

# GAL DUTIES CHECKLIST

## IF YOU ARE COMING INTO THE CASE AT THE VERY BEGINNING (SHELTER), DO THE FOLLOWING:

- sign & file Oath of Acceptance with Juvenile Division Clerk of the Court
- review the packet you received from Legal Aid to determine
  - upcoming hearing dates contained in the paperwork
  - instructions to the GAL from the Judge
- pull out from the materials sent to you by Legal Aid, the document entitled Path of a Case and highlight what stage of the proceedings you are at
- pull out from the materials sent to you by Legal Aid, the document entitled Required Duties and follow the instructions for the stage of the proceedings at which you are coming in.
- read the Shelter Petition and the Dependency Petition (if provided) and determine if this an abuse, neglect, abandonment or combination thereof case.
  - review Fla. Stat. 39.01 for the definitions of these terms to determine what proof will be necessary to establish the dependency at the Adjudicatory trial
- go to the juvenile courthouse and ask for the court file in this case. See if there are court orders, case plans or other important documents in the court file that are not in your file and ask for copies. The Clerk will not copy the entire file due to cost considerations so only ask for what is needed.
- prepare & file your Notice of Election to Participate in Discovery and mail copies to all parties.
- contact the DCF (Dept. of Children and Families) caseworker. If you are coming into the case prior to the Disposition hearing you will be asking for the name of the Protective Investigator. If post-disposition, you will be speaking to a foster care counselor if the child is in foster care or a protective supervision worker if the child is with a parent, relative or non-relative. Their phone # should be on the paperwork you have or you can call the DCF Data Center at 407-897-5932 and ask for that information.

You are going to ask for some history and present status of this case, where the child is currently placed.

- look in the GAL Manual at page 9 and follow the instructions for setting an appointment to review DCF's file on this case. You are looking for:
  - what evidence and witnesses they have that they believe will establish the elements needed by statute to prove abuse/neglect, etc. took place
  - obtain names/addresses/telephone # of people with relevant information you will need to make your recommendations
  - determine if there are Child Protection Team (CPT) reports. See Resource section of GAL manual for description of CPT or call Legal Aid.
  - determine if there are hospital, doctor reports that are essential to the case that need to be presented at trial.
  - if child(ren) are school age, determine from the file what schools they are presently enrolled in as well as previously enrolled in at time of removal.
- obtain names of parents' attorneys (should be in paperwork received from Legal Aid) and call them to establish contact, get their perspective and determine if they will grant you access to their client without their presence always being necessary.
- schedule in-person interviews with parents and do home visit
- visit the child in the current placement
  - observe the surroundings. Is the child safe there?
  - explain to the child who you are, what your job is, what is happening at the present time, that they didn't do anything wrong, that we're just trying to keep them safe, how they feel about what's happened, what they want you to know, what they want the judge to know, ask about relatives and whether they like them, etc.
  - from the packet sent to you by Legal Aid, pull out the document entitled Your Child and the Blue Book and ask the caretaker the questions listed on the front page. The Blue Book itself is only maintained on kids in foster care but the questions we're suggesting you ask allow you to obtain information that is important regardless of the child's placement.

## **ARRAIGNMENT HEARING:**

- The date for this hearing should be in the packet sent to you by Legal Aid. If not, call the Juvenile Clerk's office at 407-836-7520 and ask them to check for you.
- It is not required that you attend, although it may be a good place for you to have an initial face to face meeting with the parents and their attorneys.
- The Court will ask the parents to enter a plea: either a denial, an admission or a consent (no contest)
- An Adjudicatory Trial will only be held if a denial is entered.
- If a consent or admission is entered, you skip the Adjudicatory Hearing and go straight to Disposition

## **WHEN YOU ARE AT THE ADJUDICATORY HEARING STAGE OF THE PROCEEDINGS:**

- A Pre-Trial Hearing will be held to set the date and time for the Adjudicatory Hearing. If you cannot attend, call the Judicial Assistant and find out when it was scheduled. If your court papers show a time and date on the line for the Adjudicatory Hearing, it is likely the date for the start of the trial *period*, not the actual trial date. Call the J. A. to confirm.
- before the Adjudicatory trial, contact the DCF Attorney and determine if they've subpoenaed all the witnesses and have all the documentary evidence YOU have determined will be necessary to establish the abuse, neglect, etc.
- attend the trial and participate as needed

## **IF THE COURT GRANTS THE DEPENDENCY, PREPARE FOR THE DISPOSITION HEARING**

- finish any interviews you need to support the recommendations in the written report you are REQUIRED to file 72 hours prior to the disposition hearing. Recommendations relate to placement of the child, visitation with parents and siblings, tasks the parents need to do to get the child back, what the child needs in terms of health and mental health services, if applicable, what independent living services may be needed, etc.

