

# **Volunteer Policy and Procedure Manual For *Mercer County CASA/GAL Program***

- This manual provides a general explanation of the Mercer County **Court Appointed Special Advocate** Program's policies and procedures.
- The contents of this manual are informational only.
- The terms of the manual are subject to change at any time at the sole discretion of the Mercer County CASA Program.
- The manual is not a contract.

*Thank you for your vital work  
On behalf of Mercer County's most vulnerable children.*

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## **1.) PROGRAM OVERVIEW**

### **Program Vision**

CASA of Mercer County's vision is to provide advocacy, consistency and quicker routes to successful permanency for all children who have entered juvenile court as a result of abuse or neglect. CASA of Mercer County is committed to the highest quality of advocacy through trained Court Appointed Special Advocates.

### **Program Mission**

CASA of Mercer County's mission is to recruit, train and manage Court Appointed Special Advocates to advocate for the best interests of children who are involved with juvenile court as a result of abuse or neglect. CASA of Mercer County and its volunteers are dedicated to ensuring every child receives permanency in a safe, stable and loving home.

### **Working Environment**

The Mercer County CASA/GAL Program endeavors to promote a comfortable and productive working environment for all volunteers. In keeping with this policy, sexual, racial, religious, ethnic, or other kinds of harassment of volunteers is a violation of program policy and will not be tolerated. We expect volunteers to treat each other and program staff with mutual respect. Please let the program staff know if you experience any difficulties in this respect. All volunteer policies are administered without discrimination on the basis of race, color, religion, sex, national origin, age, handicap, marital status, or sexual orientation.

### **Equal Volunteer Opportunity**

It is the policy of Mercer County CASA/GAL Program to provide equal volunteer opportunity to all applicants and active volunteers based on qualifications and abilities without regard to race, color, sex, age, religion, national origin, disability, marital status, sexual orientation or veteran status. This policy applies to recruiting, selecting, training, and retaining as well as all other program privileges, volunteer policies and procedures.

### **Program Target Population**

Mercer County CASA/GAL Program serves children that have been adjudicated abused, neglected or dependent. They range in age from birth and 18 years or 21 years in the cases where the child has developmental disabilities. The program serves them without discrimination based on the child's age, gender, sexual orientation, race, ethnicity, nationality, disability of religion.

### **Basic Requirements for a CASA/GAL Volunteer**

Mercer County CASA/GAL Program has high quality standards for volunteers. All volunteers must:

- Be 21 years of age
- Have a high school diploma or GED
- Successfully pass the program's screening requirements
- Successfully complete the program's pre-service training.
- Attend a minimum of 12 hours in-service annually.
- Abide by the Mercer County CASA/GAL Program's policies and procedures.
- Have flexible hours as necessary for assigned cases.

- Serve a minimum of one case per year.
- Serve for at least two (2) years.
- Be willing to accept supervision, training, and evaluation from program staff.
- Provide your own transportation.

### **Required skills/abilities**

The following lists the basic skills and abilities required in order to fulfill your duties and responsibilities as a CASA volunteer.

- Ability to keep all client and Court information confidential
- Ability to communicate effectively both orally and in writing including basic computer skills or willingness to learn
- Ability to gather and accurately record factual information
- Ability to respect and relate to people from various backgrounds (such as socio-economic, cultural, educational) in a variety of settings
- Ability to maintain objectivity
- Ability to deal with hostility, anger, and other emotional attitudes—your own and others
- A basic understanding of child development
- A basic understanding of family relationships
- Capability of transporting oneself to a variety of locations.

### **Time Commitment**

30 hours pre-service training; possibly shadowing of an attorney in a case (with at least 2 courtroom observations); 12 hours of annual in-service training; other flexible hours as necessary for the assigned case (2-10 hours per month). Serve for at least two (2) years.

### **Vacations**

If a CASA volunteer plans to be out of town, the CASA office should be notified as soon as possible. Should an emergency occur, which will conflict with a scheduled meeting or Court hearing, the CASA staff should be contacted immediately. This allows the staff to appear for the CASA volunteer.

### **Time Sheets**

Some funding sources ask the CASA program to supply the number of hours worked by each volunteer during the preceding calendar year. Hours should include time spent in meetings, in Court hearings, making phone calls, etc. In order to comply with this requirement, CASA volunteers must complete a monthly time sheet using CASA Manager. This form is to be returned to the CASA office by the 10th of each month. For example, the month of June is due to the office by July 10th.

### **Benefits to the Volunteer**

- Ability to impact the life of a child who is in the Mercer County juvenile justice system as a result of abuse, neglect and/or dependency.
- Opportunity to interact with all facets of the juvenile justice system and its key players.

- Opportunity to gain extensive knowledge about child abuse and neglect and the legal and social service systems in Mercer County.
- Increased awareness of educational opportunities (conferences, workshops, etc.) in the child advocacy and juvenile justice arena.
- Opportunity to become part of the growing community of child advocates, assuring that all children who need a CASA volunteer will have one.

### **Goals and Objectives**

The goal of the Mercer County CASA/GAL Program is to provide advocacy to abused, neglected and dependent children that will lead to stability in the life of the child. The CASA volunteers serve as the “eyes and ears of the court” by providing a detailed account of each child’s situation to aid the Judge in planning decisions. To achieve this goal the CASA volunteer performs the following key components:

- Conducting an independent investigation concerning each child
  - Factually and objectively reporting findings and observations to the Court
  - Ensuring representation of the child's best interests in all judicial proceedings and other matters relating to the child
  - Monitoring each case until the terms of the Court orders have been fulfilled or the case is dismissed or closed.
- 1.) Investigate all circumstances surrounding the child’s case, including, but not limited to, relevant history, the child’s environment, relationships and needs of the child.
  - 2.) Collect all relevant historical information about the child and gather first hand, updated information.
  - 3.) Speak up for the child by making fact-based recommendations regarding the child’s best interest in a written court report. Report the findings and make fact-based recommendations to the court regarding placement (short term and long term), visitation and services that will serve the child’s best interest. Identify resources and services for the child and facilitate a collaborative relationship between all parties involved in the case, helping to create a situation in which the child’s needs can be met.
  - 4.) Monitor the case to ensure that necessary services are received, that Family Service Case Plans are updated in a timely manner and that they address the needs of the child and family, and that court orders are followed.

### **How an abuse/neglect/dependency case starts in Juvenile Court:**

Petitions are filed with the Clerk’s Office in the Juvenile Division. While the law provides that any person may file a dependency petition, generally petitions are filed by the Mercer County Job and Family Services, Children Services Division (CSD) or from a private child care agency. Prior to filing a petition, the intake caseworker investigates the validity of a complaint of suspected abuse or neglect and assesses the seriousness of the situation. The affidavit lists the specific allegations against the parents or custodians of the child. Once the petition has been filed at the Clerk’s Office, a copy is routed to the Juvenile Judge or Magistrate, who reviews the petition to determine whether an attorney GAL (in cases of abuse) or a CASA/GAL volunteer should be appointed for the alleged dependent, abused, neglected child.

### **Appointment and Referral Procedures**

A volunteer must be sworn in, under oath, by the presiding Mercer County Juvenile Court Judge upon their successful completion of the pre-service training curriculum in order to receive their first case. The Juvenile Court makes the referral of a case to the program. Upon the referral the program will match the case to an appropriate volunteer, if one is available. The Juvenile Judge or Magistrate must sign an order to appoint a specific CASA/GAL volunteer to the case. Once the file stamped appointment letter is received the CASA/GAL volunteer will have complete and immediate access to all records and documents pertaining to the child.

### **Role of a CASA volunteer with an assigned Child**

To arrive at an understanding of the advocate role, it is sometimes easier to say what we are "not" to a child. We are not Big Brothers or Big Sisters. We are not guardian angels. We are not attorneys speaking for or against the child's wishes or social workers planning for the entire family. We contribute to the "eyes and ears" of the Court, by making independent, objective recommendations regarding the child's best interest.

