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Testimony of Jeanne Milstein, Child Advocate
Select Committee on Children
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Good morning Senator Musto, Representative Walker, and members of the Select Committee on Children. Thank you for the opportunity to testify **in support of Raised Bill No. 870, An Act Concerning the Court Appointed Special Advocate Program.**

I fully support Raised Bill No. 870. This bill would revise Connecticut General Statutes § 51-10b to eliminate the sole source contract with Children in Placement, Inc. and require a competitive bidding process for the award of a state contract for CASA services. In addition, the bill requires any Connecticut CASA program to adhere to the program standards set forth by the National CASA Association and create a Connecticut CASA Advisory Board to improve oversight of the program. The bill also would require all guardians ad litem appointed by the court in family matters or in the superior court for juvenile matters to meet the training, practice and caseload standards established by the Chief Child Protection Attorney.

For more than two decades, Court Appointed Special Advocate (CASA) Programs have assisted courts in every state by obtaining information essential to the well-being of abused and neglected children. CASA programs use specially trained community volunteers who become an official part of the judicial proceedings, working alongside judges, attorneys, and social workers to identify a child's best interests.

Since 1994, Connecticut law has required the Judicial Branch to enter into yearly contracts with Children in Placement, Inc. (CIP) to provide services to assist Connecticut courts in preparing and monitoring expectations to promote permanency planning for children in abuse and neglect proceedings. During the past thirteen years, as required by statute, the Judicial Branch has contracted with CIP annually without seeking competitive proposals.

In October 2008, the Office of the Child Advocate (OCA) and the Office of the Attorney General (OAG) issued a joint report on the Connecticut CASA Program as provided by CIP in response to serious concerns brought to our attention about the CIP program and judicial oversight of the program.[1] The focus of this joint report was on the expenditure of state funds and compliance with the state contract provisions between CIP and the Judicial Branch.

The CIP Program and the oversight of the program by the Connecticut Judicial Branch has been the subject of three independent evaluations since 2000. These evaluations identified similar concerns and came to similar conclusions. The three evaluations included:

- In December 2000, the National Center for State Courts published a report on the level of contractual and statutory compliance by CIP. The evaluation team found that "absent

[1] The full report is attached and can be found at http://www.ct.gov/oca/lib/oca/CASAREPORT_APRIL4th_OCA__AGO_Edits_FINAL_VERSION_-_no_redline.pdf.

significant improvements in core operations of the CIP program, they could not recommend continued contractual relations." The report also found CIP to be non-compliant with eight out of twelve program standards of operations set forth by the National CASA Association.

- From 2000-2007, the Office of the Attorney General independently investigated several "Whistleblower Complaints" regarding CIP related to its contractual compliance and the efforts made by both CIP and the Judicial Branch to improve the overall operation of CIP with respect to the specified problems areas outlined in the NCSC Report.

- From 2000-2007, the Office of the Child Advocate independently investigated several "Citizen Complaints" and complaints from concerned officials and professionals regarding CIP related to contractual compliance, oversight of CIP by the Judicial Branch, and the impact of a sole source contract for children's services in Connecticut statute.

After an examination of the role of the National CASA Association and its guidelines for local member CASA programs, OCA and the OAG recommended in our joint report that any future Connecticut CASA Program be a member and adhere to the standards set forth by the National CASA Association. National CASA provides technical and financial assistance to states and non-profits to grow a CASA program that meets its guidelines and standards. Our discussions with National CASA confirm that any group may apply to become a member of the National CASA Association and that a state may have a statewide CASA program, several local CASA programs or both.

I believe that a high-quality, accountable CASA program is an important resource to improve the safety, well-being and permanency of Connecticut's abused and neglected children. Indeed, the concern and commitment of many of the CIP staff and volunteers on behalf of Connecticut's most vulnerable children bolstered my belief in the value of a CASA program. Yet, the award of state funds to support a CASA program, as with any program and service, should occur through a competitive bidding process that sets forth clear expectations for program standards and mechanisms to ensure program oversight and quality improvement. **Raised Bill No. 870** can bring the full potential of CASA to Connecticut's vulnerable children.

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Connecticut's Court Appointed Special Advocate Program

(CASA Program)

A Joint Review by

The Office of the Child Advocate

And

The Office of the Attorney General

October, 2008

EXECUTIVE SUMMARY

For more than two decades, Court Appointed Special Advocates (CASA) programs have assisted the courts in every state by obtaining information essential to the well-being and permanency of abused and neglected children.

This report explores the functioning of the Connecticut CASA program that is provided by Children in Placement – Connecticut, Inc. (CIP) and overseen by the Connecticut Judicial Branch. Since 1994, Connecticut law requires the Judicial Branch to execute a sole source contract with CIP to provide services to assist the court in preparing and monitoring expectations to promote permanency planning for children. (Conn. Gen. Stat. § 51-10b) During the past thirteen years, the Judicial Branch has met its statutory mandate, and negotiated its contract with CIP annually without seeking competitive proposals.

In 2000, the Office of the Child Advocate (OCA) received allegations from several stakeholders regarding deficiencies in CIP's administration of the CASA program. At the same time, the Attorney General received the same complaint. The Child Advocate and the Attorney General are now releasing this joint report of their collective review. While the catalyst for review of the CIP CASA program by OCA included these initial allegations, as well as the ongoing concerns brought to the attention of the Child Advocate, this report reflects a broader consideration of the benefits of a high-quality, accountable CASA program for abused and neglected children in Connecticut.

OCA's knowledge of the experience of children involved in child protection proceedings and our participation in statewide conversations to ensure adequate representation for children in child protective cases expanded the focus of our review. All too often, OCA witnessed the court making decisions about children's placement, treatment and permanency without a full picture of the child's needs and interests. This report represents our review of both the functioning of the CIP CASA program and the ways that a high-quality CASA program can support judges, attorneys and child welfare professionals in understanding and addressing the needs of children.

The Child Advocate and the Attorney General recognize that the Connecticut CASA Program could not function at all without its dedicated staff and volunteers. This report in no way minimizes the tireless efforts of CIP's Coordinators and volunteers. There are thirteen Program Coordinators, one for each of the thirteen juvenile courts. Coordinators are paid staff members of CIP and assign volunteers to cases when requested by the court. Indeed, the concern and the commitment of many CIP Coordinators and volunteers on behalf of Connecticut's most vulnerable children bolstered our belief in the benefits of a high quality, accountable CASA program. Yet, the morale among the Coordinators is poor and many Coordinators have been placed in a position where it has been difficult to do their job effectively. The contributing factors for this environment are the responsibility of both the CIP leadership and the Judicial Branch. However, the

Judicial Branch as the oversight agency for the CASA program has special responsibility to ensure that the CASA program is now operated in an effective and efficient manner.

This report highlights the benefits of a high quality, accountable CASA program for abused and neglected children in Connecticut; identifies existing challenges to bringing the full potential of CASA to Connecticut's children; and recommends reforms and next steps to ensure a well-functioning CASA program for abused and neglected children in Connecticut.

Key Findings

- A strong statewide CASA program is critical to the safety, well-being and permanency of Connecticut's abused and neglected children. CIP's program presently does not serve the majority of children who might benefit from CASA monitoring services. Both the Judicial Branch and CIP have failed to implement a strong statewide program for volunteer monitors (CIP monitor) and guardians ad litem (GAL) to address this critical issue[1]
- The CASA Program is underutilized by the Juvenile Courts having been used statewide in only 5% of the pending child protection cases, resulting in the majority of Connecticut's abused and neglected children not having access to the benefits of a high-quality CASA program. Due in part to poor volunteer recruitment and retention, Judges do not assign CIP monitors and GAL to cases. Some judges have expressed a lack of confidence in the ability of CIP monitors and GAL to handle complex cases due to the appearance of poor training and lack of support by the CIP Director, while other judges, court staff and attorneys were confused about the role and responsibility of the CIP monitor and GAL functions.

- CIP continues to shift its program focus away from volunteer monitors in favor of volunteer GALs. There remains a disparate focus on training programs for GALs compared to those available for volunteer monitors. Volunteer GALs are required to undergo a five-day training program whereas only a one-day training program is offered for volunteer monitors. Presently monitors are used in only three of the thirteen juvenile courts.

- An earlier comprehensive evaluation by the National Center for State Courts (NCSC) found CIP to be non-compliant with eight out of twelve program standards. The study identified several areas for program improvement by CIP and the Judicial Branch, including a lack of program coordination with Connecticut's child welfare and court system by CIP; a lack of consistent and

[1] GAL volunteers, are not required to be attorneys, advocate directly on behalf of children involved in child protection proceedings and make recommendations to the court regarding the best interests of the child. Volunteer monitors assist the courts in monitoring the implementation of case plans and court-ordered services in a timely manner and informing the court of the failure by any agency or stakeholder to provide or participate in these services.

regular communication between CIP's headquarters and the Judicial Branch; CIP's lack of program infrastructure to support its core operations in order to meet its contractual obligations to the Judicial Branch; and, inadequate information and records management and reporting. Other problem areas identified were lack of visibility of the program in some courts; lack of personnel in some areas, lack of communication with third parties and lack of clear measurable goals and services in the contract, program supervision and program oversight. Despite those findings, there have been no significant changes in CIP's program structure and the oversight and monitoring of CIP by the Judicial Branch.

