTS

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“The reasonable efforts / no reasonable efforts findings are the most powerful tools given to the courts by the federal legislation.”

~Judge Len Edwards



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REASONABLE EFFORTS ADVOCACY

- Are case-plan tasks strictly tied to the grounds for dependency?
- Is removal to foster care strictly tied to a specific threat of imminent harm to the child in the home?
- Does the plan include details on how parent and child are to receive services (transportation, scheduling, reminders, coordination with job responsibilities or school)?



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REASONABLE EFFORTS ADVOCACY

- How thorough and diligent was the relative search?
- If relatives were ruled out as a placement, was the decision rational?
- How are sibling connections to be nurtured?



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REASONABLE EFFORTS: FAMILY TIME

Family time in a natural, child-friendly location that is not weird is essential to the success of a reunification case plan.

Except in cases in which the parent-child relationship itself is detrimental to the child, family time is essential to child well-being even in cases where reunification isn't possible.



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FAMILY TIME

- The statutory presumption that family time is to be unsupervised remains in place until the State presents sufficient evidence to overcome it.
- The court must make specific findings to show why unsupervised visits are not in the child's best interests.
- Why is unsupervised family time contrary to the child's best interests? What specific facts demonstrate this? What is the harm that is likely to occur if family time is unsupervised? Can the choice of location change this?
- What specific steps must be taken by the parent to regain unsupervised family time?



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REASONABLE EFFORTS ADVOCACY: SERVICE PROVISION

- If DFCS does not provide evidence-based services, it is not making reasonable efforts.
- If evidence-based services are not provided, then the parent should suffer no adverse consequences related to those services.



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DRIVING THE CASE FORWARD

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OFFERING SOLUTIONS TO BARRIERS

- Consider what additional resources and services are available to overcome barriers
- Think creatively to resolve system obstacles



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--Don't think in terms of conditions for return--

Think in terms of conditions for continued removal.

--Case-plan completion is not the criterion for return--

Elimination of the specific threat of imminent harm in the home is the criterion for return, even if the case plan is not complete.



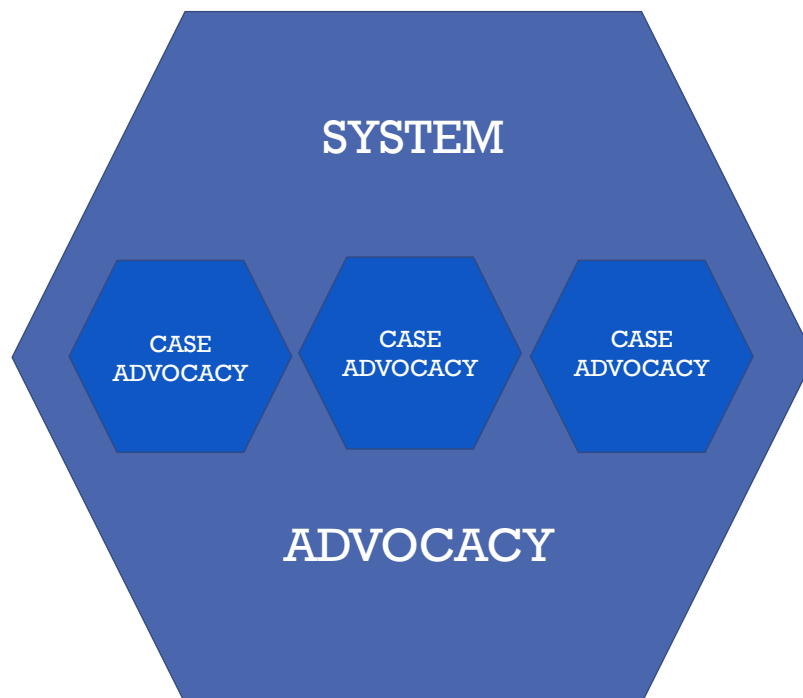
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WATCHING THE CLOCK

- Adherence to hearing timeframes
- Laying proper groundwork for continuances
- Permanency Hearing advocacy



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**TO HAVE THE CREDIBILITY FOR SYSTEM
ADVOCACY, YOUR PROGRAM MUST BE DOING
VIGOROUS CASE-LEVEL ADVOCACY.**



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ADVOCACY CREATES ACCOUNTABILITY

**ADVOCATE FOR
BEST INTERESTS**



**ADVOCATE FOR &
MONITOR
MINIMAL
COMPLIANCE**

**ADVOCATE FOR
SYSTEM
IMPROVEMENTS**



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SOLUTION-FOCUSED ADVOCACY



As an Influencer, what do we bring to the table?

How can we best support our families, children, and system partners?

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**THE BEST WAY TO CREATE
SYSTEM ACCOUNTABILITY IS TO
PROVIDE VIGOROUS CASE-LEVEL
ADVOCACY!**



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QUESTIONS?

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