## **2.) VOLUNTEER SCREENING & TRAINING**

### **Volunteer Screening Policies**

To ensure the safety of the children and the competence of potential volunteers, all applicants for the Mercer County CASA/GAL Program are screened using the following procedures:

- The applicant must submit a written application containing information concerning personal experiences with child abuse and/or neglect and experience working with children.
- The applicant shall participate in a personal interview with the program staff.
- The applicant must provide three (3) references unrelated to the applicant.
- The CASA program will run background checks that include security number verification, sex offender registration checks, national criminal background check, state criminal background check, and/or local criminal background check.
- The CASA program will conduct a search of the Central Child Abuse Registry.
- The applicant will not be accepted into the CASA program if:
  1. Convicted as an adult of either a felony or misdemeanor crime involving a sex offense, crime affecting family relationships, child abuse or neglect, assault, domestic violence, battery or crime against public morals or related acts that would pose a risk to children or the CASA program's credibility.
  2. Found to have charges pending for criminal offenses or offenses listed above.
  3. Refuses to sign the volunteer application for appropriate background checks. (National, State, Local background checks; child protective services check and sex offender registry check)
  4. In the judgement of the CASA staff, the applicant cannot successfully carry out the duties and responsibilities of a CASA volunteer.
- If an applicant is found to have committed a misdemeanor or felony that is unrelated to or would not pose a risk to children and would not negatively impact the credibility of the program, the CASA program will consider the extent of the rehabilitation since the misdemeanor or felony was committed, as well as other factors that may influence the decision, to accept or deny the applicant as a volunteer.

### **Volunteer Training Policies**

The Mercer County CASA/GAL Program provides 30 hours of pre-service training to ensure the volunteer understands their role and responsibilities.

Training topics include:

- Roles and responsibilities of a CASA volunteer
- Juvenile Court Process
- Dynamics of human behavior associated with child abuse and neglect
- Dynamics of families
- Federal and state laws including ASFA and CAPTA
- Confidentiality and record keeping practices
- Child development
- Child abuse and neglect
- Permanency planning and resources

- Community agencies and resources
- Advocacy
- The special needs of the children served, differences in the cultural and socioeconomic norms, values and heritage.
- Cultural awareness
- Poverty
- Techniques to accurately obtain and document information (including report writing skills) in a computer-based data management system
- Effective communication skills and interviewing techniques
- The identification of personal and institutional bias or discrimination as it relates to children and families being served
- Court observation in Juvenile Court of abuse or neglect hearings.

### **On-going Volunteer Training**

The Mercer County CASA/GAL Program believes that proper training is an essential ingredient for productivity as well as job satisfaction. The CASA program offers regular training and supervision opportunities for volunteers, such as in-service training sessions, referrals to other training opportunities and individual supervisions. Volunteers are expected to attend at least twelve (12) hours of in-service training hours each year. Six (6) of the twelve (12) hours must be Rule 48 (a section of Ohio State law) approved.

Other types of training may be used to fulfill this ongoing requirement, such as: other CASA program or state CASA sanctioned trainings, Community Mental Health or Child-Centered Forums, Director and/or supervisor approved literature, video, or educational forums. These outside training sources must be documented and approved by the Director. All ongoing hours will be maintained in your advocate records by CASA staff and you will receive quarterly notification by the program as to your meeting ongoing training requirements.

### **Transfer of Volunteer Policy**

A qualified CASA volunteer who transfers from another CASA program must complete the full application and screening process, and at a minimum, training regarding the local court, laws, program policies and procedures, investigation and court report writing and must be sworn in by the new jurisdiction.

### **Note:**

Volunteers that do not meet the in-service training requirement will no longer be assigned cases within Mercer County CASA. You can be reinstated as an active CASA should you meet these requirements within the following year. Volunteers not actively involved with the program for a period of two years or longer will be **required** to attend **all sessions of the pre-service training** again prior to being assigned a case.

### **3.) VOLUNTEER SERVICE**

#### **Roles and Responsibilities**

The CASA/GAL volunteer's role is to gather information about the child's needs and advocate for the child's best interests in every situation. The CASA volunteer does not represent the petitioner (CSD) or the respondent (parents or custodians)

To advocate for the best interests of the child, the CASA/GAL volunteer will:

- Attend screening interview, court observation, pre-service and in-service training sessions.
- Serve on at least one case annually by investigating and monitoring the situation while the child is under court jurisdiction. Conduct an independent investigation to gain a thorough understanding of the assigned case.
- Conduct interviews with the child, Mercer County Children Services caseworker, parent/guardians, relatives, friends, attorneys, teachers, neighbors, foster parents and/or any person with relevant information about the child; review files at appropriate agencies relative to the child's case.
- Have regular and sufficient contact with the child to ensure in-depth knowledge of the case and make fact-based recommendations to the court. The CASA/GAL volunteer shall meet in person with the child for thirty (30) minutes once every thirty (30) days at a minimum. Observe whether the child's essential needs are being met and to ensure compliance with the court's order (i.e., case plan). An exception may be granted at the discretion of program staff; however, the justification and reasons for a decision to permit less frequent in-person contact must be documented.
- Conduct a case conference with the CASA staff as to preliminary findings and to review progress of the case, including permanency plan.
- Maintain and provide to the office, as required, accurate and timely forms and case records, including monthly case updates and court reports.
- Attend all pertinent hearings, reviews and/or meetings to advocate for the child's best interest and provide testimony when necessary
- Maintain mandated standard of confidentiality on information pertaining to each case.
- Report any incident of child abuse or neglect, or any situation in which the CASA volunteer has reason to believe that a child is in imminent danger to the CASA supervisor and appropriate authorities, following state legal requirements for mandated reporting.
- Determine if a case/permanent plan has been created for the child
- Make recommendations for appropriate services for the child, including reasonable efforts, and monitor that said services are being provided to the child and the family when appropriate and act as a facilitator among the parties.
- Maintain complete written records about the case, including dates, regarding appointments, interviews, and information gathered about the child, the child's life circumstances, and significant others

- Submit written reports before the Disposition and Permanent Custody Hearings. Also submit written reports if the CASA/GAL volunteer disagrees with Children Services or the Juvenile Judge or Magistrate requests a written report.
- Communicate at least monthly with the CASA staff regarding the case and consult with staff prior to making any recommendations or submitting written reports to the Court.
- Report any incidents of alleged or suspected child abuse or neglect to the CASA Executive Director and to the appropriate authorities
- Assure that the "child's best interests" are being represented at every stage of the case, attend court hearings, and provide a signed written report with findings and recommendations to the Court, based on what placement and services are best for the child
- Participate in any planning or treatment team meetings involving the child, in order to keep informed of progress in the case and to act as the representative of the child's best interests
- Monitor the case to determine whether the child's needs are being met and whether appropriate action is being taken to fulfill any court orders in a timely manner and that review hearings are held in accordance with the law
- Inform the court promptly of important developments in the case through the CASA staff.
- Advocate for the child's best interests in the community by interfacing with mental health, educational and other community systems to assure that the child's needs in these areas are met.
- Receive direct supervision and guidance from Program staff by consulting regularly concerning the assigned case, reviewing progress in the case, and reviewing recommendations and court reports with the staff prior to submitting them to Court. Note: CASA supervisors are prohibited from altering reports or recommendations without the knowledge and agreement of the CASA volunteer.
- When a conflict exists between a CASA volunteer and CASA staff, the CASA Executive Director has the final say regarding recommendations to the court
- Maintain a professional and cooperative attitude, including appropriate demeanor, dress and self-disclosure.
- Understand the importance of and have a respect for those involved that come from different cultures or backgrounds and interact with them in a professional manner.
- Remain actively involved in the case, until formally discharged by the Court
- Return all files and records pertaining to a case to the CASA office once the case is closed or the volunteer resigns from the program.

### **Confidentiality: Your Responsibility as a CASA/GAL volunteer**

- **General responsibility to protect confidentiality:** It is the program's policy that volunteers and staff must respect children's and families' rights to privacy in regard to personal information. The basis for this policy can be found in statutes, professional codes of ethics, and licensing standards.

1. No information should be released to anyone not authorized to receive it. There should be no disclosure of case information to people not directly involved in the case or to the outside world in general.
  2. The CASA/GAL volunteer shall never discuss an assigned case for purely conversational purposes with anyone.
  3. No information should be released to family or friends of the parties without the express written consent of the party.
  4. No disclosure of case information should be made to anyone who does not have a professional reason for reviewing such information.
  5. Confidential information may be shared with the following:
    - a.) Mercer County Juvenile Court
    - b.) CASA staff
    - c.) Child Protective Services, its' employees and agents and service providers assigned to the case
    - d.) Parties to the case and their counsel
    - e.) Professionals who are providing services to the family.
  6. Volunteers must ensure care with their case file. Volunteers should maintain their files in a way and place that does not allow for any breach of confidentiality. Access to the volunteer's file is limited to the court, authorized agency personnel and others outside the agency whose request for access to confidential information is permitted by statute or the court. The volunteer should confer with their volunteer supervisor before releasing their case file to any involved party. Volunteers must also return their entire case files to the program within two weeks of case closure.
  7. Violation of confidentiality can result in the discrediting of the CASA program and may be cause for immediate dismissal.
- **Limits to Confidentiality:** Information about a CASA case is safeguarded as confidential to a limited and very specific extent. Unlike doctor-patient or lawyer-client relationships, there is no privilege of absolute confidentiality for a CASA volunteer. In fact, it is the CASA volunteer's job to transmit the information it collects to the Court, so it is important to let all parties to a case know this. At the beginning of a case, the CASA volunteer should carefully inform all parties about their rights in regard to confidentiality, i.e., what will be maintained about them and what information will be shared, with whom and under what circumstances.
  - **Access to CASA records:** No one outside of CASA staff may have access to a CASA case record without a court order. The original CASA/GAL volunteer court report is provided to Mercer County Juvenile Court by CASA staff. Additional copies of the report are made for the volunteer's case file and the CASA program office. Any other parties requesting a copy of the CASA volunteer's court report must do so with the Mercer County Juvenile Clerk's Office.  
 In addition, all electronic and hard copy, correspondence, files and records are safely and securely maintained in locked storage in the CASA office. Care will be taken by all staff and volunteers to protect the identity of clients within e-mail

transmissions by omitting the client's name where possible. Staff and volunteers should use the client's initials when identification is necessary with e-mails.