- Connecticut law hinders the development of a high-quality and accountable CASA program by failing to allow competitive bidding for this program. Presently, Connecticut law mandates that the Judicial Branch annually contract with Children in Placement – Connecticut, Inc. to provide CASA services in all thirteen juvenile courts.

- The issues identified in the initial complaint to the Child Advocate and the Attorney General concerning the alleged misuse of Judicial Branch funds by CIP to develop a strong CASA program, CIP's lack of compliance with its contract with the Judicial Branch, as well as many of the concerns raised by the investigatory efforts of the Child Advocate and the Attorney General, among them continued lack of training of program staff, lack of program awareness by Judicial Court staff, lack of program utilization in the Courts and lack of oversight of CIP by the Judicial Branch have remained unchanged since 2000 despite a meeting with the Judicial Department in October 2003.

- Many CIP Coordinators – the heart of the CIP workforce – are dissatisfied with the CIP executive staff and compensation, resulting in the departure of as many as ten coordinators between April 2006 and April 2007. Among the concerns expressed about CIP management and operation was the executive staffs' lack of responsiveness when problems occur, lack of positive feedback and inadequate information sharing about program funding and board activities. Similarly the CIP volunteers expressed their dissatisfaction with the low salary and benefit structure for Coordinators that has contributed to low morale, high turnover and difficulty in attracting high quality employees.

- The Judicial Branch must provide better leadership and oversight regarding the operation of CIP, Inc. and growth of the CASA program. The Judicial Branch refused to implement the recommendations of the NCSC to develop a joint standing advisory committee and left the operational management of the program including decisions and oversight about hiring, training and supervising CIP staff and volunteers with the CIP executive staff and board. In May 2006, when it was discovered that a CIP Coordinator was on probation for past criminal acts, the Judicial Branch failed to make any changes to its

contract with CIP to address mandatory standards for criminal background checks of all CIP employees and volunteers.

- The Judicial Branch lacks a structured review process to monitor CIP's compliance with statutory mandates.

Recommendations

A. Revise Connecticut Statute for CASA Services

1. Revise the Connecticut statute regarding the CASA program to eliminate the sole source contract for CIP and require a competitive bidding process for the award of a state contract for CASA services.

2. Specify in the statute that the Request For Proposal for a statewide CASA program includes minimum standards for scope of services, staff qualifications, caseload and practice standards, financial management, and quality assurance mechanisms.

3. Specify in the statute that the Request For Proposal and the contract for the Connecticut CASA Program adhere to the program standards set forth by the National CASA Association.[2]

4. Specify in the statute that program contracts will be renewed every two (2) years and subject to a competitive bidding process if renewal is denied.

5. Create a new statute requiring a common contract and training requirements for attorney, non-attorney, and volunteer Guardian Ad Litem based on the Connecticut Standards of Practice for attorneys and Guardian Ad Litem Representing Children in Juvenile Matters.[3] All contracts for GAL services should be administered and monitored by the Office of the Chief Child Protection Attorney.

B. Create a Statewide CASA Program Advisory Body: Three Options

1. Option One: Develop a new advisory body comprised of representatives from the Judicial Branch, the Legislative Branch, the Commission on Child Protection, the Department of Children and Families, child advocates, experienced CASA volunteers, parents and service providers.

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[2]National CASA Association, (2004). *Standards for State CASA/GAL Programs*; National CASA Association, (2006). *Standards for Local CASA/GAL Program.*.

[3] *Standards of Practice for Attorneys and Guardian Ad Litem Representing Children in Child Protection Cases*, adopted by the Connecticut Commission on Child Protection pursuant to C.G.S. §46b-123c(3), (Nov. 16, 2006). Found at http://www.ct.gov/ccpa/cwp/view.asp?a=2587&q=315078.

2. Option Two: Expand the responsibility of the existing Commission on Child Protection to include serving as an advisory body to the CASA program with staff support from the Office of the Chief Child Protection Attorney.

3. Option Three: Expand the existing Commission on Child Protection to include serving as an advisory body to the CASA program and ensure that it is supported by staff and funding from the Connecticut State Court Improvement Program.

4. The activities of the advisory body should include:

    a. Writing the Request for Proposal to include the contract specifications.

    b. Reviewing the bids.

    c. Awarding the contract.

    d. Evaluating contract performance.

    e. Making recommendations to facilitate communication among CASA staff and volunteers, judges and court staff, attorneys, DCF, and service providers.

    f. Exploring volunteer recruitment and training and CASA pilot programs to address the needs of specific populations of children most in need of CASA volunteers. Examples include infants and toddlers, children with special health care needs, and adolescents who are preparing to transition from the DCF.

    g. Collaborating with the CASA Program governing body to develop and implement quality improvement and accountability plans.

C. Revise the CASA Contract to Ensure Program Oversight and Quality Improvement

1. The contract should require that the CASA program be a member of the National CASA Association and meet its standards, requirements and policies.[4]

2. The contract should require that the CASA program have a governing body or board of directors with responsibility for developing and implementing a quality improvement and accountability plan. Specific activities include:

    a. Developing by-laws and operational procedures that set forth the organizational structure and responsibilities of the program's governing body.

[4] National CASA Association standards, mandates and policies found at http://www.nationalcasa.org.

b. Establishing mechanisms for the selection, rotation and duration of members of the governing body, setting a minimum number of formal meetings and quorum necessary for decision-making of the governing body, and maintaining written records of all actions by the governing body.

c. Ensuring oversight of contract compliance.

d. Requesting and reviewing an annual report from the CASA program which includes financial, statistical and service data summary information.

e. Evaluating the performance of the chief executive of the CASA program in writing annually according to written performance criteria and objectives.

f. Establishing procedures and timeframes for communicating with the CASA advisory body regarding contract compliance, financial reporting, and overall CASA program utilization in the courts.

g. Establishing mechanisms to receive and review input annually from key stakeholders including judges, attorneys, DCF staff, and service providers regarding the performance of the CASA program.

h. Overseeing communications between the Judicial Branch and the CASA Program regarding program expectations and performance.

3. The contract should specify defined and measurable outcomes for the performance of CASA activities.

4. The contract should require monthly and annual reporting mechanisms that describe the quality of activities of the CASA staff and volunteers as well as the quantity of activities.

5. The contract should require written job descriptions, performance criteria and objectives, and timeframes for evaluation for all staff and volunteers.

6. The contract should require written policies and procedures for criminal and child welfare background checks for staff and volunteers.

7. The contract should require written policies and procedures for the supervision of staff and volunteers.

8. The contract should require written policies and procedures for the termination of staff and volunteers.

9. The contract should require an annual review of the training programs required for staff and volunteers.

10. The contract should specify operational procedures for case records consistent with state and federal laws governing the retention, maintenance, protection and destruction of case information.

11. The contract should require a "whistleblower policy" which provides members of the governing body, staff and volunteers a procedure for reporting concerns about the activities of the members of the governing body, staff or volunteers. The policy should provide the reporter with protection in making a good faith disclosure about such concerns.

D. Judicial Leadership Must Expand to Ensure the Continued Growth and Existence of Connecticut's CASA Program

1. The Judicial Branch should develop and implement incentives and opportunities for judicial leadership to promote a high-quality, accountable CASA program in Connecticut. For example, the Connecticut Judicial Branch can harness State Court Improvement funds to bring national judicial leaders from the National Council on Juvenile and Family Court Judges to promote discussion and ideas related to the benefits of a high-quality CASA program to the court.

2. The Judicial Branch should include information about the CASA program and provide guidelines for using CASA volunteers in the orientation and training programs for judges and court staff.

3. The Judicial Branch should collaborate with the CASA advisory body to design and implement a quality improvement and accountability plan.

4. The Judicial Branch should collaborate with the CASA advisory body to explore the need and feasibility of pilot CASA programs where volunteers are trained in a specific area related to abuse and neglect proceedings and assigned to a specific population of children. For example, CASA volunteers with early childhood professional experiences may be recruited and assigned to all infant and toddler cases in a particular court location or to keep judges apprised of the educational status and needs of children before the court.

5. The Judicial Branch should collaborate with the Office of the Chief Child Protection Attorney to assist attorneys in working collaboratively with CASA GALs and monitors.

Introduction

For more than two decades, Court Appointed Special Advocates (CASA) programs have assisted the courts in every state by obtaining information essential to the well-being and

permanency of abused and neglected children. Once appointed by a juvenile or family court, these specially trained community volunteers become an official part of the judicial proceedings, working alongside judges, attorneys and social workers to help identify a child's best interests. CASA volunteers can be a critical link between the court and the professionals who serve children, assisting the court in connecting children to needed services and integrating those services with permanency decision making. Additionally, CASA volunteers can assist courts in monitoring the status of court orders and reporting on the compliance of a parent or child with court-specific steps.