- contact the child's school counselor and request the information contained in the Legal Aid document Helping Your GAL Child With School. If you do not have that document, call Legal Aid and request it. 407-841-8310 ext. 3147
- write your report in a manner substantially similar to the sample included in the GAL manual. File and serve it on all parties 72 hours prior to the disposition hearing.
- attend the disposition hearing and ACTIVELY PARTICIPATE. Articulate clearly what your investigation has revealed, what needs to be done, that you have visited the child in the current placement and describe the situation, relay what the child's wishes are and finally what you feel the child needs and what needs to be done to resolve the situation.
- if the child is placed in foster care AND the child is in a special education class, ask the court to direct DCF to contact the school counselor and ensure that a parent surrogate is appointed for this child within 30 days of this order.

**IF YOU HAVE ENTERED THE CASE POST-DISPOSITION DO THE FOLLOWING TO FAMILIARIZE YOURSELF WITH THE CASE:**

- sign & file Oath of Acceptance with Juvenile Division Clerk of the Court
- review the packet you received from Legal Aid to determine
  - upcoming hearing dates contained in the paperwork
  - instructions to the GAL from the Judge
- pull out from the materials sent to you by Legal Aid, the document entitled Path of a Case and highlight what stage of the proceedings you are at
- pull out from the materials sent to you by Legal Aid, the document entitled Required Duties and follow the instructions for the stage of the proceedings where you are coming in at.
- go to the juvenile courthouse and ask for the court file in this case. Make sure you have in your file copies of the shelter petition, the dependency petition, all court orders entered, any case plans that have been filed. See if there are other important documents in the court file that are not in your file and ask for copies. The Clerk will not copy the entire file due to cost considerations so only ask for what is needed.

- contact the DCF (Dept. of Children and Families) caseworker. You will be speaking either to a foster care counselor if the child is in foster care or a protective supervision worker if the child is with a parent, relative or non-relative. Their phone # should be on the paperwork you have or you can call the DCF Data Center at 407-897-5932 and ask for that information.

You are going to ask for some history and present status of this case, and where the child is currently placed.

- look in the GAL Manual at page 9 and follow the instructions for setting an appointment to review DCF's file on this case. You need to:

- obtain names/addresses/telephone # of people with relevant information you will need to make your recommendations

- if child(ren) are school age, determine from the file what schools they are presently enrolled in as well as previously enrolled in at time of removal.

- obtain names of parents' attorneys (should be in paperwork received from Legal Aid) and call them to establish contact, get their perspective and determine if they will grant you access to their client without their presence always being necessary.

- schedule in-person interviews with parents and do home visit

- determine if the parents have complied with the tasks in their case plan and if not, find out why

- visit the child in the current placement

- observe the surroundings. Is the child safe there?

- explain to the child who you are, what your job is, what is happening at the present time, how they feel about what's happened, what they want you to know, what they want the judge to know, if the child is in foster care ask about relatives and whether they like them, etc. as potential placements.

- from the packet sent to you by Legal Aid, pull out the document entitled Your Child and the Blue Book and ask the caretaker the questions listed on the front page. The Blue Book itself is only maintained on kids in foster care but the questions we're suggesting you ask will provide you with information that is important regardless of the child's placement.

## **IN PREPARATION FOR A REVIEW HEARING/POST DISPOSITION HEARINGS:**

- meet with the child's current caregiver and the parents. If a relative/no-relative or parent, determine how the child has been doing, any problems that may require the court's attention, determine progress on the case plan, if progress has not been made then why.
- check with the child's school and see if there are any school related issues that need to be addressed by the court.
- If the child is in foster care, follow the steps below:
  - go to the foster home and review the child's Blue Book. Make a list of what's missing from the Blue Book. Ask the foster parent if all the notes from any doctor's appointments the child has had since the last hearing are in the Blue Book. If not, make a note of what's needed so you can inform the court. Review notes from doctor's appointments and ask the foster parents if all recommendations for treatment and medication are being followed. If not, make notes to put in your report to the court.
  - talk with the child and see how they are doing, what their wishes are, if they want to attend the hearing.
  - if the child is 13 or older, ask the foster care counselor if the child has had an independent living assessment and if so request that you be provided with a copy PRIOR to the hearing you are preparing for. When you receive the assessment, review the areas of weakness that the assessment has revealed the child has and ask the court to amend the child's case plan to include tasks DCF must perform to correct that weakness. To ensure that you have a complete understanding of independent living, please review the Legal Aid summary document entitled Independent Living: Services vs. Subsidized. It is available by calling Legal Aid at 407-841-8310 ext. 3147.
- review case plan compliance. Look at the case plan and determine if:
  - the parents have complied with the tasks on their case plan
  - do the same for DCF
- determine if DCF has performed concurrent case planning. This means, did DCF look for permanent placements for the child if reunification fails, placements with relatives, non-relatives, etc.