- **Obtaining Confidential Materials:** CASA volunteers are entitled to receive confidential materials (i.e., psychiatric or psychological evaluations or therapist's reports) on the children and families assigned to us by the Court. The CASA/GAL volunteer court appointment document will suffice for release of information pertaining to the child. Should the CASA volunteer seek information regarding any adult individual involved in their open case, it is necessary to obtain a signed *Authorization of Release of Information* form provided by the CASA office and to provide a copy of this signed release to the CASA office.

**\*Note-** Family Resource Center requires their own release to be completed

- **Re-disclosure of confidential materials:** Any confidential materials received from another individual or organization may not be re-disclosed to anyone outside CASA's program staff, except by court order.
- **Duty to Disclose:** CASA/GAL volunteers and staff may have a duty to disclose information.

1. ***Reporting Child Abuse or Neglect:*** CASA/GAL volunteers and staff have a moral obligation to report any case of suspected child abuse or neglect to the Mercer County Department of Job and Family Services – Children Services Division.
  - a. If a CASA/GAL volunteer has a “reasonable suspicion” that a child is being maltreated, neglected, or abused, the volunteer should report his/her suspicion to CASA staff and CSD caseworker immediately.
  - b. If the CASA volunteer sees immediate signs of injury, report them directly to Mercer County Department of Job and Family Services-Children Services Division and then notify CASA staff.
  - c. If the child is reporting to the CASA volunteer abuse and/or neglect, the CASA volunteer will notify CASA staff and then proceed as referred by the staff member.
  - d. If the CASA volunteer feels that there are immediate safety concerns for the child while on a home visit or there are visible injuries to the child, the CASA volunteer will call the police or sheriff, followed by notifying Children Services, then the Director and/or program staff.

The CASA volunteer must document all concerns for a child's safety in the case file and make recommendations in the dispositional report. Realizing the safety of both the child and the advocate is paramount, these guidelines will not be deviated from for any reason, either by the advocate or program staff.

2. ***Harm to self and others:*** If you learn someone may harm himself/herself or others, you may have a duty to disclose this information. You must discuss this immediately with CASA staff.
3. ***Ordered by the Court in a hearing or trial.***

### **Casework- Monthly Progress Notes, Court Reports, Case File**

- **Case File:** All volunteers must maintain a complete, accurate and up-to-date written case file on each assigned case. Case notes should be written legibly and should avoid slang and jargon and then entered as soon as possible in CASA Manager. Keep in mind that a CASA volunteer's case records could be subpoenaed and reviewed by attorneys or judges. Therefore, notes must be clear and accurate. Case files should be an unbiased, historical record, including dates and sources of information; and should be free of subjective editorial comments.
- **Monthly Progress Notes:** Monthly progress notes must be submitted to the CASA office on a monthly basis or at the close of a case, whichever comes first. In an effort to keep the CASA office informed of the current CASA volunteer's cases, Monthly Progress Notes **must** be completed on each case and entered in CASA Manager. One form is to be completed per child or family. The Monthly Progress Notes should be submitted to the CASA office by the 10<sup>th</sup> of each month. For example, the month of June is due to the office by July 10<sup>th</sup>.
- **Court Reports:** The CASA/GAL volunteer must keep abreast of all deadlines and timetables involved in cases. Court Reports must be filed electronically in CASA Manager and turned in to the CASA staff a minimum of ten (10) days prior to a Court appearance where a report is warranted. While any substantive changes to a volunteer's reports will not be made without the knowledge and consent of the volunteer, CASA staff must approve all reports and recommendations, including all concerns, prior to their submission to Court. Should there be a conflict between the CASA/GAL volunteer and staff regarding the reporting of information and concerns, CASA staff will determine the appropriate course of action. CASA staff is responsible for processing the volunteer's report to the court in a timely manner, generally seven (7) days prior to the hearing. If other parties/attorneys to the case want a copy of the volunteer report they must request one from the Mercer County Juvenile Clerk's office.

The entire previous section, while critically important, is a training matter, not policy...

### **Employer Contact**

Situations may arise where the CASA volunteer finds it necessary to contact the employer of the parents involved in his/her case (inquiring as to the number of hours worked, etc.)

If the CASA volunteer feels that contacting the parent's employer would be beneficial to the investigation, **the CASA volunteer must first contact the CASA staff for approval.**

### **Entering of Homes**

**At no time** shall a CASA volunteer enter the home of a child when a parent or legal guardian is not present. This applies even when the child would allow access. If the parent is not home, ask to see the child in public view. The porch or front steps offers comfortable

setting for the child and the CASA volunteer. The CASA volunteer should not “peer” into windows. There may be a problem with a person’s right to privacy. If a CASA volunteer suspects that the child is home alone or in danger, the local police should be notified. If a parent refuses to allow access to the home, the parent can be told that this will be reflected in the report to the Judge. This may persuade the parent(s) to allow the CASA volunteer access to the home. The Judge may order a parent to make the child available to the CASA volunteer but this does not have to be done in the home.

### **Volunteer Safety**

No volunteer should feel obligated to put himself or herself in personal jeopardy as they perform their role as a CASA/GAL volunteer. If the volunteer is uneasy about entering a neighborhood, building, or meeting with a particular party, the volunteer should arrange the meeting in a more comfortable location or contact the supervisor for advice.

### **Volunteer and Staff Attire**

During the course of their investigation, CASA volunteer’s will find themselves in a variety of settings (parents’ homes, meetings with professionals, courtrooms, etc.) Each of these settings requires a specific type of dress. The following are some suggestions for appropriate attire:

- **Courtroom:** When attending Court Hearings, it is requested that the CASA volunteer dress in a business-like manner, for example suits, business dresses, dress shirts and slacks (for women), Suit and tie (for men). NO JEANS.
- **Home Visits:** When meeting with parents, foster parents, children, etc. it is suggested that the CASA volunteer wear clothing that is both casual and comfortable; for example: jeans, casual slacks, nice shorts, etc. Many times, if a CASA volunteer is dressed too formally, the parents and/or children may be intimidated, and therefore, unwilling to communicate with the volunteer. Volunteers may also find themselves in settings where the home is poorly maintained (unclean, bug infested, etc.) For obvious reasons, “good” clothing is not recommended.
- **Meetings:** When meeting with professionals involved in the case, CASA volunteers are not required to dress in suits, however dress slacks, dark jeans, or dresses are considered to be appropriate. (i.e., casual dress)

#### **4.) VOLUNTEER CONFLICT, CORRECTIVE ACTION AND DISMISSAL**

##### **Conflict of Interest for a CASA/GAL Volunteer**

The primary goal of the volunteers of Mercer County CASA is to advocate what is in the best interests of children. In order to function as an effective advocate, objectivity must be maintained. Any relationships or activities, including, but not limited to those of employment, business, professional, or personal nature, which may conflict with a CASA volunteer's responsibilities must be disclosed in a timely manner. No volunteer shall benefit from any direct or indirect financial interest in the assets, leases, business transactions or professional services of the agency.

Since a conflict of interest may arise at any point in time, the volunteer has an ongoing duty to disclose the existence of any actual or potential conflicts as soon as a conflict is suspected. It is the volunteer's responsibility to prevent the occurrence of those conflicts of interest over which they have control. It is important to be aware that the mere potential for conflict of interest to arise may be sufficient to warrant a concern that the volunteer's objectivity, and thus, that of the entire program as a whole, may be perceived as compromised.

Potential conflicts of interest will need to be examined on a case-by-case basis to ensure that the independence and objectivity of the volunteer, and that of the program, will not be called into question. The greater the chance that a conflict will arise, the more likely it is that the volunteer will not be assigned to a particular case, or if already assigned to the case, that the volunteer will be removed from it.