Children in Placement – Connecticut, Inc. (CIP) was established in 1979 to assist the Connecticut juvenile courts in promoting safe, permanent homes for children involved in abuse and neglect proceedings. Since 1994, as required by state law, the Connecticut Judicial Branch has entered into yearly contracts with CIP to provide services to assist the court in preparing and monitoring expectations to promote permanency planning for children. (Conn. Gen. Stat. § 51-10b) The statute requires the Judicial Branch to spend $150,000 annually for its contract with CIP. During the past thirteen years, as required by statute, the Judicial Branch contracted with CIP annually without seeking competitive proposals.

In 1995, Connecticut law provided the mechanism for CIP to establish a volunteer guardian ad litem (GAL) program. (Conn. Gen. Stat. § 46b-129a). As GALs, volunteers advocate directly on behalf of children involved in child protection proceedings and make recommendations to the court regarding a child's best interests. In addition to its statutory obligation to contract with CIP to monitor abuse and neglect cases, the Judicial Branch contracts with CIP to provide volunteer GAL services. Since FY 1999, the Judicial Branch has appropriated approximately $300,000 annually to CIP under a contract for monitoring and GAL services in all thirteen of Connecticut's juvenile courts. CIP has a separate contract with the Judicial Branch to provide GAL services to children in the probate courts. Beginning in early 2000, the OCA received concerns about the CIP program from judges, juvenile contract attorneys, CIP program staff and volunteers. These concerns specifically related to:

- Confusion about the role of volunteer monitors and GALs;
- Inconsistent use of CIP volunteers by judges across the state;
- Lack of oversight of the CIP Program by the Judicial Branch;
- Insufficient working space and confidentiality safeguards; and
- Inadequate support of the Coordinator staff by the CIP leadership.

During this time, the Attorney General received a complaint that raised serious concerns about the "internal systems" of the CIP program. These concerns mirrored those received by OCA.

The Judicial Branch also received documented complaints from stakeholders about the administration of the CIP program. A financial audit was ordered by the Executive Director of Court Operations, and in December 2000, Judicial retained the National Center for State Courts (NCSC) to assess the contractual compliance of the CIP program.

This document, *Evaluation of Children in Placement –Connecticut, Inc. Final Report*, echoed the concerns brought to the attention of the OCA and the Attorney General and raised further questions regarding continuing the contractual relationship between the Judicial Branch and CIP. In response to the report findings, the Judicial Branch collaborated with CIP to create better statistical reporting and developed program specifications that have been incorporated into their contractual agreement. Since 2001, the only changes made to the contract were related to confidentiality procedures.

Between 2000 and 2007, the Attorney General and OCA reviewed the CIP program in conjunction with the findings made by the NCSC, CIP's compliance with the National CASA Association (NCASAA) standards, the efforts by the Judicial Branch and CIP to address the issues raised in NCSC's Final Report and the progress by the Judicial Branch and CIP in implementing reforms to address the NCSC's recommendations.

In addition, OCA continued to receive concerns about the utilization, management, and accountability of the CASA program from citizens, CIP staff and volunteers and Judicial Branch stakeholders. As part of an effort to fully understand the value and potential of the Connecticut CASA Program, OCA requested and reviewed a wide range of documents, conducted formal interviews with CIP Executive staff, surveyed CIP program staff and volunteers, judges and attorneys, and interviewed staff at the National CASA Association and representatives at other State CASA programs.

This report is a culmination of these reviews and the belief that Connecticut's children deserve a high-quality and accountable CASA program.

The report has three objectives:

1. To highlight the benefits of a high quality, accountable CASA program for abused and neglected children in Connecticut;
2. To identify the existing challenges to bring the full potential of CASA to Connecticut's children; and,
3. To recommend reforms and the next steps to ensure a well-functioning CASA program for abused and neglected children in Connecticut.

I. The Court Appointed Special Advocates Program (CASA)

A. The National Perspective

In 1977, a Seattle Juvenile Court judge became concerned that he was making decisions without sufficient information about the needs of the abused and neglected children whose cases came before his court. To address his concerns, he convened a group of citizens to help him meet his legal responsibility. He trained community volunteers to be effective advocates for children and an important resource to assist the courts in monitoring court-ordered services and action steps. From his judicial leadership, the first CASA program was born.[5] In 1978, the term "Court Appointed Special Advocate" or

[5] Found at http://www.nationalcasa.org/about_us/history.html.

"CASA" as it would become known, was created by the National Council of Juvenile and Family Court Judges (NCJFCJ then known as NCJCJ). The term was used to reference any court-appointed volunteer with a defined role as a friend of the court in dependency matters.[6] By 1982, the National CASA Association was founded to provide guidance and networking opportunities for the growing number of local CASA programs. The association has developed national standards for CASA programs and provides a national training curriculum. In 2006, more than 940 CASA programs and nearly 58,000 volunteers in 49 states, the District of Columbia and the Virgin Islands served an estimated 220,000 children.[7]

CASA is firmly supported by federal and state legislation.[8] Numerous studies have documented the beneficial outcomes for children who are assigned a well-trained volunteer CASA. In 2004, the Pew Commission's Final Report on Children in Foster Care recommended an expansion of CASA as an important resource for courts and children.[9] Most recently, the U.S. Department of Justice Office of the Inspector General conducted an audit of the National CASA Association, as required by Congress. Released in January 2007, this audit found that children assigned to a CASA volunteer are substantially less likely to spend time in long-term foster care and more likely to receive services, have cases that are "permanently closed" and be adopted.[10]

The CASA model of volunteer advocacy has been endorsed by several national organizations including the American Bar Association, the National Bar Association, the Conference of State Court Administrators and the Conference of Chief Justices.[11] Additionally, the NCJFCJ, the nation's oldest judicial organization, has fully supported the CASA program since its inception and now partners with National CASA to provide technical assistance to judges and court staff in forming and strengthening state and local CASA programs. The NCJFCJ highlights the essential role of judges in building and

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[6] National Center for State Courts. (December 2000). *Connecticut Judicial Branch Evaluation of Children in Placement, Inc. Final Report*, p. 12

[7] National CASA Association, The Connection, (Spring 2007).

[8] In 1974, the Child Abuse Prevention and Treatment Act (CAPTA) formally recognized the importance of providing independent representatives for children in court proceedings by mandating that each child have a GAL. (P.L. 93-247) Congress encouraged the expansion of CASA with the passage of the Victims of Child Abuse Act of 1990 (P.L. 101-647) requiring that "a CASA shall be available to every victim of child abuse or neglect in the United States that needs such an advocate." Congress further legislated the role of CASA in 1996 when it amended CAPTA (P.L. 93-247) to require the appointment of a GAL in cases of abuse and neglect who could be either an attorney or a court appointed special advocate whose role is to obtain a clear understanding of the needs of the child and make recommendations to the court concerning the best interests of the child. The newly amended and reauthorized CAPTA (P.L. 108-36) (2003) now requires that CASA volunteers have training appropriate to their role and authorizes CASA training as an approved activity for CAPTA state funding. Additionally, Congress requires the U.S. Dept. of Justice Office of the Inspector General to conduct an audit of the National CASA Association. (P.L.109-162) (2006).

[9] Pew Commission on Children in Foster Care. (2004). *Fostering the future: Safety, permanency and well-being of children in foster care.* Washington D.C.: Author. Found at www.pewfostercare.org.

[10] U.S. Department of Justice, Office of the Inspector General, Audit Division, *Audit Report 07-04,* (December 2006).

[11] National CASA Association, http://www.nationalcasa.org/partners/index.html.

supporting quality CASA programs. In 2005, at its 68th Annual Conference, the NCJFCJ passed a resolution in support of the creation and expansion of CASA/GAL programs.[12]

Nationally, CASA programs are administered in four different ways: as an agency of state government; as a nonprofit corporation; as a member of an existing nonprofit agency; and as a program administered by the unit of local government that operates the court. Volunteers may be appointed by a judge to serve as guardian ad litem with all the rights and responsibilities of a party to the case. They review records, conduct interviews with the child and others involved in the case, attend meetings regarding the child and write reports that are filed with the court. This type of CASA volunteer may require access to an attorney for legal advice and filing motions. In another model, Judges appoint the CASA volunteer as a "friend of the court" rather than as a party to the case. This model is used most often where a statute or practice requires that the GAL be an attorney. In a few jurisdictions, both a GAL attorney and a CASA volunteer with full party status are appointed to represent a child's best interest, bringing the legal and community perspective to the court.

CASA volunteers also serve the courts in a monitoring role, checking that case plans and court-ordered services are implemented in a timely manner and informing the court of any agency's or stakeholder's failure to provide or participate in services. In some states, CASA volunteers are assigned to targeted population of children or to monitor and make recommendations related to a particular aspect of the case. Examples include health care access, early child development, substance abuse, educational needs and youth aging-out of the child welfare system. (See Appendix A)

The National CASA Association has a quality assurance process to recognize quality programs and provide technical assistance to programs experiencing challenges. Member programs are expected to meet National CASA Standards for National CASA Association Member Programs as well as state CASA standards. National CASA monitors compliance through communication with state directors, regional specialists and a program self-assessment review process that is submitted for independent review, scoring and report of the program's compliance. Programs must complete the self-assessment every four years to maintain membership in National CASA. National CASA explicitly defines its mission as advocating for neglected and abused children and strongly encourages state programs to ensure that CASA volunteers are assigned to other cases such as custody, delinquency and guardianship only after the program has built capacity to serve all of the children involved in abuse and neglect cases.

