

# GUARDIAN AD LITEM NEWSLETTER

A quarterly newsletter brought to you by the 19th Circuit Guardian ad Litem

VOL. 14, ISSUE 2

06/26/19

## Director's Thoughts

As we're closing out the month of June and moving into July, 2019 is flying by. June is a significant month in the child welfare system. Nationwide, June is recognized as National Reunification Month. I want to share some interesting statistics about reunification in our circuit. It's no surprise that GALs have a tremendous impact on helping children achieve permanency. Children who are assigned GALs exit the system safer and much sooner than those without. When children are reunified with their parents, GALs stay involved for up to six months to monitor and ensure safety and well-being. Since the beginning of 2018, 716 children appointed to the Guardian ad Litem Program have achieved permanency. Of those children where the Program has successfully closed our involvement, 376 were reunifications or 52%. The next closest was adoption at 160 children or 22%. And these numbers don't include the children who have been successfully reunified and involved in the post placement supervision period so in reality the number of children returned to their parents is much higher.



Since we're talking about reunification, I wanted to share some information that doesn't get talked about a lot. We always hope that when a family is reunited, there has been meaningful change and the family has learned and benefited from their experience. And then there are those where we just "know" they're coming back. A lot of us have cases that stand out in our minds when the kids come back into care. The good news, though, is those cases are pretty rare. In fact statewide it's less than 10% of children who re-enter the Dependency system within a year of their case closing. It was about 12% last year for our circuit but that number is trending in the right direction.

For you data lovers, DCF has a great tool on their website showing dozens of measures and statistics that can be broken down in a number of ways on things like permanency, child safety, investigation, education, etc. If you're interested, check out their website at [www.myflfamilies.com](http://www.myflfamilies.com) then select Services → Child Welfare → Dashboard

Finally, just a reminder that we've got a great event coming up on July 25 at the Fenn Center in Fort Pierce. We were once again awarded a grant from Sunshine Health and the GAL Foundation to host a day long in-service event. Our focus this year is on advocating for older youth. We have some great speakers lined up headlined by Jennifer Benham with The Annie E. Casey Foundation. Lunch will be provided. I hope to see many of you there.—**Paul Nigro, Circuit Director**

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## Odds & Ends

### Lost/Found

We need you to help us "find" those friends and family members that want to be volunteers. We will help them find their way to training. Contact Nicole Hughes, Volunteer Recruiter at (772) 871-7269

### Keeping Optima Updated

It is very important that we all work together to keep all the information in Optima as updated and correct as possible. If you find incorrect information in Optima and don't know how to correct it contact Jennifer Manis (772) 785-5891 for assistance.

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## Odds & Ends—Continued

### Southeast Florida Behavioral Health Network

The managing entity for our area, Southeast Florida Behavioral Health Network, has redesigned their website. One of the best features is a provider search that can locate providers by a number of search criteria including specific provider type, specialty, or service needed. Here's a link to the site. <https://sefbhn.org/>

### Child Visits and Parent Child Visitations

Reminder: Every child being advocated for must be seen face to face every 30 days! The only exception is if an alternative visitation plan has been submitted, reviewed and approved by the Assistant Director. Observation of parent and child visitation is a vital part of the Child Advocate role. Make sure to document your child visits and parent/child visit observations in a timely manner in Optima.

### IEPs and Placement Changes

If a child has an Individualized Education Plan (IEP) and is moved from one school to another an IEP meeting must be held as soon as possible at the new school.

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## Kudos

Child Advocate, **Michelle Brown**, learned that this child was not accepted into what seems to be a really great program with the school. The foster parent had already reached out and tried to explain a bit more about the child's situation but she was still not accepted. Michelle took it upon herself to reach out to the Director and reiterate the situation. The Director reconsidered and has accepted the child into the program. This will allow for her to be eligible for scholarships and other benefits! Awesome advocating for our Kiddo!! - Stephanie Hall, CAM I

Huge thanks to Child Advocate, **Barry Scanlon** for acting as a First Responder in Okeechobee on new cases and supporting his fellow GALs by visiting their children when they're unavailable. - Wendy Rodriguez, CAM II

Big thanks to Okeechobee GAL **Barbara Roberts**, who visits all courtesy children placed at Okeechobee Girls Academy. She has developed a great working relationship with the staff and is welcomed by the children she visits there! - Wendy Rodriguez, CAM II

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## Contact Logs, What Goes In, What Stays Out by Eva Sugg, Senior Program Attorney

As Guardian ad Litem Volunteers we ask you all to document your interactions on the case in the form of Contact Logs via Optima.