Discipline or dismissal of a volunteer may occur in the event the volunteer fails to disclose the conflict prior to becoming involved in the transaction or decision affected by the conflict. In such cases, discipline/dismissal will normally follow the program's progressive discipline process (see below). Mercer County CASA/GAL Program reserves the right to "dismiss at will". Grounds for termination may include, but are not limited to, a conflict of interest arising, which cannot be resolved.

A potential or actual conflict of interest may result in:

- An applicant being denied acceptance into training for the program
- A volunteer being dismissed from the program, particularly for not disclosing said conflict to the program Director.
- The program declining to accept appointment of a particular case
- The program's refusal to assign a particular volunteer to a particular case

##### **Disciplinary Process**

Occasionally, a volunteer's performance or conduct is inappropriate and will place the volunteer in danger of dismissal. CASA staff will, after discussion with the volunteer, set a time period with specific goals for improvement and action to be considered. At the end of this period, the situation will be reviewed. The volunteer will either be restored to his/her previous status or dismissed. However, there may be situations in which the CASA staff is required to take immediate disciplinary action up to and including dismissal with or without implementation of these procedures.

### **Corrective Action**

Corrective action will be taken if the volunteer's work is unsatisfactory. Corrective action is within the discretion of the CASA staff and may include:

- Verbal Warning
- Written Warning
- Additional Supervision
- Reassignment
- Retraining with possible suspension
- Referral to another volunteer position
- Dismissal from the CASA Program

### **Volunteer Dismissal**

Volunteers who do not adhere to the policies and procedures of the program or who fail to satisfactorily perform their volunteer assignment are subject to dismissal. Dismissal is within the discretion of the CASA staff.

Grounds for dismissal may include, but are not limited to:

- Violation of program policies and procedures, court rules, or law
- Misconduct or insubordination
- Being under the influence of alcohol or drugs while performing volunteer duties
- Theft of property or misuse of program equipment or materials
- Mistreatment or inappropriate conduct toward clients, families, co-workers or cooperating agency personnel
- Taking action without program or court approval that endangers the child or is outside the role or powers of the program
- Failure to complete required pre-service or in-service training
- Failure to accept assignments over a period of twelve months
- Breach of confidentiality
- Having unauthorized conversations with the media regarding a case
- Failure to demonstrate an ability to effectively carry out assigned duties
- Conflict of interest which can not be resolved
- Falsification of application materials or misrepresentation of facts during the screening or training process
- Falsification of any materials included in a report to the court
- Failure to report significant case information to the court
- Criminal activities
- Existence of child abuse or neglect allegations
- Engaging in an ex-parte communication with the court
- Taking a child to the volunteer's home or any home other than the child's or sheltering a child in the volunteer's home.
- Giving legal advice or therapeutic counseling.
- Making placement arrangements for the child.
- Giving money or expensive gifts to the child, the child's family or caregiver.

- Transporting the child or the child's family in an automobile.

The CASA volunteer shall be provided with a confidential memo identifying the reason(s) for the dismissal. If the volunteer's case is still active, the CASA staff shall recommend a new CASA/GAL volunteer to the court as soon as possible. The court shall then enter an order appointing a substitute CASA/GAL volunteer and communicate it to all the parties involved.

## **5.) OFFICE PROCEDURES & POLICIES**

### **Volunteer Supervision**

The CASA staff is easily accessible to provide guidance to an active CASA/GAL volunteer. The CASA staff and volunteer will maintain monthly contact in order to review the progress of the case. The CASA staff and the CASA/GAL volunteer work together throughout the life of a case. Together staff and volunteers will assess how to proceed with an investigation, identify critical issues and develop case recommendations.

### **Annual Evaluation and Re-commitment**

CASA staff will formally evaluate each volunteer on an annual basis, including discussion of the volunteer's re-commitment to the CASA program. The volunteer will also have an opportunity to evaluate the program services and suggest topics for future in-service trainings.

### **Legal Counsel**

Upon the initial appointment to the case a CASA/GAL volunteer is not appointed legal counsel. However, if needed the volunteer has access to legal counsel for representation. If the need arises, the volunteer should contact the CASA Director and explain the circumstances surrounding the need. The Director has final discretion if legal counsel is needed. However, in all permanent custody cases legal counsel will be provided.

### **Record Keeping**

- **CASA/GAL Volunteers:** The CASA office will maintain complete records regarding CASA/GAL volunteers. Written records will include the volunteer's application, identifying information, emergency contacts, reference documentation, security check documentation and training hours and certificates. Volunteers who wish to have access to their volunteer file need to come to the CASA office and ask the Director to see their file. Volunteers are not permitted to remove their file from the CASA office. If the volunteer wishes to make changes to their file, they must discuss this with the Director and the Director will determine if the changes are to be made.
- **Case Files:** The CASA office will maintain complete case assignment records including an up-to-date calendar of court hearings, copies of all volunteer reports and any other correspondence concerning the case. The volunteer's case files must be returned to the CASA office when the case closed, or the volunteer is discharged from the case or is dismissed from the CASA program.

### **Transporting Children Policy**

It is the policy of Mercer County CASA/GAL that staff and/or volunteers do not, under any circumstance, transport children or other parties of our Juvenile Court Cases. Transporting a child or other parties involved could result in disciplinary action and/or dismissal from the CASA program.

### **Volunteer Reimbursement**

Due to its limited funding, the Mercer County CASA/GAL program is unable to reimburse CASA volunteers for expenses at this time.

### **Change of Advocate/Volunteer Statuses or Resignation from the CASA/GAL Program**

Once a CASA volunteer has been trained, they commit to the program for a period of at least two (2) years. It is understood, however, that circumstances may arise in a CASA volunteer's personal life that would prevent them from continuing with the program. In such a situation the CASA volunteer should complete the following steps:

1. Notify the Director, in writing, at least two weeks prior to their resignation
2. Submit a summary of the cases that you are working on to the CASA staff. This provides the next person assigned to the cases with up-to-date information
3. Submit all notes and information relevant to the cases, including personal notes and documentation to the CASA staff. This will ensure the continued confidentiality of the case.
4. Return your CASA volunteer identification card and Training and Policies and Procedure Manuals to the CASA staff.

Completion of the above steps allows the program to reassign a new volunteer to the case and have Juvenile Court compose a substitute CASA volunteer Appointment Entry.

Should you wish to remain in the program but are no longer willing to accept new cases, you may change your status to inactive with notification to CASA staff. An advocate/volunteer may remain inactive for a period of one year before being removed from the inactive roster. An advocate/volunteer may also choose to continue actively working present cases but no longer accepting new cases by changing their status to active-not accepting, or an advocate may keep this status until their open caseload is resolved. Please contact staff if any of these things apply to you.

### **Volunteer Grievance Policy**

Every effort should be made to solve problems cooperatively and informally before presenting them as a formal grievance. Should informal efforts fail, the following policy is set forth in order to provide an outlet for complaints and a systematic way to resolve the matter. All complaints will receive thoughtful consideration and will be discussed with the individual who raises them. Complaints and grievances may arise from external or internal (within the Program) sources.

- **External** – CASA volunteers do emotionally charged work that evokes a wide range of feelings. Criticism from the parties involved is common, especially when the CASA volunteer does not make recommendations that are in agreement with

their point of view. Should a complaint arise from someone outside the CASA organization, the volunteer or supervisor to whom the complaint was given, should inform the Executive Director of the details of the complaint. It will be the responsibility of the Executive Director to decide if the complaint has substance and to request a written statement from the individual initiating the complaint. The written statement will be kept on record in the CASA office. In addition, the Executive Director, with advice from the Court Administrator if needed, will determine what action, if any, should be taken.

- **Internal** – When a CASA volunteer wishes to make a statement of dissatisfaction with a policy, practice, condition or supervisor's decision, the volunteer should first discuss the matter with the supervisor. If the problem is not resolved to the satisfaction of the volunteer, s/he should forward a written statement of the grievance to the Executive Director. In the event that the volunteer is still not satisfied with the conclusion of the matter after involvement of the Executive Director, the volunteer should present the written grievance statement to the Court Administrator, if applicable. The Court Administrator's decision will be final. The volunteer will be entitled to receive a written response to their formal grievance from the Executive Director outlining the position the Director or the Court Administrator has taken on the issue.

In order to deal effectively with complaints from individuals and/or organizations regarding the services provided by the CASA Program, the following grievance procedures shall be followed by staff and volunteers. If a complaint is lodged against a CASA volunteer it may be dealt with in the following manner:

- The volunteer's supervisor shall be notified
- The matter shall be reviewed and resolved by the appropriate program staff or the Executive Director if the matter involves Program staff. Such review shall include contact with the complainant and the volunteer
- The Executive Director shall determine whether the matter should be taken to the Executive Committee for their review, according to the nature of the complaint
- A written reply shall be made to the complainant with copies to the Court Administrator, Executive Director, and to the volunteer.