B. CASA in Connecticut

The State of Connecticut was one of the first jurisdictions selected in 1977 by the National Council of Juvenile and Family Court Judges to develop a volunteer program to assist the courts in reviewing cases and expediting permanency for abused and neglected children. In February 1980, Children in Placement – Connecticut was implemented as a pilot project by Connecticut's Judicial Branch in the Hartford Superior Court-Juvenile

[12] The Judges Page, http://www.nationalcasa.org/JudgesPage/Resource_ChiefJusticeResolution.htm.

Matters to assist the court in addressing the need for consistent and systemic review of cases involving the neglect of children. Beginning as early as 1985, public funds were allocated to the Judicial Branch for the CIP Program through the passage of Special Act 85-92, which appropriated $25,000.00.

Incorporated in 1986, CIP is now a statewide, private non-profit 501 (c) (3) organization. According to its Certificate of Incorporation on file with the State of Connecticut Secretary of the State, CIP's purpose is to "advocate for and take all appropriate action to facilitate the earliest possible permanent placement of all children subject to neglect petitions filed in the Superior Court of the State of Connecticut, such neglect petitions including, but not limited to, neglect, uncared for, termination of parental rights, revocation of commitment and extension of commitment proceedings" and "recruit, screen, train and supervise volunteers to monitor the progress of neglect cases in the Court."

Since 1994, the Connecticut Judicial Branch has been statutorily required to contract with CIP to provide CASA services statewide. (Conn. Gen. Stat. § 51-10b) The statute requires CIP to "assist the court in preparing and monitoring expectations to promote permanency planning for children." The law explicitly names CIP as the sole source to receive the $150,000 to be appropriated and expended annually by the Judicial Branch under this contract. In 1996, Connecticut legislators passed a statute that allowed courts to appoint a guardian ad litem (GAL) who would speak on behalf of the best interests of the child. (Conn. Gen. Stat. § 46b-129a) The law does not require the GAL to be an attorney-at-law and provided the mechanism for CIP to establish a volunteer GAL program. In 2001, the law was amended to require the court to appoint a guardian ad litem when a conflict arises between the child's wishes and that which the child's counsel believes is in the best interest of the child. In addition to CIP's statutory and contractual obligations to monitor cases assigned by the court, the GAL function has become an integral role for CIP volunteers. An additional estimated $150,000 is provided to CIP each year to implement this program.

Since FY 1999, the Judicial Branch has appropriated approximately $300,000 annually from its budget to CIP under a contract for both monitoring and GAL services in all thirteen of Connecticut's juvenile courts. The Judicial Branch does not segregate the costs CIP incurs for these two services. The contract for FY 2004-2005 allocated $294,103.13 from the Judicial Branch to CIP. The current contract between the Judicial Branch and CIP is an amendment to the FY 2004-2005 contract. Under the terms of the amendment, the Judicial Branch agreed to pay CIP an annual amount not to exceed $299,710.50 for the period July 1, 2005 through June 30, 2006 and July 1, 2006 through June 30, 2007.

In FY 2004-05, the Legislature allocated an additional $35,000 to CIP from the Judicial Branch's budget for the development and purchase of an electronic, internet-based system to assist CIP. According to its *Income by Customer Summary for FY 2004-2005,* CIP also received private donations in the amount of $103,650 and a grant in the amount of $63,080 from the National CASA Association.

Although outside the scope of this investigation, it is noted that the Judicial Branch transfers funds to the Office of the Probate Court Administrator for funding CIP to provide assistance to the probate courts. CIP provides the probate courts with trained and supervised volunteers who may be appointed as GALs for abused and neglected children. These volunteers are from the same pool of volunteers who provide services in the Juvenile Matters Courts. For the FY 2004-05 CIP received $48,034 under this outside service agreement.

Currently, CIP is staffed by an Executive Director; a Director of Program Development; a Staff Attorney, a Director of Recruitment, Training and Special Projects; and a Program Coordinator in each of the 13 juvenile courts. The Executive Director is responsible for the daily oversight of operations of the organization, fundraising, communication with the CIP Board of Directors, and interaction with the National CASA Association. The Director of Program Development, who also serves as the Staff Attorney, works directly with the Program Coordinators to provide oversight, training and technical assistance. The Coordinators are charged with implementing the program at their specific sites and their primary job duties include:

- Recruiting, training and supervising volunteers in their court;
- Establishing program credibility by meeting with Judges and other court staff;
- Attending case conferences and hearings;
- Coordinating and documenting CASA activities;
- Maintaining program files; and
- Reporting to CIP leadership.

CIP generally becomes involved in a case when a judge requests and appoints a CIP volunteer. The CIP Coordinators at that court will then assign a specific volunteer to the specific case. There is no set formula for when an appointment is made and the process varies among courts. The courts must adhere to Connecticut law and Practice Book Rules. The judges also have a bench book and statewide Standing Orders for Juvenile Matters. With respect to protocols related to CIP, the contract document and its attached exhibits, and a policy memoranda issued in 2001 may guide judges and court staff in understanding the role and responsibilities of CIP Coordinators and volunteers.

II. Review of Connecticut's CASA Program

As part of a comprehensive effort to understand the value and potential of the Connecticut CASA Program, a number of sources of information were utilized including an examination of the legislative history of the statute naming CIP as the sole receiver of Judicial funds for CASA services; the comprehensive analysis submitted by the NCSC to the Judicial Branch, a wide range of documents from CIP, the Judicial Branch and National CASA; formal interviews with CIP Executive staff; surveys of CIP program staff and volunteers, judges and attorneys; and interviews of staff at the National CASA Association and representatives from other State CASA programs. For the purposes of this report, factual findings are premised on the contract, monthly reporting forms and financial documents for the period of July 1, 2004- June 30, 2005. Systemic findings

related to general stakeholder concerns are premised on the array of information received since 2000.

A. Concerns Regarding CIP

In June 2000, OCA received a phone call and written documentation from a CIP Coordinator alleging misuse of Judicial Branch funds by CIP and voicing concerns about CIP's compliance with its contract with the Judicial Branch. By October 2000, this Coordinator contacted OCA again regarding the loss of space for CIP in the Norwalk Juvenile Court. OCA shared these concerns with the Judicial Branch and the Office of the Attorney General.

During this time, the Attorney General also received a complaint from the same CIP Coordinator that raised serious concerns about the "internal systems" of the CIP program. These concerns mirrored those received by OCA.

At the same time, the CIP Coordinator shared her concerns with the President of the CIP Board of Directors and the Judicial Branch. By the end of June 2000, the Judicial Branch commenced a special financial audit of the CIP Program. While the examination uncovered no evidence of improper use of funds by CIP, recommendations from the audit report included the need for clarity in contract language regarding CIP's role in each court; the need for annual program budgets (separated by program—juvenile court vs. probate court) to be included in CIP's contract; and the need for improved statistical program reports. The Temporary Auditor at the Judicial Branch filed the financial audit report in September 2000.

B. National Center for State Court Evaluation

During this period, in July 2000, the Judicial Branch also contracted with the National Center for State Courts (NCSC) for $54,000 to evaluate the CIP program. The purpose of NCSC's evaluation was to determine the level of contractual and statutory compliance by CIP related to the monitor and GAL contract provisions and what, if any, steps would provide a more efficient use of the CIP program by Connecticut's juvenile courts. Information for the study was obtained from interviews with volunteers, system stakeholders, CIP administrative staff and interviews and surveys of each CIP program coordinator. On-site visits were made by the NCSC project team to the CIP headquarters in New Haven and three court locations in Hartford, Middletown, and Waterbury. Data was collected from a total of 125 case files from the three study sites for the calendar years 1998, 1999, and 2000. In total, sixteen volunteer monitors and GALs participated in three focus group sessions. The NCSC reviewed CIP's contracts with the Judicial Branch and compared the contract requirements to the requirements of program monitors and GALs and program standards promulgated by the National CASA Association.

The NCSC final report was completed in December 2000 and concluded that the quantitative data was "suggestive of non-compliance."[13] The NCSC project team stated

[13] National Center for State Courts, p. 6.

that they had "serious concerns" regarding a continuing contractual relationship between the Judicial Branch and CIP as it was currently operating. The NCSC team felt that "absent significant improvements in core operations of the CIP Program," they could not recommend continued contractual relations.[14] The team also found CIP to be non-compliant with eight out of the twelve program standards of operations promulgated by the National CASA Association.

The NCSC team identified several areas for program improvement needed by both CIP and the Judicial Branch including a lack of CIP's program institutionalization with Connecticut's child welfare and court system, a lack of consistent and regular communication between CIP's headquarters and the Judicial Branch; CIP's lack of a program infrastructure to support its core operations in order to meet its contractual obligations to the Judicial Branch; and inadequate information and records management and reporting. Additionally, the team identified concerns about the visibility of the program in some courts, the lack of personnel in some areas, the lack of communication with third parties and the lack of clear, measurable goals and services in the contract, program supervision and program oversight. The NCSC team saw promise, however, in a CASA program for Connecticut's children. NCSC believed that CIP had several structural components and resources in place that merited efforts by the Judicial Branch to consider strategies to create a more effective and collaborative working relationship with the CIP.

