

Guardian ad Litem Newsletter

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Director's Thoughts

Dear volunteers,
I always enjoy writing my quarterly newsletter submission because it gives me an opportunity to update you on the happenings around the state and here at home with the GALP. First, if you haven't had a chance to stop by the office in a while, a lot has changed. We've completed the major part of our renovations which included the construction of seven offices along the far wall that runs through our training area. These offices were a major part of our plan to improve our current location while planning for the long term relocation of the Program's HQ in a couple of years. We now have private offices for all of our attorneys so advocacy teams can discuss sensitive, confidential advocacy matters in a more appropriate and secure setting.

Besides the new offices, we've

also welcomed several new additions to the GAL family. As many of you know, several of our staff moved out of state, retired or left to pursue work in



Paul making pancakes for Staff Appreciation Day Breakfast

their graduate field. However, we've been fortunate to add some really talented, experienced, passionate advocates to pick up the torch and they are

already doing some tremendous work. Jamie Franks joined us as a GAL volunteer and licensed foster parent. She is now a Staff Advocate on our Okeechobee team. Kristy Molledo joins us from case management where she worked for Children's Home Society. Kristy has also served in the military and we thank her for her service. Kristy has joined our Indian River County team. Haylee Land-McCormick also comes to us from case management where she worked for Communities Connected for Kids. Haylee has joined our St. Lucie team. And finally we have welcomed Shea Flores. Shea comes to us from the 20th Circuit Guardian ad Litem Program where she was a CAM and CAM 2 for several years. At the statewide level we're well underway in planning for the upcoming legislative session.

INSIDE THIS ISSUE:

Ellen's Thank you 2

Kudos Continued 2

Director's Thoughts Continued 3

Voices 3

Reunification and Conditions for return 4 & 5

Kudos

Shout out to **Robin Brown** for going above and beyond to visit one of her children who was placed out of our circuit.

Yona Bonalde: Thank you for all of your hard work! Your dedication to the program has been stellar and I am so proud of you!

Ruth Hall: welcome Ruth! You

have been a great new attribute to the Saint Lucie county team. I can't wait to be here for your continued success.

Jim Hayes: Jim has been a team player and has Helped put tremendously with other CAMS and other GAL's visits. I am so thankful to have him on my team!

Kudos to the **SLC Volunteers** who have been so fantastic as we have transitioned new employees into caseloads over the last few months. Everyone has been so patient and amazing as multiple caseloads were being covered and transitioned! Thank you all!!



CAM Team

“Remember to stop and pick up that Starfish. We may not be able to save them all but we can make a difference to that one.”

Thank You to my Guardians

Though I am super excited to start a new challenge in Okeechobee, leaving my SLC team was difficult. My wonderful Rock Star Team, Over the past four years at GALP I have connected with so many fabulous people. I was blessed with the most fantastic group of Guardians to support me. Each and every one of you hold a special place in my heart and it has been a pleasure working alongside such greatness.

I have learned so much from all of you, different things at different times, but personal growth none the less.

I know that we all share the same passion for the children and families that we serve and I am extremely proud of you all, our work, and the difference that we have made together, as a team.

As you continue your advocacy journey, Remember to stop and pick up that

starfish.

We may not be able to save them all, but we can make a difference to that one.

Good luck to you all.

Not goodbye, I will still be around.

Don't hesitate to call or peek in and say hi or invite me to lunch! 😊

Ellen Shafer

Kudos Continued

Kudos for **Frank Manino**. The JPO had mentioned that Frank is amazing with T. That if it was not for him that the child would not be where he is, that Frank does everything for the child and is overall the main person there for the child, and supporting the child.

Kudos to **Janelyn Price**. She's a newly certified GAL who hit the ground running with her first case assignment. Going so far as to visiting with her child once a week to help tutor him so he was fully ready to transition to kindergarten. Great job in going the extra mile to help our kids succeed.

Kudos to **Erica Artus, Pat Perkins** and **Bill and Cindy Stahl** for helping mentor new volunteers and being available to them after they were certified. Teamwork at its best.

Valerie Morris has very challenging cases that have required hours of daily work to manage and maintain. Through all the challenges, you conduct yourself with poise and fully take on the gamut of various responsibilities associated with being a GAL. There is no question that you are making a difference! Not only in the cases you work, but also with the children you serve! Thank you for your hard work and dedication!

Judy Robidoux has been a staple in this program. Her level of passion and commitment to this program and the children she serves is not only commendable, it is also inspiring. Judy has work with many cases, has been a mentor to other guardians and has recently offered to provide support to our team by assisting me with the volume of management tasks associated with

being a CAM so that I may continue to provide direct support to the GALs on our team. There are no combination of words that could express my gratitude.

Michele Dutkin has the highest volume of children on our team. She currently serves 14 children in St. Lucie and 4 children in Okeechobee. She has also been assisting with visits for another guardian who was out of town and recently took to mentoring. Consistently when there are new cases she is one of the first people to step up to offer to take a case or ask how she may help. Michele doesn't desire to simply work cases or with the children she serves. She desires a deep relationship with every child she works with! I deeply appreciate Michele not just for her work but also for passion!