## **6.) PROGRAM - VOLUNTEER RELATIONS**

Ultimate responsibility for all CASA cases rest with the Director. As a volunteer, however, you also represent the CASA program, and what you do reflects the organization. Always conduct yourself in a way that reflects favorably on Mercer County CASA. Volunteers must comply with all program rules and policies. CASA staff holds the final decision whether to retain the services of a volunteer and may terminate any volunteer for non-compliance with policies or procedures or for any other reason that CASA program staff, in its sole discretion, deems appropriate.

### **Statements to the Public**

The purpose of this policy is to ensure that only consistent and approved information is released to the public. This policy applies to all CASA/GAL volunteers and CASA staff. In order to maintain the highest level of professionalism:

- The official spokespersons for the organization shall at all times be the Executive Director and/or the Court Administrator.
- All requests for speaking engagements and volunteer recruitment on behalf of the Mercer County CASA Program shall be referred to the appropriate Mercer County CASA staff.
- All inquiries on cases assigned to the CASA office shall be referred to the Executive Director or the Court Administrator.
- All inquiries from the public, the court, or community organizations and agencies on matters considered sensitive or relating to the policy, procedures or issues of the Mercer County CASA Program shall be referred to the Executive Director or the Court Administrator.
- All inquiries from the media (television, radio, press) shall be referred to the Executive Director or the Court Administrator.

### **Open Door**

Mercer County CASA/GAL Program has an “open door” policy. If you have any questions or concerns regarding either the responsibilities or the provisions outlined in this manual, or other matters directly related to your work, you are encouraged to take up the matter directly with CASA staff.

### **Written Communication**

At times, CASA’s will find the need to correspond with other professionals or agencies involved in their cases. Any correspondence written by the volunteer to a professional or agency represents the CASA office and juvenile court. As such, it needs to be reviewed, approved, and put on CASA letterhead by the CASA office, prior to being mailed. It will then be mailed, or brought to the court. If assistance is required in the writing of the letter, the CASA should contact the Director. All correspondence is to be typed on CASA letterhead, unless otherwise indicated by the CASA office.

### **Verbal Communications**

As a non-political, impartial program, no CASA volunteer can comment on any political issues or political race as a CASA volunteer. All political activity can only be done as a private citizen. Any and all contact with court personnel regarding dates, times, continuances, etc. should be made through program staff. No court personnel should be contacted directly by a CASA volunteer regarding these issues. However, if the court addresses the volunteer during court proceedings, the volunteer may schedule those dates or times, and then notify the office. All requests for speaking engagements and volunteer recruitment on behalf of Mercer County CASA shall be referred to the Director.

### **Media Communications**

The Mercer County CASA/GAL Director handles inquiries concerning CASA, its policies, practices, or clients. Volunteers are not permitted to make any statements involving CASA to the media without the consent of the Director.

### **Social Media Policy**

Mercer County CASA Staff and Volunteers shall refrain from posting inappropriate material, links to inappropriate websites, or undesirable comments, references or pictures anywhere on the web where the posting directly or indirectly makes reference to Mercer County CASA Program or any name meant to refer to the organization. Anyone found to be in violation of this policy may be sanctioned at the discretion of the Director.

This policy includes public postings to any electronic media including, but not limited to intranet and internet forums, blogs, web logs, photo blogs, online web communities, list serves, internet diaries, instant messaging, text messaging, podcasts, amateur video sites, and all web postings -- such as those in chat rooms, on bulletin boards, websites or web pages. Wikis, public/shared email, online compilations of photographs or videos, and links to any of the foregoing items are also prohibited.

"Inappropriate material" shall be defined as postings, depictions or descriptions of illicit substances and/or their paraphernalia, underage drinking; harassing, hostile, false, or confidential information and any other acts that violate local, state, federal, or Mercer County CASA policy and procedures, rules, and regulations. Also prohibited are prejudiced or discriminatory statements against any individuals, businesses, government agencies or groups. Staff, Board Members and volunteers within the CASA program should avoid creating the impression that the views expressed through any electric or social media outlet are anything more than personal opinions.

Postings which directly or indirectly make reference to the CASA Program include, but are not limited to, postings which name CASA, the Court Appointed Special Advocate Program or any name meant to refer to the organization; photographs or videos which depict the CASA name, logo, symbols, photographs or videos which display any Mercer County CASA-sponsored activities; postings which link to any local, state, national, international web page referring to CASA; and usernames or email addresses which indicate an affiliation with the CASA Program.

### **Photography Policy**

CASA volunteers may only take photos of children upon permission of the Executive Director or the Court Administrator. Photos shall not be distributed in any manner. No copies shall be made or kept of any photos.

### **Direct Service Provision**

The Mercer County CASA/GAL Program is not a “direct service” agency. **We are a child advocacy organization: we advocate for appropriate and timely services to be provided by the agencies involved in our cases.** A CASA/GAL volunteer should not provide direct services to any child or family. Examples include but are not limited to: transporting parties or children; intervening in domestic disputes; providing counseling or legal advice; entertaining children; offering to provide funds for food or other necessities; providing gifts or money directly to the child, caregiver or family; making placement arrangements for a CASA child, etc. Remember, the CASA volunteer is a facilitator: it is our job to get the direct service agencies to provide these vital services to the clients.

**Personal Involvement with Children and Families Most of the section below has already been covered in the conflict of interest and discipline section. Again – emphasize in training.**

### **Post-Closure Contact**

The legal relationship between a CASA volunteer and a child formally ends when the juvenile court case is closed. The CASA volunteer is no longer permitted to engage in investigative or fact-finding activities with the parties or service providers. The CASA volunteer is also required to return any sensitive documents to the CASA office. Confidential information remains confidential even if the case has been closed.

Post-closure contact is generally discouraged. However, there are instances where a CASA volunteer might continue a friendly relationship with the child and/or family but only when continued relationships or contacts are initiated by the family or child. The CASA volunteer is not permitted to “check-up” on the family. The CASA volunteer should consult with CASA staff for guidance and is **required** to notify the CASA program if a post-closure relationship is occurring. No CASA volunteer is ever required or expected to have ongoing contact with a client post-closure.

## **RULES 48 – 48.07 OF THE OHIO RULES OF SUPERINTENDENCE**

### **Rule 48. Application**

**Sup.R.** 48 through 48.07 shall apply in all domestic relations and juvenile cases in the courts of common pleas where a court appoints a guardian ad litem to act in the best interest of a child.

### **Rule 48.01. Definition**

As used in Sup.R. 48 through 48.07:

#### **(A)Allocation of parental rights and responsibilities.**

References in this rule to cases involving "allocation of parental rights and responsibilities" shall also include those cases in which legal custody, parenting time, companionship, or visitation rights are at issue. "Allocation of parental rights and responsibilities, legal custody, parenting time, companionship, or visitation rights" has the same meaning as in R.C. 3109.04 and 3109.051.

#### **(B)Attorney for the child.**

"Attorney for the child" means an attorney appointed to act as legal counsel for a child and advocate for the wishes of the child.

#### **(C)Guardian ad litem.**

"Guardian ad litem" means an individual appointed to assist a court in its determination of the best interest of a child.

#### **(D)Child.**

"Child" means:

- (1) A person under eighteen years of age;
- (2) A person who is older than eighteen years of age who is deemed a child until the person attains twenty-one years of age under R.C. 2151.011 (B)(6) or 2152.02 (C);
- (3) A child under R.C. 3109.04 or a disabled child under R.C.3119.86 who falls under the jurisdiction of a domestic relations or juvenile court.

### **Rule 48.02. Appointment of Guardian Ad Litem**

#### **(A)Orders of appointment.**

Each court appointing a guardian ad litem under this rule shall enter an order of appointment. The order of appointment shall include statements regarding all of the following:

- (1) Whether it is a sole guardian ad litem appointment or a dual guardian ad litem and attorney appointment;
- (2) That unless otherwise specified by court rule, the appointment shall remain in effect until discharged by order of the court;
- (3) That the guardian ad litem shall be given notice of all hearings and proceedings and be provided a copy of all pleadings, motions, notices, and other documents filed in the case;
- (4) That the guardian ad litem report shall include the following language: "The guardian ad litem report shall be provided to the court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the court. Unauthorized disclosure of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration."
- (5) The rate or amount of compensation for the guardian ad litem in allocation of parental rights and responsibilities cases;
- (6) The terms and amount of any installment payments and deposits in allocation of parental rights and responsibilities cases.