NCSC strongly recommended that the Judicial Branch implement a "standing advisory committee" with balanced representation from all system stakeholders to facilitate a forum for discussion regarding CIP's roles, responsibilities and performance.[15] It also recommended that the Judicial Branch, under the direction of this advisory committee, engage in active communication with CIP to develop specific, realistic and measurable objectives for performance of the CIP program. The NCSC report was finalized in January 2001.

The NCSC's recommendation for an advisory committee was not adopted. Rather, in January 2001, the Executive Director of CIP, the Judicial Branch Deputy Director of Family Support and Juvenile Matters and a Judicial Branch internal auditor, met to plan for the development of a working group comprised of representatives from CIP and Judicial. The working group was charged with examining and improving the relationship and accountability between CIP and the Judicial Branch as part of a process for negotiation of a new contract. Comprised of four members of the Judicial Court Operations management staff and four members of CIP staff, the working group met eight times from February 2001 through May 2001. Additional stakeholders in the juvenile court process were not invited to join this process.

The specific tasks completed by the working group included defining the minimum standards for CIP program operation and documentation of performance; identification of CIP program needs and allocation of resources to meet those needs; developing a process

[14] National Center for State Courts, p. 6.
[15] National Center for State Courts, p. 59-61.

and responsibilities for a liaison between the Judicial Branch and CIP; and determining a process for program information-sharing and reporting. The group agreed that recruiting; training and supervising CIP staff and volunteers would be the responsibility of CIP only. Group members also agreed to use the National CASA standards as a guide.

C. The Judicial Branch and CIP Revise the Contract

As a result of these meetings, the Judicial Branch executed a new contract with the CIP program. Appendix A of the new contract detailed the required services to be provided by CIP staff and volunteers including general specifications, volunteer GAL services and volunteer monitor services. Each service was associated with activities, frequency and activity measures. This appendix became part of the CIP contract for FY July 1, 2001 through June 30, 2002. Additionally, the Judicial Branch and CIP created a policy agreement, JV2001-03, highlighting the Judicial Branch's responsibilities regarding CIP access to reasonable accommodations to conduct its contractual obligations, CIP access to confidential information, treatment plan processing and specific steps as ordered by the courts. The agreement also designated program liaisons at each court location and at central administration that have the responsibility for communicating and resolving issues of concern between Court Operations and CIP. It established mechanisms to enhance communication between CIP and court clerks, assign volunteer GALs and ensure that CIP receive reports and standing orders to facilitate their efforts to monitor cases. According to documents received from the Judicial Branch as part of this review, this agreement is not part of the contract, but rather a "policy memorandum distributed to the clerks annually to remind them of the relationship between CIP and Judicial staff. The policy memorandum highlights requirements for the clerks, not contractual requirements between Judicial and CIP."

D. The Attorney General's Investigation

In November 2001, the Attorney General's Office contacted the President of CIP's Board of Directors and the Chief Court Administrator to understand the efforts by the Judicial Branch and CIP to address the issues and recommendations raised in the NCSC's Final Report. CIP was unable to provide specific responses to the Attorney General's investigators to explain what changes CIP had made in its operation and structure to improve its overall operation with respect to the four specified problem areas outlined in the NCSC Report.

On December 18, 2001, the Attorney General's Office received a response from the Chief Court Administrator for the Judicial Branch. The Judicial Branch was not able to respond authoritatively with respect to the changes made by CIP in its operation and structure to improve its overall operation with respect to the four problem areas outlined in the NCSC Final Report. The Judicial Branch highlighted the efforts of a CIP/Judicial Branch working group to develop written specifications of general standards of performance for the CIP volunteer and monitoring programs and to improve communication and coordination between the Judicial Branch and CIP. While the minutes from the working group revealed an attempt by the Judicial Branch and CIP to

resolve their differences and harmoniously collaborate, few significant changes in policy and procedures actually took place. As the NCSC had found, the Judicial Branch did not fully understand the CIP program and the expenditure by CIP of state funds. Without significant reforms in policy and procedures for program structure and oversight, the Judicial Branch contributed $300,000 or 38% and 36% of CIP's annual funding for FY 00-01 and FY 01-02 respectively. Of the $300,000 provided annually by the Judicial Branch in FY 01-02, 89% of the state funds provided were used to pay CIP salaries.

The Judicial Branch informed the Attorney General's Office of the program specifications in the new CIP contract and the new contract agreement for FY 2001 – 2002. Yet, the FY 01-02 contract remained vague concerning the use of $150,000 in annual funds provided by the Judicial Branch to CIP pursuant to §51-10b and the Judicial Branch eliminated any reference to §51-10b in the body of the FY 01-02, FY 02-03 and FY 03-04 annual contracts. Although the Judicial Branch should have paid increased attention to CIP data management and reporting, the Judicial Branch did not contact judges for their input for the purpose of assessing the CIP program as suggested in the NCSC Report.

A review of CIP's monthly reporting forms for the period July-November 2001 confirmed the allegation regarding a change in CIP's focus from volunteer monitors to GALs and that program staff and volunteers were trained only to monitor court-ordered "specific steps" rather than to assist the court in the *preparation* and monitoring of specific steps. The allegation was supported by the job descriptions provided by CIP to the Attorney General's Office. CIP's response to inquiries by the Attorney General's Office concerning training programs for Coordinators and volunteer monitors also revealed a disparate focus on GALs compared with volunteer monitors.

During this time period the Judicial Branch lacked a structured review process to monitor CIP's compliance with statutory mandates. Also the Judicial Branch needed increased oversight of CIP activities. As long as CIP receives state funds from the State of Connecticut, the organization, its administration, board members and staff are accountable to the state. The Judicial Branch should exercise its oversight responsibilities over CIP in relation to CIP's use of state funds.

E. 2004 - 2007

From 2004 through 2007, OCA requested and reviewed a wide range of documents; conducted formal interviews with CIP Executive staff; surveyed CIP program staff and volunteers; judges and attorneys; and interviewed staff at the National CASA Association and representatives at other State CASA programs.

In the fall of 2004, OCA requested and received information about the CIP program from the CIP Executive Director including a list of CIP staff and active volunteers. OCA advised CIP of its intent to send surveys to CIP Coordinators and volunteers statewide.

In December 2004, OCA sent surveys to eleven Coordinators and received six responses (54% response rate). The survey included questions regarding training, volunteer management, support from CIP executive staff, documentation requirements and court support. OCA then sent surveys to CIP volunteers. Fifty-one volunteers received surveys and OCA received nineteen responses (37% response rate). The survey asked questions about training, supervision, and volunteer satisfaction. A follow-up questionnaire was mailed to the Coordinators in 2005 and, in 2006, OCA conducted follow-up phone interviews with all current CIP Coordinators.

The CIP Executive Director was initially cooperative in complying with OCA's requests for information about the CIP program and efforts to survey CIP Coordinators and volunteers. In April 2005, the President of the CIP Board of Directors submitted a letter to the Child Advocate requesting clarification and specific information about OCA and its evaluation process including copies of all evaluations completed by OCA, methodology used in these evaluations, and documents related to OCA's consultant. OCA responded to this letter by explaining its statutory authority and its common practice of contracting with consultants to assist in large investigations. The CIP Board requested a meeting with OCA to meet with OCA's consultant. OCA and the CIP Board met in June 2005.

During 2005, OCA also sent questionnaires to all thirteen Superior Court Judges and 132 juvenile contract attorneys to better understand their experiences in working with the CIP program. Eleven judges (84% response rate) and thirty-nine attorneys (30% response rate) returned completed questionnaires. At this time, OCA also conducted phone interviews with the National CASA Association and completed a review of State CASA program best practices and models. The consultant completed a report of her findings and recommendations for next steps in the investigation.

In 2006, OCA subpoenaed documents from CIP including contracts between the Judicial Branch and the CIP Program for services in the Juvenile and Probate Courts, CIP program financial documents and CIP program training materials. CIP's Executive Director and Director of Program Development (who also serves as Staff Attorney) provided testimony under oath to OCA regarding clarification of CIP program operations and working relationships with stakeholders including the Judicial Branch, DCF, contract attorneys and the National CASA Association. OCA also requested and received documents from the Judicial Branch including correspondence among judicial staff regarding the CIP contract and reporting documents.

From 2005 through 2007, OCA continued to receive concerns from citizens and professionals about the administration and oversight of the CIP Program. In May 2007, OCA received information regarding the departure of ten CIP Coordinators between April 2006 and April 2007. During this period, the CIP Program Director was on a seven-month military leave from January 1, 2006 to August 7, 2006. As of April 23, 2007, eight Coordinators were responsible to cover the thirteen Juvenile Courts. All but one also had responsibility for one or more Probate Courts.

