

Select Committee on Children
Testimony of Michael S. Piraino
Chief Executive Officer
National CASA Association
February 26, 2009

Thank you for this opportunity to testify on behalf of the National CASA Association concerning Bill No. 870, An Act Concerning the Court Appointed Special Advocate Program. My comments deal with two aspects of the proposed legislation that we find troubling.

1. The purpose for the proposed CASA program in Connecticut is not consistent with National CASA Standards.

State and local organizations are licensed to use the name CASA or "court appointed special advocate" if they adhere to National CASA standards and successfully complete our quality assurance process. These standards state that the program's purpose must be "to provide volunteer advocacy to abused and neglected children" (*Standards for Local CASA/GAL Programs*, Standard 1.A). Simply monitoring expectations for permanency is too limited a role to qualify as a CASA work.

The mission description in Standard 1 is amplified in Standard 7.E, which sets out the multiple aspects of the volunteer's roles and responsibilities. Only one of these refers to monitoring, and even that monitoring role is linked to the ongoing responsibility to inform the court of developments in the case and to make recommendations. The additional duties of the volunteer include:

- Obtaining a first-hand understanding of the child's needs and circumstances
- Identifying and advocating for the child's best interests
- Seeking cooperative solutions
- Submitting findings and fact-based recommendations to the court
- Appearing at all hearings
- Making recommendations for specific services
- Determining if a permanent plan has been created
- Informing the court of developments in the case
- Advocating for the child in the community

These standards reflect a body of research into the CASA role which documents that our volunteers are particularly effective in performing those tasks that are essential to making a judgment about the child's needs and best interests. For example:

- CASA volunteers spend most of their volunteer time in contact with the child. They are able to spend significantly more time in contact with a child than a paid guardian ad litem.
- CASA volunteers are far more likely than paid attorneys to file written reports.
- CASA volunteers are highly effective in having their recommendations accepted in court.
- For each of nine specific GAL duties, a significantly higher percentage of judges rated the CASA/GAL volunteers as excellent than attorney guardians ad litem.

This does not mean that our volunteers replace lawyers, and we know that most children's attorneys work hard for their clients. In fact, when CASA volunteers are involved as advocates for the children's best interests, attorneys for children are able to more appropriately focus their attention on the child's legal needs. As a result, the state's paid resources are more efficiently utilized.

Because our volunteers excel at performing these investigation, facilitation, advocacy and monitoring activities, judges find them extraordinarily valuable in informing court decisions. In a national survey, judges reported that CASA volunteers are very effective in activities related to the children's best interests. Face-to-face interviews and meetings with the child were the specific investigation duties most frequently rated by judges as "very important."

The reason our volunteers are effective in these roles is not just that they are well-trained and well-supervised. Most importantly, they have low caseloads, so they have the time to read the case file, visit the home, earn the child's trust, watch the parents interact with the child, talk to teachers, identify sources of help in the community, and do all the myriad other things that go into being an effective, fact-based advocate for the child's best interests. The reality is that despite good intentions and good faith efforts, paid attorneys and guardians ad litem rarely can afford this level of time on a case.

Let me be clear that monitoring of cases is clearly part of the CASA role. But it is only part. By itself, monitoring is not enough to qualify a program as a member of the National CASA Association. Children in abuse and neglect proceeding need far more from their advocates—more time, a more consistent presence, and more willingness to take the risk of speaking out clearly on their behalf.

2. The membership of the proposed Advisory Committee could have potential conflicts and would lack CASA-specific expertise, weakening CASA's independent advocacy role.

An element of effective advocacy is the ability to speak out on a child's behalf without concern about the repercussions of disagreeing with other participants in the case. This independence can

be compromised if a program is beholden to a body composed of individuals who represent these other participants.

Of the ten members of the proposed CASA Advisory Committee, several could have such conflicts. While we strive to work collaboratively with child protection agency representatives, foster parents, and parent's and children's attorneys, each of these groups might disagree with a particular case recommendation in ways that could skew their decision making concerning the overall operation of the CASA program. This would also make it very difficult for them to be unbiased, and to appear to be unbiased, in awarding contracts for CASA work. Our experience is that people who have other roles in child protection have only a limited ability to appropriately guide the development of CASA programs.