**(B)Limited scope of appointment.**

A court may appoint a guardian ad litem to address a specific issue or issues. A court shall include in the order of appointment the specific issue or issues to be addressed and a statement the guardian ad litem is relieved of the duties set forth in Sup.R. 48.03 (D) that are not applicable to the specific issue or issues.

**(C)Mandatory appointments in abuse, neglect, dependency, unruly, and delinquent cases.**

A court shall appoint a guardian ad litem in abuse, neglect, dependency, unruly, and delinquency cases as required by rule or statute.

**(D)Separate appointments in abuse, neglect, dependency, unruly, and delinquency cases and cases of conflict.**

- (1) A court shall appoint a separate attorney to represent a child in abuse, neglect, dependency, unruly, and delinquency cases in which the wishes of the child differ from the recommendations of the guardian ad litem.
- (2) If an attorney who has been appointed to serve as both guardian ad litem and attorney for the child or any other party believes that a conflict exists in the dual appointment, the attorney or party shall immediately notify the court in writing with notice to the parties or affected agencies and request a separate appointment of a guardian ad litem and attorney for the child. The court shall make such additional appointment or appointments or order or orders to remedy the conflict. The court may also make such appointment or appointments on its own motion.

**(E)Separate appointments in cases involving allocation of parental rights and responsibilities.**

If a court appoints a guardian ad litem in an allocation of parental rights and responsibilities case, the guardian ad litem shall be appointed only to represent the best interest of the child and shall not also be appointed as the attorney for the child.

**(F)Discretionary appointments in allocation of parental rights and responsibilities, unruly, and delinquency cases.**

Unless a mandatory appointment is required by rule or statute, a court may make a discretionary appointment of a guardian ad litem in the allocation of parental rights and responsibilities, unruly, and delinquency cases. In making a discretionary appointment, a court should consider all of the circumstances of the case, including but not limited to all of the following factors:

- (1) Allegations of abuse and neglect of the child;
- (2) Consideration of extraordinary remedies, such as supervised visitation, terminating or suspending parenting time, or awarding custody or visitation to a non-parent;
- (3) Relocation that could substantially reduce the time of a child with a parent or sibling;
- (4) The wishes and concerns of the child;
- (5) Harm to the child from drug or alcohol abuse by the party;
- (6) Past or present child abduction or risk of future abduction;
- (7) Past or present family violence;
- (8) Past or present mental health issues of the child or a party;
- (9) Special physical, educational, or mental health needs of the child that require investigation or advocacy;
- (10) A high level of conflict;
- (11) Inappropriate adult influence or manipulation;
- (12) Interference with custody or parenting time;
- (13) A need for more information relevant to the best interests of the child;
- (14) A need to minimize the harm to the child from family separation or litigation;
- (15) Any other relevant factor.

**(G)Reappointment.**

A court should consider reappointment of the same guardian ad litem for a specific child in any subsequent case determining the best interest of the child.

**(H)Guardian ad litem fee determinations in cases involving allocation of parental rights and responsibilities.**

(1) A court appointing a guardian ad litem in a case involving allocation of parental rights and responsibilities shall make a determination of the ability of any party to pay a deposit for the fees and expenses to the guardian ad litem and may reconsider that determination at any time prior to conclusion of the case. In making this determination, the court shall consider all of the following:

- (a) The income, assets, liabilities, and financial circumstances of the parties, as demonstrated by an affidavit, testimony to the court, or evidence of qualification for any means-tested public assistance;
- (b) The complexity of the issues;
- (c) The anticipated expenses, including the travel of the guardian ad litem.

(2) At any time prior to the conclusion of a case, a guardian ad litem may submit a motion for payment. A guardian ad litem shall submit a motion for payment upon conclusion of the duties. Any motion shall itemize the duties performed, time expended, and costs and expenses incurred pursuant to Sup.R. 48.03 (H)(1).

(3) In determining the allocation of guardian ad litem fees and expenses, a court shall consider any relevant factor, including any of the following:

- (a) The rate or amount of compensation of the guardian ad litem;
- (b) The sources of compensation of the guardian ad litem, including the parties, any specialized funds allocated for payment of the guardian ad litem, or pro bono contribution of services by the guardian ad litem;
- (c) The income, assets, liabilities, and financial circumstances of the parties, as demonstrated using an affidavit, testimony to the court, or evidence of qualification for any means-tested public assistance;
- (d) The conduct of any party resulting in the increase of the guardian ad litem fees and expenses without just cause;
- (e) The terms and amount of any installment payments.

(4) Unless a hearing is requested by a party or the court within fourteen days after a motion for payment is filed, a court shall issue an order regarding payment of guardian ad litem fees and expenses approving or denying any portion of the requested fees and expenses and allocating payment to one or more of the parties as appropriate.

**(I)Enforcement of payment.**

(1) If the fees and expenses of a guardian ad litem exceed the deposits or installment payments ordered and made, a court may do any of the following:

- (a) Issue a lump-sum judgment against any party owing guardian ad litem fees and expenses at the time of the determination of fees or at any further proceedings regarding payment of fees;
- (b) Enforce the payment of fees and expenses of the guardian ad litem through contempt of court proceedings;
- (c) Enforce any order regarding the payment of guardian ad litem fees and expenses in any other manner authorized by law.

(2) A court shall not delay or dismiss a proceeding solely because of the failure of a party to pay guardian ad litem fees and expenses required to be paid by the court.

(3) The inability of a party to pay guardian ad litem fees and expenses ordered by a court shall not delay any final entry.

**Rule 48.03. Responsibilities of Guardian Ad Litem**

**(A)General responsibilities.**

The responsibilities of a guardian ad litem shall include, but are not limited to, the following:

(1) Provide the court recommendations of the best interest of the child.

Recommendations of the best interest of the child may be inconsistent with the wishes of the child or other parties.

- (2) Maintain independence, objectivity, and fairness, as well as the appearance of fairness, in dealings with parties and professionals, both in and out of the courtroom, and have no ex parte communications with the court regarding the merits of the case;
- (3) Act with respect and courtesy in the performance of the responsibilities of the guardian ad litem;
- (4) Attend any hearing relevant to the responsibilities of the guardian ad litem;
- (5) Upon becoming aware that the recommendations of the guardian ad litem differ from the wishes of the child, immediately notify the court in writing with notice to the parties or affected agencies. The court shall take action as it deems necessary.
- (6) If necessary, request timely court reviews and judicial intervention in writing with notice to the parties or affected agencies;
- (7) If the guardian ad litem is an attorney, file pleadings, motions, and other documents as appropriate and call, examine, and cross-examine witnesses pursuant to the applicable rules of procedure;
- (8) Be available to testify at any relevant hearing. Attorneys who are to serve as both guardian ad litem and attorney in any dual appointments shall comply with Rule 3.7 of the Rules of Professional Conduct.
- (9) If the guardian ad litem is not an attorney, avoid engaging in conduct that constitutes the unauthorized practice of law and be vigilant in performing the duties of the guardian ad litem;
- (10) If the guardian ad litem is not an attorney, request the court to appoint an attorney for the guardian ad litem to file pleadings, motions, and other documents as appropriate and call, examine, and cross-examine witnesses pursuant to the applicable rules of procedure. The court shall take action as it deems necessary.

**(B)Conflicts of interest.**

- (1) A guardian ad litem shall avoid any actual or apparent conflict of interest arising from any relationship or activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A guardian ad litem shall avoid self-dealing or associations that might directly or indirectly benefit except from compensation for services as a guardian ad litem.
- (2) Upon becoming aware of any actual or apparent conflict of interest, a guardian ad litem shall immediately notify the court in writing. The court shall take action as it deems necessary.

**(C)Satisfaction of training requirements.**

A guardian ad litem shall meet the qualifications and satisfy all pre-service and continuing education requirements of Sup.R. 48.04 and 48.05 and any local court rules governing guardians ad litem. A guardian ad litem shall meet do both of the following:

- (1) Meet the qualifications for guardians ad litem for each court and promptly advise the court of any grounds for disqualification or any issues affecting the ability to serve;
- (2) Provide the court documentation indicating compliance with pre-service and continuing educational requirements so the court may maintain the files required pursuant to Sup.R. 48.07. The documentation shall include information detailing the date, location, contents, and credit hours received for any relevant education.