Director's Thoughts Cont.

Department history, taking over the top spot in 2014. I've had the pleasure of spending some time with Secretary Carroll at the Child Protection Summit the last few years and when you hear him speak about the needs of kids and families, it's immediately clear that this is a guy who really cares. He has been a tremendous advocate for children and a staunch advocate for the Guardian ad Litem Program. Secretary Carroll has partnered with the Program on a number of our successful legislative initiatives and other partnerships across the state. He is going to be missed. Finally, I wanted to share with you our status on representation. Right now there are more than 1,000 children in the Dependency system in Circuit 19, but only 800 are

assigned to the GALP. Percentagewise, we're on par with other circuits in terms of our representation. In Martin and Indian River counties we're assigned to 90 and 95% of cases respectively. But we still have a ways to go overall. As the number of children entering the system continues to rise across the state, resources are stretched pretty thin to try to meet the needs of the children who need us the most. We're determined to make 100% representation for children a reality in Circuit 19. To that end, and through our partnership with Voices for Children, we've applied for several grants (federal, local, public and private) with the focus on adding additional positions to our team to make sure that no child enters the Dependency system without a

Guardian ad Litem to advocate on their behalf. We'll learn over the next few months if we were selected for any of them so hopefully more updates to follow. Thanks for all that you do on behalf of our children. One of the things I love most about my job is hearing from staff and GALs about the big wins and success stories and the impacts GALP makes in the lives of our kids. From sitting with a newborn in the hospital to going with their teens to make college visits, these are just some of the things I hear that remind me why this Program makes such a huge difference in the lives of kids. It is so gratifying to be able to serve this Program, our children and each of you.

Paul Nigro

"Voices" is Ramping it up!!!

As summer turns to fall, Voices for Children is in full fundraising mode. Following on the success of the inaugural "Ultimate Tailgate Party" and "Be a Hero Night," the coming months promise to be even busier, with something for everyone.

Every GAL with a desire to support the GAL program through its "one-and-only" nonprofit can choose from among three wonderful event opportunities:

Oct. 13 GOLF FOR A CHILD – MEADOWOOD GOLF AND TENNIS CLUB, FORT PIERCE

Tickets: \$100, includes lunch. Contact Gary Tenpas, tenpasgj@yahoo.com.

Nov. 9 MICHAEL AMANTE IN CONCERT – TRADITION TOWN HALL, PORT ST. LUCIE

Tickets, \$30. Contact Bob Perry, bperry@voicesforchildrenotc.org.

Jan. 26 ULTIMATE TAILGATE PARTY II – TREASURE COAST LEXUS, FORT PIERCE

Tickets, \$100. Includes all you can eat "tailgate" food, open bar, live auction, Miami Dolphin Cheerleaders, fun & games, great door prizes, photo booth, guest speaker and more. Contact Kip Lyman, kiplyman@aol.com.

WHO DO YOU KNOW???

The success of our largest fundraiser, the Ultimate Tailgate Party, will largely depend on the number of cash sponsors who support it. Packages start at \$1,000 and include at least two event tickets, cover photo and article in newspaper, social media, press release, logo on banner, ad booklet and more. Great cause, great fun, and great exposure for sponsors.

Other opportunities to support this wonderful event include the donation of auction items, and/or door prizes for drawing winners. Contact Bob Perry or Kip Lyman.



WELCOME BACK, SARA!!!

"Voices" is pleased and excited to announce the addition of former GALP attorney Sara Davis to its board of directors. Well remembered for her committed advocacy in Indian River county, Sara returns to support the cause which has never left her heart, and will join the board at its September 10th monthly meeting. Sara also serves as President of the St. Lucie County Bar Association and is of counsel to Apfelbaum Law.

Dependency Court Hearings: a Multipart Series**Motions for Reunification and Conditions for Return**

Gary Andrew Bokas, Esq.

In 2017, Chapter 39 of the Florida Statutes was amended to include language which requires the court to consider if conditions for return of the child have been met and whether the child can be returned to the home and reunited with the parents, with an in-home safety plan, to the extent that return of the children will not be detrimental to the child's safety, well-being and physical, mental and emotional health. §39.522(2), Fla. Stat. (2018). In this installment of *Dependency Court Hearings: a Multipart Series*, we'll be taking a closer look at motions for reunification, conditions for return and what we as Guardians ad Litem can do to continue to ensure that the best interests of our children are being met.