III. Findings and Analysis

The OCA and the Attorney General's review of the Connecticut CASA Program reveals a lack of oversight at both the Judicial Branch and CIP and a failure to implement a strong statewide volunteer monitor and GAL program for Connecticut's most vulnerable children.

Perhaps the most troubling finding of the review has been the continued absence of significant change in CIP's program structure and Judicial Branch oversight and monitoring of CIP despite a comprehensive evaluation by the NCSC.

Specifically:

- A strong statewide CASA Program is critical to the safety, well-being and permanency of Connecticut's abused and neglected children.
- Connecticut law hinders the development of a high-quality and accountable CASA program by failing to allow competitive bidding for this program.
- The Judicial Branch has not provided sufficient oversight over the operation and development of the CIP CASA Program.
- The CIP Program is underutilized by the Juvenile Courts and the majority of Connecticut's abused and neglected children do not access the benefits of a high-quality CASA program.
- Many CIP Coordinators – the heart of the CIP workforce – are dissatisfied with the CIP executive staff and compensation.

A. A strong statewide CASA Program is critical to the safety, well being and permanency of Connecticut's abused and neglected children.

Judges across the country have found that trained volunteers acting under the supervision of professional staff have a unique commitment and energy to serve the courts and the children involved with the courts. Every day, Connecticut juvenile court judges must make difficult decisions that impact a child's safety, well-being and chances for a permanent home. These decisions are only as good as the information presented to the court by attorneys, child welfare workers and caregivers. CASA volunteers can be one more voice to assure that a child's voice is heard and a child's needs are identified and addressed. A well-run CASA program can be the cornerstone to an improved court process for children by seeking out available resources to address the individual needs for a child, submitting reports to courts that summarize information about a child's needs, gaps in services and caregiver capacity and compliance with court-ordered steps.

In Connecticut, OCA has provided legislative testimony regarding the need to provide high quality legal representation to children and parents and to support non-attorney professionals such as social workers and educational advocates to work in tandem with attorneys. CASA volunteers are an additional resource to help attorney and non-attorney professionals properly identify children's needs and advocate for appropriate services. Many volunteers have professional and personal experiences from which to draw upon to

assist the court in understanding the needs of the children. The CASA program's statutory mandate to monitor court expectations can assist in troubleshooting and addressing case logjams. CASA volunteers also can provide a tangible link among the child, caregivers, advocates, child welfare workers and the court, facilitating communication and information sharing for a more meaningful planning and service provision. Making this link a reality requires a commitment to collaboration and accountability between those in the court system including judicial administration, judges, attorneys and the CASA program staff.

B. Connecticut law hinders the development of a high-quality, accountable CASA program.

The Connecticut CASA program is a sole source contract mandated by Connecticut statute. Currently, the statute names a specific provider -- Children in Placement, Inc. -- and requires that the Judicial Branch annually contract with this particular provider for CASA services in all thirteen juvenile courts. A review of Connecticut's statutes reveals only a handful of sole source contracts named in legislation. The legislative history of the CIP statute suggests that CIP was the only established CASA program when it was named in law. At the time, legislators feared that a bidding process might interfere with children receiving timely and seamless CASA services.

Today, these concerns may not be relevant. First, CIP does not presently serve the majority of children who might be able to benefit from CASA monitoring services. As noted below, the courts underutilize the CIP program. Second, statutes now exist that provide mechanisms to appoint an attorney GAL or a non-attorney GAL who is not necessarily a Coordinator or volunteer at CIP. Additionally, the creation of the Office of the Chief Child Protection Attorney provides additional resources and oversight to ensure that children who need GALs receive high quality representation. The Chief Child Protection Attorney, with guidance from the Commission on Child Protection, has the responsibility to provide initial and ongoing training, contract oversight and supervision for contracted guardian ad litems. The office has produced standards of practice for attorney GALs representing children in child protection cases and the GAL contracts incorporate these standards. Consequently, there should be no gap in the timely appointment of a trained GAL during a bidding process for a statewide CASA program.

During the 1994 and 1995 sessions, some legislators expressed concern about a sole source contract with CIP and a legislative requirement that Judicial enter a contract with a specific provider "annually thereafter." One legislator proposed an amendment to remove CIP as a sole source named in statute and to require the Judicial Branch to use competitive bidding in the award of such contract. The Amendment was not supported.

Another issue raised in these debates was the notion that the Judicial Branch retained the ability to approach the appropriations committee to request changes to the program or to obtain other services as needed. This option assumes, however, that the Judicial Branch provides close oversight to CIP operation and services and is invested in maintaining and

growing a statewide CASA program. As detailed below, however, OCA's investigation finds that the Judicial Branch's oversight has been deficient.

Moreover, the review by the OCA, Attorney General and NCSC found that CIP has and continues to shift its program focus away from volunteer monitors in favor of volunteer GALs. This shift is particularly evident by the Monthly Reporting Forms (see discussion below) submitted by CIP to the Judicial Branch and by the job descriptions of the volunteer roles placed currently on the CIP website. For example, the website requires five-day training for volunteer GALs and only one day for a volunteer monitor. The website also states that monitors are currently only used in the New Britain, New Haven and Willimantic courts.

C. The Judicial Branch provides inadequate leadership and oversight regarding the operation of the CIP CASA Program.

The goal of a strong statewide CASA program in Connecticut can be reached only with active support of the judiciary. Judges play an essential role not only as the central decision-maker in every child protection proceeding, but in shaping courtroom climate and professional expectations. Judges must choose to appoint CASA volunteers and set a courtroom expectation that their services are a valued part of the proceeding. A collaborative commitment and accountability between the court and the CASA program is crucial to ensure that CASA volunteers reach their potential as advocates for children and as a resource for the judicial system.

In Connecticut, the contract between Judicial and CIP for the FY July 2004-June 2005 has remained essentially unchanged to the current fiscal year. While the contract contains program expectations, it is vague as to how CASA program activities are actually monitored, reviewed and responded to by the Judicial Branch. It is important to note that most of the activity measures focus on quantity and timeliness of particular actions, rather than the quality of those actions. There appears to be a gap in documentation shared with the Judicial Branch administration as the oversight agency for CIP related to the quality of services provided to children and to the court. For example, the Judicial Branch does not review individual CASA volunteer reports to the court on specific children and does not survey judges and court staff to determine satisfaction with CIP services and programming.

Under its Exhibit A, the contract outlines detailed specifications for the types and frequency of activities and activity measures of the general CIP Juvenile Court Program, volunteer GAL services and volunteer monitor services. Exhibit D of the contract is the *Monthly Reporting Form* that is due to the CIP administrative office by the 15th day of each month and then submitted by the 20th day of each month to the court clerk and presiding judge of the court where a Coordinator is assigned. This form records the balance of cases assigned at the beginning of the month, cases newly assigned during the month and the balance at the end of the month. The form also records the balance of children assigned at the end of the month.

Additionally, the Monthly Reporting form documents the number of volunteers awaiting cases; the number of children in cases awaiting volunteers; case activities such as the number of written reports submitted, status conferences and hearings attended, case contacts; and Coordinator-specific activities related to volunteer supervision, training, judicial meetings, review of treatment plans, and information-sharing with DCF.

The use of the Monthly Reporting Form as a sufficient tool for judicial monitoring and oversight raises significant questions. The document provides limited information concerning the quality of services provided by the CASA program to the courts and to the children involved in child protection proceedings. OCA reviewed one year of Monthly Reporting Form "A" in the Judicial Branch-CIP, Inc. contract from FY July 2004-June 2005. These forms were received from each court and also included the summary documents from FY July 2004-June 2005. OCA made the following findings for this time period:

- Three (3) new Monitor-only cases were assigned with a total of eight (8) Monitor-only cases serving thirteen (13) children.
- Sixty-two (62) new GAL cases were assigned with a total of 139 GAL cases serving 198 children.
- Twenty–four (24) volunteers who had received training for monitoring services were awaiting case assignment.
- Fifty-six (56) volunteers who had received GAL training were awaiting case assignment.
- New Haven, Bridgeport and Norwalk courts had the highest use of CASA GAL volunteers.
- The Monthly Reporting Forms did not accurately document the monitoring activities completed by CASA GAL volunteers.
- Calendar (Tickler) to DCF and follow-up with DCF Treatment Plans and Status reports—two important monitoring functions—were nonexistent on the majority of Monthly Reporting Forms.

The Judicial Branch reported that during FY July 2004-June 2005, a total number of 898 GALs were appointed. Of this 898, 816 were attorney GALs and 82 were CASA GALs. These numbers differ dramatically from the FY 2004-05 Monthly Reports Summary and suggest a strong preference by individual judges for attorney appointment as GALs.

While the Judicial Contract with CIP defines program specifications (Exhibit A in the contract) for the Monitor and GAL functions, it specifies only the number of volunteers that must be available for case assignment each month. The contract requires "30 volunteer GAL and 8-10 volunteer Monitors available for new assignments per month statewide." The contract does not specify how many cases must be actually assigned to a volunteer GAL or Monitor or how many children must be served. As a result, there exists no minimum threshold of children to be served by CIP.