**(D)Duties of the Guardian ad Litem.**

Unless specifically relieved by the court, the duties of a guardian ad litem shall include, but are not limited to, the following:

- (1) Become informed about the facts of the case and contact all relevant persons;
- (2) Observe the child with each parent, foster parent, guardian or physical custodian;
- (3) Interview the child, if age and developmentally appropriate, where no parent, foster parent, guardian, or physical custodian is present;
- (4) Visit the child at the residence or proposed residence of the child in accordance with any standards established by the court;
- (5) Ascertain the wishes and concerns of the child;

- (6) Interview the parties, foster parents, guardians, physical custodian, and other significant individuals who may have relevant knowledge regarding the issues of the case. The guardian ad litem may require each individual to be interviewed without the presence of others. Upon request of the individual, the attorney for the individual may be present.
- (7) Interview relevant school personnel, medical and mental health providers, child protective services workers, and court personnel and obtain copies of relevant records;
- (8) Review pleadings and other relevant court documents in the case;
- (9) Obtain and review relevant criminal, civil, educational, mental health, medical, and administrative records pertaining to the child and, if appropriate, the family of the child or other parties in the case;
- (10) Request that the court order psychological evaluations, mental health or substance abuse assessments, or other evaluations or tests of the parties as the guardian ad litem deems necessary or helpful to the court;
- (11) Review any necessary information and interview other persons as necessary to make an informed recommendation regarding the best interest of the child.

**(E) Identification as guardian ad litem.**

A guardian ad litem shall immediately identify himself or herself as a guardian ad litem when contacting individuals and inform the individuals about the role of the guardian ad litem, including as an attorney if a dual appointment, the scope of appointment, and that documents and information obtained by the guardian ad litem may become part of court proceedings.

**(F) Confidentiality.**

A guardian ad litem shall make no disclosures about a case or investigation, except to the parties and their legal counsel, in reports to the court, or as necessary to perform the duties of a guardian ad litem, including as a mandated reporter. The guardian ad litem shall maintain the confidential nature of personal identifiers, as defined in Sup.R. 44, and address where there are allegations of domestic violence or risk to the safety of a party or child. Upon application, the court may order disclosure of or access to the information necessary to challenge the truth of the information received from a confidential source. The court may impose conditions necessary to protect witnesses from potential harm.

**(G) Timeliness.**

A guardian ad litem shall perform responsibilities in a prompt and timely manner.

**(H) Record-keeping.**

- (1) A guardian ad litem shall keep accurate records of the time spent, services rendered, and expenses incurred in each case while performing the responsibilities of a guardian ad litem.
- (2) In allocation of parental rights and responsibilities cases, a guardian ad litem shall provide a monthly statement of fees and expenses to all parties.
- (3) A guardian ad litem shall file an itemized statement and accounting with the court and provide a copy to each party or other entity responsible for payment upon order of the court or upon the conclusion of those responsibilities.

## **Rule 48.04. Pre-Service Education**

**(A) Pre-service education required for appointment.**

A guardian ad litem shall complete pre-service education provided by the Supreme Court the Ohio Court Appointed Special Advocates (CASA) Guardian ad Litem Association, or with the approval of the appointing court, another provider.

**(B) Pre-service education hours and topics.**

- (1) Pre-service education for guardians ad litem shall be twelve hours.

- (2) Of the twelve hours of pre-service education, six hours shall be obtained via a live education program where the guardian ad litem is physically present.
- (3) The remaining six hours of pre-service education may be satisfied by online or live education, teaching, writing, mentoring, or field-training activities with approval by the appointing court.
- (4) Six hours of pre-service education shall include training on all the following topics:
  - (a) Basic human needs, stages of child development, and the impact of trauma;
  - (b) Communication skills, including, but not limited to communication with children and adults, interviewing skills, methods of critical questioning, use of open-ended questions, understanding the perspective of a child, sensitivity, building trust, multicultural awareness, diversity, and confidentiality;
  - (c) Child abuse, neglect, dependency, unruliness, delinquency, and assessing risk and safety;
  - (d) Family and child issues, including but not limited to family dynamics, substance abuse and its effects, basic psychopathology for adults and children, and domestic violence and its effects, including assessing for lethality and safety;
  - (e) Legal processes, the role of a guardian ad litem in court, available community agencies and resources, methods of service, records checks, the role of a guardian ad litem in court, local resources and service practice, report content, mediation, and other types of dispute resolution processes;
  - (f) Any other topic that concerns the role of the guardian ad litem to help determine the best interest of the child.

**(C)Current Guardians ad Litem.**

An individual who is currently serving as a guardian ad litem on January 1, 2021, shall be deemed compliant with the pre-service education and not be required to complete the twelve hours of pre-service education.

## **Rule 48.05. Continuing Education**

**(A)Continuing education hours and topics.**

- (1) Continuing education for guardians ad litem shall total six hours annually and be provided by the Supreme Court; the Ohio Court Appointed Special Advocates (CASA) Guardian ad Litem Association; or, with the approval of the appointing court, another provider.
- (2) Of the six hours of continuing education, three hours shall be obtained via a live education program where the guardian ad litem is physically present.
- (3) The remaining three hours of continuing education may be satisfied by online or live education, training, writing, mentoring, or field-training activities as pre-approved by the appointing court.
- (4) Continuing education shall consist of advanced education related to topics identified in Sup.R. 48.04.

**(B)Failure to comply.**

If a guardian ad litem fails to complete six hours of continuing education within any calendar year, the individual shall not be eligible to serve as a guardian ad litem on any new appointments until this continuing education requirement is satisfied. The court shall have the discretion to continue the current guardian ad litem appointments.

## **Rule 48.06. Guardian ad Litem Reports**

**(A)General report requirements.**

- (1) A guardian ad litem shall prepare a written final report, including recommendations to the court, within the times set forth in this division. The report shall affirmatively state

that responsibilities have been met and shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted, and all other relevant information considered by the guardian ad litem in reaching the recommendations and in accomplishing the duties required by statute, by court rule, and in the order of appointment from the court.

(2) All reports shall include the following warning: "The guardian ad litem report shall be provided to the court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the court. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration."

(3) Oral and written reports shall address relevant issues, but shall not be considered determinative.

(4) A guardian ad litem shall be available to testify at any relevant hearing and may orally supplement the report at the conclusion of the hearing.

(5) A guardian ad litem may provide an interim written or oral report at any time.

**(B)Guardian ad litem reports in abuse, neglect, dependency, unruly, and delinquency reports.**

(1) A guardian ad litem in abuse, neglect, dependency, unruly, and delinquency cases and actions to terminate parental rights shall provide a written report to the court, unrepresented parties, and legal counsel not less than seven days prior to any initial dispositional hearing, permanent custody hearing, and any hearing upon a motion requesting a change in disposition. The court may alter the seven-day period as may be necessary for the administrative of justice.

(2) A court shall review all guardian ad litem reports, written or oral, to ensure that the guard ad litem has performed those responsibilities required by R.C. 2151.281.

**(C)Guardian ad litem reports in allocation of parental rights and responsibilities cases.**

(1) A guardian ad litem in proceedings involving the allocation of parental rights and responsibilities, custody, and visitation shall provide a report to the court, unrepresented parties, and legal counsel not less than seven days before the final hearing date, unless the due date is modified by the court.

(2) The court shall consider the recommendation of the guardian ad litem in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit.

## **Rule 48.07. Responsibilities of the Court**

Each court appointing guardians ad litem shall do all of the following:

(A) Maintain a public list of approved guardians ad litem while maintaining individual privacy pursuant to Sup.R. 44 through 47;

(B) Establish criteria, which include all requirements of Sup.R. 48 through 48.07, for appointment and removal of guardians ad litem and procedures to ensure an equitable distribution of the work load among the guardians ad litem on the list. Equitable distribution means a system through which appointments are made in an objectively rational, fair, neutral, and nondiscriminatory manner and are widely distributed among substantially all persons from the list maintained by the court. The court may consider the complexity of the issues, parties, counsel, and the children involved, as well as the experience, expertise, and demeanor of available guardians ad litem.

(C) Coordinate the application and appointment process, keep the files and records required by Sup.R. 48 through 48.07, maintain information regarding training opportunities, and receive written comments and complaints regarding the performance of guardians ad litem practicing before that court;

(D) Maintain files for all applicants and for individuals approved for appointment as guardians ad litem with the court. The files shall contain all records and information required by Sup.R. 48 through 48.07 and by local rules for the selection and service of guardians ad litem, including a certificate or other satisfactory proof of compliance with training requirements.