Although the statutory modifications to include conditions for return and in-home safety plans in our reunification analysis may seem like sweeping and drastic changes, in reality, many of the changes are simply clarifying and detailing what we have been looking at all along, when we consider whether it is safe to reunify the child with his or her parents. Consider Section 39.621(11)(previously subsection 10):

(11) The court shall base its decision concerning any motion by a parent for reunification or increased contact with a child on the effect of the decision of safety, well-being and physical and emotional health of the child. Factors that must be considered and addressed in the findings of fact of the order on the motion must include:

- (a) The compliance or noncompliance of the parent with the case plan;
- (b) The circumstances which caused the child's dependency and whether those circumstances have been resolved;
- (c) The stability and longevity of the child's placement;
- (d) The preferences of the child, if the child is of sufficient age and understanding to express a preference;
- (e) The recommendation of the current custodian; and
- (f) The recommendation of the guardian ad litem, if one has been appointed.

§39.621(11), Fla. Stat. (2018). Nothing in Section 39.621(11) was changed, when the statute was amended in 2017. Note that the court must still make factual findings in the order on the motion for reunification as to the case plan compliance and noncompliance of the parents, whether the circumstances, which caused the dependency action have been resolved, the recommendation of the caregiver and the recommendation of the Guardian ad Litem, as to whether the court should reunify the child.

In addition to analyzing Section 39.621(11) when considering whether reunification is appropriate and in the child's best interest, the court must also consider Section 39.522(2), which states:

(2) In cases where the issue before the court is whether a child should be reunited with a parent, the court shall review the conditions for return and determine whether the circumstances that caused the out-of-home placement and issues subsequently identified have been remedied to the extent that the return of the child to the home with an in-home plan prepared or approved by the department will not be detrimental to the child's safety, well-being and physical, mental and emotion health.

§39.522(2), Fla. Stat. (2018). Important to note in this section of the statute is that, in considering reunification, the court isn't just looking at whether the circumstances, which caused the out-of-home placement have been resolved, but also *'...issues subsequently identified.'* This refers to things that occurred after the children were removed.

Section 39.522(2) states that, in determining whether a child should be reunited with a parent, the court shall review the conditions for return. What does that mean, exactly? There are five safety analysis questions which we consider, when determining if safe conditions for return in the home with the parents exist:

Are the parents/legal guardians willing for an in-home safety plan to be developed and implemented and have they demonstrated that they will cooperate with all identified safety service actions and safety resource providers?

In other words, the parents must be cooperative and willing to have an in-home safety plan implemented and demonstrate that they are genuinely able and willing to cooperate with in-home service providers and safety monitors.

Is the home environment calm and consistent enough for an in-home safety plan to be implemented and for safety actions and safety resources/services providers to be in the home safely?

Here, we're looking at whether the home non-threatening. Are certain individuals, who pose a danger threat to the children no longer in the home or visiting the home? Is the home calm enough, such that in-home safety services can be provided, without disruption? Are all the individuals in the home cooperative and open to intervention?

Are safety resources and services available at a sufficient level and to the degree necessary, in order to gauge the way in which impending danger is manifested in the home?

With this question, we need to have a clear understanding of the level of and frequency of the danger threat in the home. Can safety monitors and services adequately protect the children from danger? If constant, round-the-clock, 24/7 supervision is required, then we can't control the danger threat in the home. A parent, who requires constant supervision, in order for the child to be safe in the home with that parent, hasn't demonstrated the requisite behavioral changes.

Can an in-home safety plan and the use of in-home safety resources and services sufficiently manage impending danger, without the need for results from professional evaluations?

This means that we need a professional evaluator, a psychologist, for example, to determine if the safety plan is in in-home safety plan or an out-of-home safety plan.

Do the parents/legal guardians have a domicile/residence, in which an in-home safety plan can be implemented?

There needs to be safe, reliable and consistent home in which the safety plan can be put in place. The parents or caregivers must demonstrate that they have the ability to maintain the residence.

Conditions for return is just one component of the court's reunification factual and statutory analysis. In-home safety plans aren't new to dependency. Parents have always been required comply with and demonstrate the ability to adhere to certain conditions in the home, upon the return of their children. Further, there have always been services provided to the family upon return of the children. We have always looked at whether the parents are willing to comply with requirements, whether there is a calm and consistent home, whether constant supervision is necessary, or not. In other words, the terms "conditions for return" and "in-home safety plan" may seem new, but we have been applying these concepts, for a very long time.

As a Guardian ad Litem Program advocacy team, when deciding whether it is in the child's best interest to be reunified with the parent or parents, we continue to look at all of these factors. Whether the parent is in compliance or noncompliance with his or her case plan has a direct relation to the degree of danger threat in the home, and whether an in-home safety plan can adequately manage that danger threat in the first place. Remember, if the parent requires 24/7 monitoring and supervision, then an in-home safety plan cannot exist. If the case plan services provided to the parents have not succeeded in creating the necessary behavior change, then the parent is probably not going to be able to demonstrate the willingness to cooperate with in-home service providers, to the extent that the children can be returned home safely.

The statutory amendments in the reunification analysis do not at all mean that the court is allowing for children to be returned home, with some question as to whether they will be safe. These conditions for return, which the court must consider, do not create an easier, more dangerous means of returning the children to the parents. As Guardians ad Litem, we still have the ability to argue that parents must demonstrate



August Class Photo