We all know maintaining these records can be time consuming, yet they are absolutely critical to our advocacy. Why? Because you all are the eyes and ears on the case. Without your information and observations, we attorneys wouldn't have the evidence we need to advocate for the best interest of the children we serve. While there is a need to document all your contacts on a case, there is also a need to document properly. Why? Because Contact Logs are subject to discovery. That means we must send your Contact Logs to the other parties on the case.

I hope the below helps in your advocacy!

## Contact Logs, What Goes In, What Stays Out—Continued

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### Here are some helpful “What Goes In” tips:

- ◆ Use appropriate language.
- ◆ Document ALL your contacts, i.e. text messages, attempted calls, etc.
- ◆ You do not need to copy and paste all text messages, you can simply make a contact log that you sent a text message, and what the reply was.
- ◆—The attempted calls and left message notes are really important to show how often you have tried to contact someone. This helps us prove reasonable efforts to communicate with other parties, caregivers, etc.
- ◆—Document your conversation, or attempts at conversations with providers, foster parents, and case managers.
- ◆ Document external staffings.
- ◆ Document if you attend a court hearing and what you observed, i.e. facial expressions, outbursts, loving bonds, etc.

### Here are some helpful “What Stays Out” tips:

- ◆ Do not include foster parent full names, addresses, phone numbers, or email addresses. This information can be found in Optima already. If you notice it is not in the “Placement” tab in Optima, please let your Child Advocate Manager know immediately.
- ◆ Do not copy and paste emails between you, your Child Advocate Manager, and your attorney. The attorneys and CAMs do save important email chains as **documents**. We need to keep attorney / client privilege protected. Accidentally sending it to the other parties would waive that protection.
- ◆ **Do not** show your confidential emails between your team to caregivers, parents, DCMs, etc. That too will waive the confidentiality of that email chain.
- ◆ **Do not type entire notes of a hearing you attend**. Remember your attorney, or a covering attorney, is already taking those notes. If you want to document that you were present, you can do so by typing something brief like, “Attended the Mediation today. Spoke with all parents and again provided my contact information. Full attorney notes are in hearings tab.” If you observe something notable in the hall, have observations of interactions, or have a notable conversation with someone regarding the case, feel free to input that into a Contact Log, like, “Attended the Judicial Review today. Full attorney notes are in hearings tab. This GAL also spoke with the mother before and after the hearing. Mother appeared impaired, was asked to drug screen, and became belligerent.”
- ◆ Do not copy and paste **attorney notes** into a contact log. The attorney notes are all in the “Hearings” tab already. It is a very good resource for GALs to catch up on what occurred at a hearing, or refresh your memory. Copying and pasting your attorney’s notes into a contact log can potentially waive privileges. If you have any questions about your attorney’s notes, please never hesitate to ask us.
- ◆ Along the same lines, please also do not share our attorney notes with outside parties. If you ever have a need for an attorney to explain what happened at a hearing to a caregiver, provider, etc., please just ask us. The attorney’s need to be sure we protect our privilege and be sure what we are communicating is allowed to be discussed.

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## Introducing One School One Child Initiative by Paul Nigro, Circuit Director

We are pleased to announce a joint recruiting partnership between the Guardian ad Litem Program and Communities Connected for Kids, along with our various licensing agencies in Circuit 19. This initiative, called One School One Child, aims to bring education and awareness to schools about child abuse prevention and encourage teachers and school staff to become child advocates and foster parents.

We find two things to be true--people who work with children in our schools have the heart and skill set to be excellent advocates and foster parents **and** our current advocates and foster parents are some of our greatest recruiters! Our hope is that you will partner with us to bring our short, twenty

## Introducing One School One Child Initiative—Continued

minute presentation to your local school. This means, regardless of whether you work in a school setting, or are a parent with school aged children, we can use your help! Multiple advocates and foster parents have already taken part in presentations, and the response has been awesome. We hope we can not only count on your support to share your story with others, but to take a few minutes to speak with a school administrator about setting up a presentation, or forwarding to us a point of

Without enough advocates, children are left to face the Dependency system without someone exclusively for them to represent their best interests. Without enough foster families, children are often separated from siblings, removed from familiar school environments and communities, or placed in residential group care. We believe children can best begin the healing process and emotionally, physically, and academically thrive in a family environment.