- (E) Require all applicants to submit a resume or information sheet stating the applicant's training, experience, and expertise demonstrating the ability of the applicant to successfully perform the responsibilities of a guardian ad litem;
- (F) Review a criminal and civil background check and investigation of information relevant to the fitness of the applicant to serve as a guardian ad litem;
- (G) Review all guardian ad litem reports, written or oral, to ensure that the guardian ad litem has performed those responsibilities required by R.C. 2151.281;
- (H) Conduct, at least annually, a review of its list to determine that all guardians ad litem are in compliance with the training and education requirements of Sup.R. 48 through 48.07 and local rules, have performed satisfactorily on all assigned cases during the preceding calendar year, and are otherwise qualified to serve;
- (I) Require all guardians ad litem on its list to certify annually they are unaware of any circumstances that would disqualify them from serving and to report the training they have attended to comply with Sup.R. 48.05;
- (J) Develop a process or local rule for comments and complaints regarding the performance of guardians ad litem practicing before that court that does all of the following:
  - (1) Designates a person for accepting and considering written comments and complaints;
  - (2) Provides a copy of the comments and complaints to the guardian ad litem who is the subject of the complaint or comment;
  - (3) Forwards any comments and complaints to the administrative judge of the court for consideration and appropriate action;
  - (4) Develops a provision for the timely disposition by the court;
  - (5) Notifies the person making the comment or complaint and the subject guardian ad litem of the disposition;
  - (6) Maintains a written record in the file of the guardian ad litem regarding the nature and disposition of any comment or complaint.

**Ohio Revised Code**  
**Title XXI Courts – Probate – Juvenile**  
**Chapter 2151: Juvenile Court**  
**§2151.281 Guardian ad litem**

**Ohio Revised Code §2151.281 Guardian ad litem.**

(A) The court shall appoint a guardian ad litem, subject to rules adopted by the supreme court, to protect the interest of a child in any proceeding concerning an alleged or adjudicated delinquent child or unruly child when either of the following applies:

- (1) The child has no parent, guardian, or legal custodian.
- (2) The court finds that there is a conflict of interest between the child and the child's parent, guardian, or legal custodian.

(B)

- (1) Except as provided in division (K) of this section, the court shall appoint a guardian ad litem, subject to rules adopted by the supreme court, to protect the interest of a child in any proceeding concerning an alleged abused or neglected child and in any proceeding held pursuant to section 2151.414 of the Revised Code. The guardian ad litem so appointed shall not be the attorney responsible for presenting the evidence alleging that the child is an abused or neglected child and shall not be an employee of any party in the proceeding.
- (2) Except in any proceeding concerning a dependent child involving the permanent custody of an infant under the age of six months for the sole purpose of placement for adoption by a private child placing agency, the court shall appoint a guardian ad litem, subject to rules adopted by the supreme court, to protect the interest of a child in any proceeding concerning an alleged dependent child if any of the following applies:

- (a) The parent of the child appears to be mentally incompetent or is under eighteen years of age.
- (b) There is a conflict of interest between the child and the child's parents, guardian, or custodian.
- (c) The court believes that the parent of the child is not capable of representing the best interest of the child.

(3) Except in any proceeding concerning a dependent child involving the permanent custody of an infant under the age of six months for the sole purpose of placement for adoption by a private child placing agency, the court may appoint a guardian ad litem, subject to rules adopted by the supreme court, to protect the interest of the child in any other proceeding concerning an alleged dependent child.

(4) The guardian ad litem appointed for an alleged or adjudicated abused or neglected child may bring a civil action against any person who is required by division (A)(1) or (4) of section 2151.421 of the Revised Code to file a report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred if that person knows, or has reasonable cause to suspect or believe based on facts that would cause a reasonable person in a similar position to suspect or believe, as applicable, that the child for whom the guardian ad litem is appointed is the subject of child abuse or child neglect and does not file the required report and if the child suffers any injury or harm as a result of the child abuse or child neglect that is known or reasonably suspected or believed to have occurred or suffers additional injury or harm after the failure to file the report.

(C) In any proceeding concerning an alleged or adjudicated delinquent, unruly, abused, neglected, or dependent child in which the parent appears to be mentally incompetent or is under eighteen years of age, the court shall appoint a guardian ad litem to protect the interest of that parent.

(D) The court shall require the guardian ad litem to faithfully discharge the guardian ad litem's duties and, upon the guardian ad litem's failure to faithfully discharge the guardian ad litem's duties, shall discharge the guardian ad litem and appoint another guardian ad litem. The court may fix the compensation for the service of the guardian ad litem, which compensation shall be paid from the treasury of the county, subject to rules adopted by the supreme court.

(E) A parent who is eighteen years of age or older and not mentally incompetent shall be deemed sui juris for the purpose of any proceeding relative to a child of the parent who is alleged or adjudicated to be an abused, neglected, or dependent child.

(F) In any case in which a parent of a child alleged or adjudicated to be an abused, neglected, or dependent child is under eighteen years of age, the parents of that parent shall be summoned to appear at any hearing respecting the child, who is alleged or adjudicated to be an abused, neglected, or dependent child.

(G) Except as provided in division (K) of this section, in any case in which a guardian ad litem is to be appointed for an alleged or adjudicated abused, neglected, or dependent child or in any case involving an agreement for the voluntary surrender of temporary or permanent custody of a child that is made in accordance with section 5103.15 of the Revised Code, the court shall appoint the guardian ad litem in each case as soon as possible after the complaint is filed, the request for an extension of the temporary custody agreement is filed with the court, or the request for court approval of the permanent custody agreement is filed. The guardian ad litem or the guardian ad litem's replacement shall continue to serve until any of the following occur:

- (1) The complaint is dismissed or the request for an extension of a temporary custody agreement or for court approval of the permanent custody agreement is withdrawn or denied;
- (2) All dispositional orders relative to the child have terminated;
- (3) The legal custody of the child is granted to a relative of the child, or to another person;

(4) The child is placed in an adoptive home or, at the court's discretion, a final decree of adoption is issued with respect to the child;

(5) The child reaches the age of eighteen if the child does not have a developmental disability or physical impairment or the child reaches the age of twenty-one if the child has a developmental disability or physical impairment;

(6) The guardian ad litem resigns or is removed by the court and a replacement is appointed by the court.

If a guardian ad litem ceases to serve a child pursuant to division (G)(4) of this section and the petition for adoption with respect to the child is denied or withdrawn prior to the issuance of a final decree of adoption or prior to the date an interlocutory order of adoption becomes final, the juvenile court shall reappoint a guardian ad litem for that child. The public children services agency or private child placing agency with permanent custody of the child shall notify the juvenile court if the petition for adoption is denied or withdrawn.

(H) If the guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child is an attorney admitted to the practice of law in this state, the guardian ad litem also may serve as counsel to the ward. Until the supreme court adopts rules regarding service as a guardian ad litem that regulate conflicts between a person's role as guardian ad litem and as counsel, if a person is serving as guardian ad litem and counsel for a child and either that person or the court finds that a conflict may exist between the person's roles as guardian ad litem and as counsel, the court shall relieve the person of duties as guardian ad litem and appoint someone else as guardian ad litem for the child. If the court appoints a person who is not an attorney admitted to the practice of law in this state to be a guardian ad litem, the court also may appoint an attorney admitted to the practice of law in this state to serve as counsel for the guardian ad litem.

(I) The guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child shall perform whatever functions are necessary to protect the best interest of the child, including, but not limited to, investigation, mediation, monitoring court proceedings, and monitoring the services provided the child by the public children services agency or private child placing agency that has temporary or permanent custody of the child, and shall file any motions and other court papers that are in the best interest of the child in accordance with rules adopted by the supreme court.

The guardian ad litem shall be given notice of all hearings, administrative reviews, and other proceedings in the same manner as notice is given to parties to the action.

(J)

(1) When the court appoints a guardian ad litem pursuant to this section, it shall appoint a qualified volunteer or court appointed special advocate whenever one is available and the appointment is appropriate.

(2) Upon request, the department of job and family services shall provide for the training of volunteer guardians ad litem.

(K) A guardian ad litem shall not be appointed for a child who is under six months of age in any proceeding in which a private child placing agency is seeking permanent custody of the child or seeking approval of a voluntary permanent custody surrender agreement for the sole purpose of the adoption of the child.

## Mercer County CASA/GAL

### Volunteer Policies and Procedures Statement of Understanding

I, \_\_\_\_\_, acknowledge receipt of the Mercer County CASA/GAL Policies and Procedure Manual. I have read and understand the policies and procedures in the manual regarding the CASA/GAL Program and my services as a CASA/GAL Volunteer.

I understand this handbook provides a general explanation of the Mercer County Court Appointed Special Advocate Program policies and procedures as they affect volunteers.

I understand the handbook is presented for informational purposes and is meant to be used as a reference in conjunction with the volunteer training manual. The policies expressed in this manual do not constitute an employment contract, expressed or implied.

I understand the terms of the handbook are subject to change at any time at the sole discretion of the Mercer County CASA Program. Notice of changes affecting volunteer policies will be communicated.

I understand that if I have any questions or concerns regarding the contents of the Manual that I should discuss these matters with the Director.

Upon ending my Volunteer Service with the CASA/GAL Program, I agree to return the Manual and all other CASA/GAL Program materials to the CASA office.

#### Acknowledgement

I have read and understand to the provisions in this manual.

\_\_\_\_\_  
Volunteer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date