

CHAPTER 13: Court Expectations

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PLEASE READ THE MATERIAL PRIOR TO ATTENDING THE SESSION.

Homework for Session:

Read chapter 13; answer and submit chapter 13 review questions.

Class Objectives:

- Understand the importance of Rule 48 and how it applies to the CASA role.
- Gain a better understanding of what Magistrates expect.

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A Brief Overview of Court Reports

A Court Report is the method used by the ProKids Court Appointed Special Advocate (CASA) volunteer and the CASA Manager/Guardian ad Litem (GAL) to present information and recommendations to the Hamilton County Juvenile Court. Court Reports are generally required in review hearings. The CASA Manager/Guardian ad Litem will know when a Court Report is required and will assist in the completion of the Court Report.

The general Court Report Outline can be used as a framework for investigation and gathering of factual information to present to the Court. The Court Report Outline's categories of Placement, Education, Medical/Therapy, Parent Services, and Visitation cover the information that the Court needs to know to make decisions that will be in the best interest of the child.

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ProKids' Rule 48 Checklist

(Please review regularly and when preparing court reports)

With my CASA Manager, I have made reasonable efforts to become informed about the facts of the case and to contact all parties. In order to provide the court with relevant information and an informed recommendation as to the child's best interests, my CASA Manager and I have done the following at a minimum, unless *impracticable* or *inadvisable* because of the age of the child or the specific circumstances of a particular case:

- Met with and interviewed the child and observed the child with each parent, foster parent, guardian or physical custodian and conducted at least one interview with the child where none of these individuals is present;
- Visited the child at his or her residence in accordance with any standards established by the court in which the guardian ad litem is appointed;
- Ascertained the wishes of the child;
- Met with and interviewed the parties, foster parents and other significant individuals who may have relevant knowledge regarding the issues of the case;
- Reviewed pleadings and other relevant court documents in the case in which the guardian ad litem is appointed;
- Reviewed criminal, civil, educational and administrative records pertaining to the child and, if appropriate, to the child's family or to other parties in the case;
- Interviewed school personnel, medical and mental health providers, child protective services workers and relevant court personnel and obtained copies of relevant records;
- Recommended that the court order psychological evaluations, mental health and/or substance abuse assessments, or other evaluations or tests of the parties as the guardian ad litem deems necessary or helpful to the court; and
- Performed any other investigation necessary to make an informed recommendation regarding the best interest of the child.

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im•prac•ti•ca•ble from dictionary.com

–adjective

1. not practicable; incapable of being put into practice with the available means: an impracticable plan.
2. unsuitable for practical use or purposes, as a device or material.
3. (of ground, places, etc.) impassable.
4. (of persons) hard to deal with because of stubbornness, stupidity, etc.

im•prac•ti•ca•ble from Merriam-Webster's Online Dictionary

Function: adjective

- 1 : IMPASSABLE <an impracticable road>
- 2 : not practicable : incapable of being performed or accomplished by the means employed or at command <an impracticable proposal>

in•ad•vis•a•ble from dictionary.com

–adjective

not advisable; inexpedient; unwise.

in•ad•vis•a•ble from Merriam-Webster's Online Dictionary

Function: adjective

: not advisable : not wise or prudent <inadvisable haste>

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Court Reporting Tips

- Keep track of all contacts (dates, what was discussed, etc.).
- Know the court date/time.
- 6 weeks before the next court hearing, re-read the last court entry and look over information gathered, determine what else is needed.
- Work with CASA Manager to advocate for needed services.
- Request reports from schools, psychologists, therapists, etc.
- Between 4 and 2 weeks before the next court hearing, gather all data, and begin to organize into report format.
- 2 weeks ahead, review the draft report with CASA Manager and make any needed changes.
- Submit final report to CASA Manager to be filed 10 days ahead of court date.

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PROKIDS REPORT AND RECOMMENDATIONS TO THE COURT

COURT OF COMMON PLEAS
JUVENILE DIVISION
HAMILTON COUNTY, OHIO

IN RE: **CASE NAME IN BOLD
and UNDERLINED**

CASE NO: *(from court order or complaint)*

**REVIEW REPORT OF GUARDIAN AD LITEM
AND COURT APPOINTED SPECIAL ADVOCATE**

MAGISTRATE: *(from court order)*

DATE: *(use court date and date written
mm/dd/yyyy)*

HISTORY: (A brief history of the case. Should include child's name and date of birth which should be **IN BOLD AND UNDERLINED**. Should also include legal status (Temporary Custody (TC), Planned Permanent Living Arrangement (PPLA), Permanent Commitment (PC)). Also include the number of months the children have been in the custody of HCJFS as well as the permanency plan. **PARENTS AND RELATIVES NAMES SHOULD BE IN BOLD AND UNDERLINED.** *KEEP HISTORY SHORT and state the ultimate goal for the child/ren.*)

RECOMMENDATIONS: (Should be numbered and listed as below. Add 5 and so on if additional matters need attention. **PARENTS, RELATIVES AND CHILDREN'S NAMES SHOULD BE IN BOLD AND UNDERLINED.** Foster parents' names or identifying information are not to be used. *Keep recommendations in short sentences.*)

1. Placement:
2. Education:
3. Therapy/Medical:
4. Parents Services:
5. Visitation:

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BASES: (Paragraphs should be numbered and follow along with recommendations. Each numbered basis should support reasoning for each recommendation. Under Placement include the progress toward a permanency plan. Under therapy, include medication, amount taken, and diagnosis or reason. Keep it factual and attach supporting documentation. **PARENTS, RELATIVES AND CHILDREN'S NAMES SHOULD BE IN BOLD AND UNDERLINED.** Do not include foster parents' names or any identifying information.)