- if the child is in a residential mental health treatment facility, YOU MUST VISIT THE CHILD THERE (unless the facility is at a great distance from Orlando, at a minimum phone contact should have been maintained on a regular basis) AND YOU MUST contact the child's doctor to determine what medications the child is on, if there have been any changes to that medication and why, if there are any recommendations for changes in medication and why, whether the child is making progress and if not why and what plans do they have to address this. THE JUDGE WILL EXPECT YOU TO HAVE THIS INFORMATION FOR THE HEARING.
- prepare a written report for the review hearing.
- attend the review hearing in person. If that is not possible, attend by telephone.
- if you cannot attend the review hearing either in person or by phone then you MUST SUBMIT A WRITTEN REPORT of your findings and recommendations.

### **CASE PLAN CONFERENCES:**

IT IS **IMPERATIVE** THAT YOU PARTICIPATE OR HAVE INPUT INTO THE DEVELOPMENT OF A CASE PLAN. It is the mechanism by which you can ask the Court to compel a party's compliance with the terms contained therein.

A case planning conference is usually held sometime between the Shelter Hearing and the Disposition hearing. By rule, it must be held at the point where the child has been removed from his in-home placement, placed on shelter status, and no other in-home placement is considered appropriate (FAC 65C-13.014). At this case planning conference, an initial case plan should have been developed which is supposedly to identify goals, needs, and services to be provided prior to court disposition.

#### ***A CASE PLAN MUST CONTAIN:***

- A description of the problem that is being addressed—what the parent did and why DCF got involved
- A description of the tasks that the parent must comply with
- A description of the services that are going to be provided to the child and parents that specifically address the problem that was identified above.

***SPECIFICALLY LOOK FOR:***

- Is the case plan written clearly and simply in English, or, if English is not the principal language of the parents, then to the extent possible, in that language
- Does it describe the minimum number of face to face meetings to occur each month between the parents and DCF worker to discuss progress on the tasks
- The types of services/treatment to be provided
- The frequency with which those services/treatment will be provided
- Where does the child/parent go to get those services
- Does it list whose responsibility it is to ensure that the services are provided
- A description of what they want to accomplish with these services (measurable objectives) and when (time frames) they expect to achieve those objectives.
- Is the child in an out-of-home placement? If so, the case plan must state the permanency goal (adoption, long term placement with a relative or in foster care, independent living—see F.S. 39.621-624) for the child.
- A description of what type of home or institution they are going to put the child in.
- A description of the financial support for which the parents are going to be held responsible (child support, provide health insurance)
- A description of the visitation rights of the parents and siblings while the child is in care.
- Information that shows the placement being suggested for the child is safe and the most family-like setting available consistent with the child's best interests and any special needs, and is close to the parents home
- A description of the roles of the foster parents/legal custodians in the development of the services being provided to the child

- A description of what actions are going to be taken to ensure the stability of the child's educational placement
- A description of the services the child needs and how these services are going to be implemented
- A description of how (the plan) we're going to be sure that the child and parents actually receive these services
- Documentation that DCF has/will have the required notices or taken the required steps necessary if adoption or some other permanent placement is the goal.

***YOUR EVALUATION:***

Compare the information in the case plan with the results of your investigation, your review of the child's health records, education records, independent living assessment and any interviews with the child, parents or foster parents.

If you disagree with the proposed case plan or find that it does not adequately meet the child's needs or is missing one of the essential elements above, and you cannot obtain the agreement of the parties to change the plan as you feel necessary, then contact the Court to schedule a review hearing and file a Motion In Opposition to the Case Plan. In it, set forth what you feel the Department has omitted that is necessary to meet the child's needs.

If you come into the case after the initial case plan was approved by the Court at the Disposition Hearing, and your review of that case plan and any subsequent ones shows it lacks an essential element or lacks services that you feel are necessary, see if the parties will stipulate to the amendment of the case plan. If not, you would contact the court and ask for a review hearing on a Motion To Amend Case Plan.