Additionally, the lack of reporting on activities most closely related to monitoring court expectations for service providers and families and assisting the court in alerting all

parties to the court proceeding is very troublesome. As stated above, the majority of Monthly Reporting Forms documented none to minimal activity in creating a tickler to DCF or following-up with DCF Treatment Plans and Status Reports. There is little indication in OCA's review that the Judicial Branch had concerns about these gaps in services or that the Judicial Branch closely monitored these activities.

The training materials developed by CIP are comprehensive and follow the National CASA Association standards. Yet, the Connecticut Judicial Branch contract with CIP addresses only the number of trainings for which CIP Coordinators and volunteers are required to attend. While the contract provides that CIP will be the subject of monitoring reviews and program evaluation conducted by the Judicial Branch or its representatives, the quality and effectiveness of the training received by the Coordinators and volunteers as it relates to program objectives is not discussed in the contract.

There is a continued lack of meaningful oversight in the administration, role and performance of CIP by the Judicial Branch since the evaluation completed by the National Center for State Courts. The Judicial Branch chose not to implement the NCSC's recommendation to develop "a strategic plan to improve the marketing, presence and institutionalization of the CIP program within Connecticut's child welfare system."[16] Rather than develop a standing joint advisory committee with balanced representation from all stakeholders, the Judicial Branch worked with CIP to develop better statistical reporting under Exhibit A of the new contract in 2001. The new contract kept decision-making and oversight about the hiring, supervision, training and evaluation of CIP staff and volunteers as well as the operational management of the CASA program, in the hands of the CIP executive staff and board. An exploration of what type of CASA program might best meet the needs of Connecticut's children involved in abuse and neglect proceedings and best assist the Connecticut Superior Court for Juvenile Matters in expediting safety, permanency and well-being for these children was not contemplated.

A significant example that demonstrates the impact of the lack of oversight on the functioning and integrity of the Connecticut CASA program occurred in May 2006. A probation officer informed the Judicial Branch that the Waterbury CASA Coordinator had a criminal history and was currently on probation. Under the contract between CIP and the Judicial Branch, CIP was required to screen all volunteers and candidates for employment for a criminal record. The contract explicitly states, "under no circumstances will the Contractor accept a volunteer or hire a person who has a pending arrest warrant or who has an active criminal justice status." The contract did not specify how CIP should check and monitor the criminal history of volunteers or employees, nor if or how CIP should inform the Judicial Branch of concerns regarding a volunteer or employee. The Judicial Branch made an inquiry to the CIP Director regarding the process for criminal background checks only after receiving the alert from the probation officer. The CIP Director responded that CIP contracted with a service to complete initial background checks and that no written policy existed for conducting criminal background checks and making decisions based on the findings. Legal counsel to the Judicial Branch reviewed this situation and recommended that CIP develop written

[16] National Center for State Courts, p. 60.

guidelines for conducting and reviewing criminal background checks of employees. Once alerted to the criminal history of this Coordinator, CIP immediately terminated employment. Subsequent to the matter with the Waterbury Coordinator, the Judicial Branch requested that CIP develop better standards for criminal background checks. The Judicial Branch did not make changes in the Contract with CIP to address this problem.

D. The CIP Program is underutilized by the Juvenile Courts having been used statewide in only 5% of the pending child protection cases, resulting in the majority of Connecticut's abused and neglected children not having access to the benefits of a high-quality CASA program.

Our investigation found the Judicial Branch to be in agreement that the CIP Program was no longer responsive to the needs of the Court. The CIP Program is not serving the number of children involved with the Juvenile Court who can benefit from a CASA monitor or GAL. According to the Judicial Branch, for the calendar year of 2004, approximately 4253 new children were added to the Connecticut Superior Court for Juvenile Matters child protection system. CIP's Monthly Report documents indicate that approximately 198 children were served statewide by CIP in FY 2004-2005. This represents less than 5% of the children involved in child protection proceedings in that time period.

In the Fall 2006, OCA conducted interviews with key staff at CASA programs in Arkansas, Georgia, and Kansas. These programs serve approximately 40% of the children in their state's child welfare system each year. Each of the CASA programs interviewed attributed the high utilization of CASAs in their courts to the fact that CASA programs exist only in those districts where judges have requested that a CASA program be implemented. OCA's review of CASA programs in other states also uncovered creative and promising initiatives that harness the resources of well-trained and supervised volunteers to provide the court with information about a specific population of children or a specific issue relevant to permanency decision-making. (See Appendix A)

The relatively low numbers of children assigned to the CASA program in Connecticut may be due to the practice that permits individual judges in every court to assign a CASA volunteer to a case and/or to a particular child. OCA's review found that judges in several courts are not appointing volunteer Monitors or GALs. There is no state mandate or instruction to individual judges from the Judicial Branch regarding how a judge might use the volunteer CASA program. As one CIP staff member told OCA, "CIP is the smallest player in the system...the judges have their own mind and it is their court." A volunteer stated, "...over a year went by before I had my first case due to a judge who did not utilize volunteer GALs." While the Judicial Branch contract with CIP requires the CIP Coordinator in each location to meet with the presiding judge four times each year, neither the substance of these meetings nor the role of the judge in working with the CASA program is delineated under the contract.

A troublesome pattern exists that contributes to underutilization. Judges do not assign CIP volunteers to cases, and as a result, volunteer recruitment and retention in those

courts wane. CIP volunteers in turn, are viewed by the judges as being unavailable for case assignments. Conversely, poor volunteer recruitment and retention in some areas have led to judges not having CIP volunteers on their radar screen or lacking confidence in their ability to manage complex cases. Additionally, because most Coordinators work at more than one court and also in Probate Court, their visibility among judges and court staff is diminished.

The Judges survey conducted by OCA revealed that half of the responding judges felt confident in the ability of CIP volunteers to help Connecticut's children. These same judges believed that a CIP volunteer was most useful when a case was "straightforward" and were more likely to appoint an attorney GAL to a case. Several judges expressed the opinion that trained and available CIP volunteers provided a "fresh viewpoint" for the case but that CIP volunteers and staff often appeared to be "poorly trained and unsupported" by the CIP Director. One judge stated that CIP volunteers in his court had obligations at the Probate Courts that limited their availability for Juvenile Matters case appointments.

Additionally, judges, court staff and attorneys were often confused about the role and responsibility of CIP monitor and GAL functions. Some judges also felt more confident in assigned attorney GALs. These judges viewed the role of a CASA volunteer as a "monitor-only" role. One stated, "The CIP volunteer is directed by the Court to perform certain defined tasks ordered by the Court and does not have the authority to participate in hearings in the same manner as the attorney GAL."

CASA Coordinators and volunteers have been assigned to delinquency cases and to Probate Court cases. These activities spread CASA resources thin and move beyond statutory mandates to provide CASA services in child protection cases. Moreover, CASA staff and volunteers working in delinquency and probate matters may require a different set of skills, and specialized training and involvement in delinquency cases not required under any contract between CIP and the Judicial Branch.

E. Many CIP Coordinators express significant dissatisfaction with the CIP executive staff.

Overall, the volunteers responded positively about their experiences with the CIP program and most highlighted the critical role of the Coordinators in the success of their advocacy for individual children. While nearly all of the volunteers who responded felt they received adequate initial training, many identified the critical need for ongoing training. The Coordinators were less enthusiastic about the CIP Program. Many cited inadequate training and time to conduct their duties. The Program Coordinators have great responsibility including implementing the program at their specific sites; volunteer training, supervision, and recruitment; reviewing volunteer case reports; establishing program credibility and recognition by meeting with judges and court staff; attending case conferences and hearings, maintaining case files, documenting all CASA requests; and reporting to CIP administrative staff. Most Coordinators also carry caseloads. CIP provided OCA with a "Program Coordinators Manual." OCA reviewed the manual and

found it to be useful for the Coordinators. Yet, OCA also found that many Coordinators responding to the 2005 survey did not have a copy of the manual. OCA also found that the Judicial Branch does not review the manual as part of the contract with CIP.

Until 2006, many Coordinators struggled with inadequate working space and resources. Many shared a desk with other court employees. The lack of space made supervision of volunteers difficult and the lack of computers and confidential file storage meant that many Coordinators and volunteers stored case files in their car or at home. In 2006, the Judicial Branch provided funds to CIP to procure computers and Internet access for Coordinators at each site.

Coordinators also identified that CIP management resources are highly stretched. Turnover among Coordinators, specifically during April 2006 and April 2007, required individual Coordinators to cover several court sites. The Program Development Director, whose role is to manage the Coordinators at each court and assist them with the day-to-day functions, was on a seven-month military leave from January 3, 2006 to August 7, 2006. An interim Program Development Director was not appointed during his absence. Among the responsibilities of this position are to cover vacancies when Coordinators take leave and when Coordinator positions are not filled, which results in the Program Development Director being less available for supervision and oversight in every court location.

Several coordinators have expressed significant concerns about the way that CIP has been managed and operated including a lack of responsiveness when problems occur, lack of positive feedback for Coordinators and inadequate information sharing about program funding and board activities. Coordinators also discussed the low salary and benefit structure that many believed contributed to low morale, high turnover and difficulty in attracting high quality employees.