The composition of the Committee is also surprising in light of its extensive role in program operation. This would involve the committee members in a level of detail for which they are highly unlikely to have the necessary time and expertise. Only two committee members are likely to have experience with CASA program work. Surprisingly absent from the membership is anyone who has ever supervised CASA volunteers, managed a CASA office, or trained CASA volunteers. While they would not be appropriate to make contracting decisions, their expertise would be essential in overseeing program operations such as volunteer recruitment and training. The work required to develop and support strong CASA programs is significant; National CASA's *Guide To Program Development* alone runs to 182 pages.

The legislation attempts to give this committee two roles that are better kept separate. If the Committee awarded contracts to nonprofit organizations, what would be the legal standing of the advisory committee to provide the level of operational involvement in the bill? These appear to be governance responsibilities that would normally fall to the nonprofit board.

Overall, the proposed bill does not seem to recognize that you do have an existing CASA network in your state—the guardian ad litem component of Children in Placement. National CASA recognizes only one such statewide CASA organization in each state, and there is substantial volunteer and professional expertise within the organization that should not be forgotten in efforts to bring this valuable resource to more of Connecticut's children.

For all of us, it all comes down to protecting children. A few years ago, when I reviewed the conclusions of several fatality reviews of children who died while in foster care, a startling theme emerged. In many cases, the risk seemed clear, yet no one ever questioned the basic direction of the case. No one asked the critical questions that might have saved a child's life.

The safety and well-being of children depends in part on strong best interests advocacy, by advocates who have the training, support, time, and independence to do the job right. You want this for Connecticut's children and so do we, but I do not believe your current proposal will adequately realize that goal.

Thank you for your consideration of these points as you continue to work to support a strong court appointed special advocate program in Connecticut.

Michael S. Piraino
Chief Executive Officer
National CASA Association
100 West Harrison, North Tower, Ste. 500
Seattle, WA 98119
(800) 628-3233, ext. 202
www.nationalcasa.org

CASA Research References

1. Caliber Associates, National CASA Association Evaluation Project, Caliber Associates; Fairfax, Virginia, 2004.
2. Donald D. Duquette and Sarah H. Ramsey, "Using Lay Volunteers to Represent Children in Child Protection Court Proceedings" (Appendix C). *Child Abuse and Neglect* 10(3): p. 293-308, 1986.
3. Sherrie S. Aitken, Larry Condelli, and Tom Kelly, Final Report of the Validation and Effectiveness Study of Legal Representation Through Guardian Ad Litem. Report submitted to the Administration on Children Youth and Families, Department of Health and Human Services by CSR, Inc.: Washington, DC, 1993.
4. Karen C. Snyder, John D. Downing, and Jill A. Jacobson, A Report to the Ohio Children's Foundation on the Effectiveness of the CASA Program of Franklin County. The Strategy Team: Columbus, OH, 1996.
5. Victoria Weisz and Nghi Thai, "The Court Appointed Special Advocate (CASA) Program: Bringing information to Child Abuse and Neglect Cases," *Child Maltreatment* 8(X), 2003.
6. Larry Condelli, National Evaluation of the Impact of Guardian Ad Litem in Child Abuse and Neglect Judicial Proceedings. Report submitted to the National Center of Child Abuse and Neglect for the Administration of Children, Youth and Families by CSR, Inc.: Washington, DC, 1988.
7. Litzelfelner, "The Effectiveness of CASAs in Achieving Positive Outcomes for Children," *Child Welfare* 79(2): p. 179-193, 2000.
8. John Poertner and Allan Press, "Who Best Represents the Interests of the Child in Court?" *Child Welfare* 69(6): p. 537-549, 1990.
9. Gene C. Siegel, et al., Arizona CASA effectiveness study. Report to the Arizona Supreme Courts, Administrative Office of the Courts, Dependent Children's Services Division by the National Center for Juvenile Justice, 2001.
10. Susan M. Profilet, et al., Guardian ad Litem Project. Child Advocates Inc., 1999.
Shareen Abramson, "Use of Court-Appointed Advocates to Assist in Permanency Planning for Minority Children," *Child Welfare* 70(4): p. 477-487, 1991.
11. Michael Powell and Vernon Speshock, Arizona Court Appointed Special Advocate (CASA) Program, Internal Assessment, 1996.
12. Ohio CASA/GAL Study Committee Report

13. University of Houston and Child Advocates, Inc., Making a Difference in the Lives of Abused and Neglected Children: Research on the Effectiveness of a Court Appointed Special Advocate Program

14. Office of the Inspector General, Audit Report 07-04, December, 2006