1. Placement:
2. Education:
3. Therapy/Medical:
4. Parents Services:
5. Visitation:

CONTACTS: Information was obtained from (A full and complete list of all contacts made. List should include name and position on the case. A detailed list of the specific dates of contact with the child should also be included, meaning only those dates when the CASA volunteer is with the child. **PARENTS, RELATIVES AND CHILDREN'S NAMES SHOULD BE IN BOLD AND UNDERLINED.** FOSTER PARENTS' NAMES AND IDENTIFYING INFORMATION ARE NOT TO BE USED. PLEASE DO NOT USE ANY ADDRESSES.)

REPRESENTATION: The Guardian ad Litem (GAL) and CASA volunteer performed duties as required by O.R.C. Section 2151.281 and Rule 48 of the Rules of Superintendence for the Courts of Ohio. I/We hereby represent that I/we have made reasonable efforts to become informed of the facts of the case and to contact parties, unless impracticable or inadvisable. These reasonable efforts include visiting and meeting regularly with the child, observing the child with each parent, foster parent, guardian, or physical custodian and conducting at least one interview with the child where none of these individuals is present and ascertaining the wishes of the child. These reasonable efforts also include, but are not limited to, a review of relevant records and documents, which may include educational, therapeutic, diagnostic, forensic, mental health, medical, criminal, delinquency, social work, court and other records and materials. I/we have also performed necessary activities, including but not limited to attending court hearings and meetings pertinent to the case, and have performed additional activities in order to investigate, monitor the case, and make recommendations to the Court and advocate on behalf of the child's/children's best interest.

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Respectfully Submitted,

(CASA volunteer name)
ProKids CASA Volunteer

(CASA Manager Name)
ProKids GAL

Because of Superintendence Rule 44 dealing with confidentiality and access to Juvenile Court Records, ProKids is required to make changes to court reports. Please note that important items are in BOLD and UNDERLINED. In addition, the following sentence should be at the bottom of the last page of the Court Report.

The bold and underlined portions of this document are “personal identifiers” as that term is used in Sup. R. 44 of the Rules of Superintendence for the Courts of Ohio and are subject to redaction in the event of a request for production of court records by a non-party.

The previous Court Report Outline is general and is the basis for three different types of Court Reports used by ProKids. The following is an overview of the three types of reports based on the age of the children. These reports will be explored in depth in the Court Report Class that will be scheduled once a CASA has been assigned a case. The Court Report Class will review all the reports and will provide suggestions and tips to make the Court Report process understandable.

- **Birth to Five.** Cover placement, early childhood interventions, medical attention, parent services, visitation.
- **School Aged (5-13).** Cover placement, educational needs (including attendance & grades), therapeutic needs (including medication), medical and dental checkups, parent services, visitation.
- **Launch (14+).** Cover placement, educational needs (including attendance & grades), job readiness/transition plans, therapeutic needs (including medication), medical and dental checkups, parent services, support system development.

ATTACHMENTS: Attachments such as therapists’ reports, school records, etc. must be handled carefully and should not be attached to the report. The CASA Manager and the Attorney will determine how to submit the attachments appropriately.

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Magistrate Summary: Points to review

- » **Be prepared!** Gather and present good information to court. Magistrates' are at the mercy of what is presented and need the best information to make good decisions. CASAs should get first-hand information and obtain any records available. It is also important to understand the purpose of each hearing and what the court is working to achieve that day. Re-reading the last court entry is an important part of your preparation.
- » **Build trust with the child.** Help give him/her a vision for the future. Having an influential adult in a young person's life is a major builder of resiliency and leads to important information about his/her best interests.
- » Remember that kids want to be home- removing children from homes is doing harm to prevent greater harm.
- » **Look for relatives** and family friends who can help the child. Connect with biological family when possible. Try and influence parents to do what is necessary to meet their children's needs.
- » **Education is very important.** Get to know teachers and bring current information to court. This can be one of the most important focuses a CASA can have.
- » **The team approach** is best. Bring conflicts to court only if attempts outside of court to resolve them have not worked. JFS is overburdened and under-resourced- be sympathetic to the caseworker but assertive. Help lead the case by passing on information to the caseworker and work with your CASA Manager to craft recommended next steps for the county. Make sure to pass on any specific concerns about a child's safety to the county and your CASA Manager right away.
- » **Court reports** are very valuable to the magistrate. Make sure all parties have copies before the hearing.
- » **Be solution –oriented and a problem solver!** Don't bring problems to a court without a suggested solution. Creativity is very important- look for community resources and non-traditional services that can continue after the case is closed. Think outside the box and about supports/ services that may be unusual but positive for the child. Look for lasting community supports that will continue beyond the case and help the child after he/she is out of the child protection system.
- » **Speak up in Court.** But listen before you speak. Put a human face on the child (CASAs are great at this). Bring a picture of the child to court if you have one. Tell the Magistrate something personal about the child, e.g. what his/her interest are. Work with your CASA Manager to understand the expectations of individual magistrates and learn what information is especially important to each of them.
- » **Wear appropriate court room attire** and have good courtroom manners. Ex parte contact with the magistrate about your case is not permitted. Please use people's surnames in court, as the proceedings are being recorded and a record is being created.