IV. Recommendations and Next Steps

OCA and the Attorney General affirm the value of CASA as an important resource to ensure the safety, permanency and well being for abused and neglected children. Our review provided an appreciation of the contribution of effort and time by CIP staff and volunteers that so often makes a tremendous difference in the life of a child.

Yet, our review of the existing CASA program under contract between the Judicial Branch and CIP, Inc. also suggests that reforms are needed to bring the full potential of CASA to Connecticut's children. We make the following recommendations to strengthen Connecticut's CASA program and the quality of representation for children involved in abuse and neglect proceedings:

A. Revise the Connecticut Statute for CASA Services

1. Revise the Connecticut statute regarding the CASA program to eliminate the sole source contract for CIP and require a competitive bidding process for the award of a state contract for CASA services.

2. Specify in the statute that the Request For Proposal for a statewide CASA program includes minimum standards for scope of services, staff qualifications, caseload and practice standards, financial management, and quality assurance mechanisms.

3. Specify in the statute that the Request For Proposal and the contract for the Connecticut CASA Program adhere to the National CASA Association standards.

4. Specify in the statute that program contracts will be renewed every two (2) years and subject to a competitive bidding process if renewal is denied.

5. Create a new statute requiring a common contract and training requirements for attorney, non-attorney, and volunteer Guardian Ad Litem based on the Connecticut Standards of Practice for attorneys and Guardian Ad Litem Representing Children in Juvenile Matters. All contracts for GAL services should be administered and monitored by the Office of the Chief Child Protection Attorney.

B. Create a Statewide CASA Program Advisory Body: Three Options

1. Option One: Develop a new advisory body comprised of representatives from the Judicial Branch, the Legislative Branch, the Commission on Child Protection, the Department of Children and Families, child advocates, experienced CASA volunteers, parents and service providers.

2. Option Two: Expand the responsibility of the existing Commission on Child Protection to include serving as an advisory body to the CASA program with staff support from the Office of the Chief Child Protection Attorney.

3. Option Three: Expand the existing Commission on Child Protection to include serving as an advisory body to the CASA program and ensure that it is supported by staff and funding from the Connecticut State Court Improvement Program.

4. The activities of the advisory body should include:

a. Writing the Request for Proposal to include the contract specifications.

b. Reviewing the bids.

c. Awarding the contract.

d. Evaluating contract performance.

e. Making recommendations to facilitate communication among CASA staff and volunteers, judges and court staff, attorneys, DCF, and service providers.

f. Exploring volunteer recruitment and training and CASA pilot programs to address the needs of specific populations of children most in need of CASA volunteers. Examples include infants and toddlers, children with special health care needs, and adolescents who are preparing to transition from the DCF.

g. Collaborating with the CASA Program governing body to develop and implement quality improvement and accountability plans.

C. Revise the CASA Contract to Ensure Program Oversight and Quality Improvement

1. The contract should require that the CASA program be a member of the National CASA Association and meet its standards, requirements and policies.

2. The contract should require that the CASA program have a governing body or board of directors with the responsibility for developing and implementing a quality improvement and accountability plan. Specific activities include:

a. Developing by-laws and operational procedures that set forth the organizational structure and responsibilities of the program's governing body.

b. Establishing mechanisms for the selection, rotation and duration of members of the governing body, setting a minimum number of formal meetings and quorum necessary for decision-making of the governing body, and maintaining written records of all actions by the governing body.

c. Ensuring oversight of contract compliance.

d. Requesting and reviewing an annual report from the CASA program which includes financial, statistical and service data summary information.

e. Evaluating the performance of the chief executive of the CASA program in writing annually according to written performance criteria and objectives.

f. Establishing procedures and timeframes for communicating with the CASA advisory body regarding contract compliance, financial reporting, and overall CASA program utilization in the courts.

g. Establishing mechanisms to receive and review input annually from key stakeholders including judges, attorneys, DCF staff, and service providers regarding the performance of the CASA program.

h. Overseeing communications between the Judicial Branch and the CASA Program regarding program expectations and performance.

3. The contract should specify defined and measurable outcomes for the performance of CASA activities.

4. The contract should require monthly and annual reporting mechanisms that describe the quality of activities of the CASA staff and volunteers as well as the quantity of activities.

5. The contract should require written job descriptions, performance criteria and objectives, and timeframes for evaluation for all staff and volunteers.

6. The contract should require written policies and procedures for criminal and child welfare background checks for staff and volunteers.

7. The contract should require written policies and procedures for the supervision of staff and volunteers.

8. The contract should require written policies and procedures for the termination of staff and volunteers.

9. The contract should require an annual review of the training programs required for staff and volunteers.

10. The contract should specify operational procedures for case records consistent with state and federal laws governing the retention, maintenance, protection and destruction of case information.

11. The contract should require a "whistleblower policy" which provides members of the governing body, staff and volunteers a procedure for reporting concerns about the activities of the members of the governing body, staff or volunteers. The policy should provide the reporter with protection in making a good faith disclosure about such concerns.

D. Judicial Leadership Must Expand to Ensure the Continued Growth and Existence of Connecticut's CASA Program

1. The Judicial Branch should develop and implement incentives and opportunities for judicial leadership to promote a high-quality, accountable CASA program in Connecticut. For example, the Connecticut Judicial Branch can harness State Court Improvement funds to bring national judicial leaders from the National Council on Juvenile and Family Court Judges to promote discussion and ideas related to the benefits of a high-quality CASA program to the court.

2. The Judicial Branch should include information about the CASA program and provide guidelines for using CASA volunteers in the orientation and training programs for judges and court staff.

3. The Judicial Branch should collaborate with the CASA advisory body to design and implement a quality improvement and accountability plan.

4. The Judicial Branch should collaborate with the CASA advisory body to explore the need and feasibility of pilot CASA programs where volunteers are trained in a specific area related to abuse and neglect proceedings and assigned to a specific population of children. For example, CASA volunteers with early childhood professional experiences may be recruited and assigned to all infant and toddler cases in a particular court location or to keep judges apprised of the educational status and needs of children before the court.

5. The Judicial Branch should collaborate with the Office of the Chief Child Protection Attorney to assist attorneys in working collaboratively with CASA GALs and Monitors.

APPENDIX A

Several jurisdictions harness the resources of CASA programs to provide the court with information about a specific cohort of children involved in abuse and neglect proceedings or a specific issue relevant to permanency decision-making. The following provides examples of such targeted efforts by some CASA programs and judicial leaders:

- **Healthy Development**: The New York State (NYS) CASA Project harnesses the resources of CASA volunteers to inform judges about the health and development of children in child protection proceedings. Using a Checklist developed by the NYS Permanent Judicial Commission on Justice for Children, CASAs statewide routinely incorporate information about a child's health and development in their court reports. A similar checklist was developed to highlight the needs of infants in foster care and judges assign CASAs at the earliest possible point in the court process to work with child welfare staff and the child's caregivers to identify the infant's immediate needs. They inform the court about the need for court-ordered services and inform judges about the child's Early Intervention and pediatric care evaluations. In the Brooklyn Family Court, the judge calendars infant cases for every 30-60 days with the CASA reporting on the infant's well-being.[17]

- **Substance Abuse**: In the District of Columbia Family Treatment Court, judges appoint CASAs to support children and their mothers as they move from residential treatment into aftercare programs. CASAs visit with their assigned families weekly to observe and provide feedback on the level of interactions. They also work with providers, GALs and the court staff to resolve barriers to reunification. The CASA volunteers provide judges with an objective perspective of the families' level of functioning and their continuing service needs and submit regular reports and attend Family Treatment Court hearings.[18]

- **Education**: In Santa Clara County, California, the local CASA program has an educational specialist, a retired teacher with specialized training, who consults with CASA volunteers on educational issues facing individual children, provides assistance as needed to the judge and works with the child welfare agency's expert in educational issues on difficult cases. Statewide, the California Educational Advocacy Project trains CASA case supervisors in all 43 local program offices to meet the educational needs of children and youth in the child welfare system. New York State judges appoint CASAs to provide the court with information about children's educational needs and services. [19]

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[17] Dicker, S.and Gordon, E. (Summer 2006). *The Essential Advocate: Using CASAs to Promote Child Well-Being*. Juvenile and Family Justice Today: National Council of Juvenile Family Court Judges, p. 19-22.

[18] For more information see casadc.org.

[19] The Judges Page Newsletter (June 2005). Found at www.nationalcasa.org/download/Judges_Page/0506_**educational_advocacy**_issue_0036.pdf.

Independent Living: In Miami, Florida, the 11th Judicial Circuit GAL program actively targets CASA volunteers to work with youth aging-out of the child welfare system. As part of its Transitioning Youth Project, a paid outreach coordinator works with CASA volunteers to connect aged-out youth to community housing, education, employment, health care and other resources.[20] At DC CASA in Washington D.C., CASAs are required to chart key objectives for transitioning young adults, monitor the youth's progress and update all parties.[21]

[20] Meyer, H., (December 2005). *CASA Volunteers Offer Hope to Older Children Leaving Foster Care.* The Connection: National CASA Association.
[21] See www.casadc.org.