If you have a point of contact to share, or would like to assist with spreading the word in your school, please do not hesitate to call or email Nicole Hughes (772) 871-7269 or Nicole.Hughes@gal.fl.gov please for additional information. We appreciate all you do!

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### **Dependency Court Hearings: a Multipart Series** **Motions for Placement in Residential Treatment Facilities.**

Gary Andrew Bokas, Esq.

Periodically in child welfare dependency cases, children, who are mentally ill, require treatment and placement in an environment, more restrictive than a traditional foster placement or relative/non-relative placement. In this installment of *Dependency Court Hearings: a Multipart Series*, we'll be discussing motions for placement of children in residential treatment facilities.

Section 39.407(6)(a)1 of the Florida Statutes defines "Residential Treatment" as "placement for observation, diagnosis or treatment of an emotional disturbance..." in a licensed residential treatment center or licensed hospital. This would be the most restrictive mental health placement in which a child could be placed in the child welfare dependency system. It would most likely be a lock down facility, which would have the ability to physically restrain patients, when necessary, to protect their safety and the safety of others.

One common mechanism for getting court approval to place a child in a residential treatment center is the administration of what is known as a suitability assessment. This assessment seeks to determine if the child has a serious enough emotional disturbance, such that a residential treatment center is the most appropriate and least restrictive means of treating the child. The suitability assessment must be conducted by psychologist or psychiatrist, licensed in Florida, who as at least three years of experience in the diagnosis and treatment of serious emotional disturbances in children and adolescents. The qualified suitability assessor can recommend placement in a residential treatment center, a specialized therapeutic group home (STGH) or find that that the child doesn't meet the criteria for these types of placements.

If placement of a child in a residential treatment center is being contemplated, Section 39.01305 of the Florida Statutes requires that the child be appointed an Attorney ad Litem. If the suitability assessment recommends placement in a residential treatment center, then the matter must come before the court for an order, placing the child in a residential treatment center. Once the order is signed and a bed at such a treatment center becomes available, then the child will be placed there. The facility is required to provide the Department with reports every 90-days.

What happens if the suitability assessment doesn't recommend residential placement but the Guardian ad Litem Program, based on our close relationship with the child and other key players on the case, sincerely believe that the child's serious emotional disturbances warrant a residential treatment center? One avenue to approach this problem is with parental consent. Section 39.407(8) says that "...nothing in this section shall be deemed to eliminate the right of a parent, legal custodian

## **Dependency Court Hearings: a Multipart Series—Continued**

or the child to consent to examination or treatment for the child.” §39.407(8), Fla. Stat (2018). Therefore, one parent’s consent or the child’s consent, herself can allow for the placement of the child.

What happens when there was a previous suitability assessment conducted two months ago, which didn’t recommend residential placement and there can’t be another suitability assessment conducted for another month, but the child has been Baker Acted 6 times in the intervening period? Do we have to just hope for the best for at least another 30-days and hope that the suitability assessor changes her mind and recommends a residential treatment center? Not necessarily. One possible solution might be to obtain the testimony at a motion hearing placement in a residential treatment center from the psychiatrist, who treated the child on any one of the recent Baker Acts or the child’s regular treating psychologist or psychiatrist (assuming she or he meets the statutory criteria of a qualified assessor).

At any motion hearing for placement of a child in a residential treatment center, the testimony from the Volunteer Guardian ad Litem is critical because, fairly often, we have a considerable history of observing the child and can provide the Court with critical data as to the child’s behaviors and therapeutic needs.

We all hope that our children don’t need the restrictive environment of a residential treatment facility, but when they do, it’s imperative that we all apply critical thinking and sometimes outside-the-box creativity in order to deliver best interest advocacy outcomes.

In the next installment of *Dependency Court Hearings: a Multipart Series*, we’ll be examining status hearings on permanency.

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