

Tulare County Paralegal Association Supports Court Appointed Special Advocates

BY SUSAN JONES

My swearing in to become a Court Appointed Special Advocate took place on January 15, 1999. In a Tulare County Juvenile Court, the Honorable Elizabeth Krant performed the ceremony in which eight other citizens also became CASA volunteers. Following tradition, we each stood with our right hands held high as each of us repeated our oaths before Judge Krant. As I repeated the words, thoughts of the major responsibility I was undertaking surfaced only briefly as my heart expanded with the faith that I will do my best to make a difference in the life of a child.

After working as a paralegal on many family law cases, I had become disenchanted with our family justice system. I had found it sad but true that children are the faultless victims of divorce. Most of us who work with family law clients have, at one time or another, wished we could force a client to choose what would be in their child's best interest instead of paying back their former spouse at the child's expense. Child advocacy is not about children of divorced parents. CASA is about providing advocacy and mentoring services to children who have been the faultless victims of abuse, neglect, or abandonment.

Following my first training class, I was more than ever committed to becoming an advocate. The opportunity to work alongside attorneys and social workers as an appointed officer of the court would be different from what I had been doing. In fact during one screening interview I reluctantly admitted it may be uncomfortable for me to stand at the bench alongside the attorneys. Since paralegals are not allowed to "represent"

clients, most of us have no experience standing before a judge in a similar capacity as an attorney. However, the notion of having the future of a child's life in my hands quickly diminished any personal concerns.

Historical Perspectives of Child Abuse Laws

Prior to child protection laws, abandonment, beatings, and other forms of severe physical discipline were common practices. Children were not recognized as persons and had no rights.

During the CASA training, we learned about the case of "Mary Ellen" from New York in 1874. Mary Ellen was an illegitimate child who had been "indentured" at eighteen months to foster parents. A mission worker and neighbor learned that Mary Ellen was being beaten and locked in a room. Later evidence revealed Mary Ellen had been abused and neglected. The mission worker was unable to obtain help for Mary Ellen. The police said they found no evidence of a crime; the social services did not have custody and society believed that interfering between a parent and a child was wrong.

In frustration, the mission worker discussed Mary Ellen's situation with the founder of the Society for the Prevention of Cruelty to Animals, Henry Bergh. Mr. Bergh was able to bring the case before the court on the grounds that a child should at least have the protection which already existed for animals.

As a direct result of this case and the coverage of it by the newspapers, the first

society for the prevention of cruelty to children was organized. However, future laws protecting children have been as painfully slow as society's changing of the general attitude toward children. In 1938, the Fair Labor Standards Act inadvertently provided the first legal rights of children by setting the minimum age for child labor at 16 "during school hours."

The x-ray machine was developed in 1910. However, the medical profession did not begin reporting cases of untreated fractures and other injuries to children, believed to be willfully committed by their parents, until 1946. The term "battered child syndrome" first captured public attention in 1961 when it was used by Doctor Henry Kempe. By 1965, every state had enacted a child abuse reporting law due to the leadership from the medical profession and legislative action. Guardian ad litem appointments became mandated in 1974 with the enactment of the Child Abuse Prevention and Treatment Act. In 1980, Congress enacted The Adoption Assistance and Child Welfare Act which is a blueprint for combined efforts on the part of the judicial, executive, and legislative branches of government to preserve families and, if necessary, to build new families for children.

The concepts of protecting abused and neglected children are still relatively new, at least from a historical perspective. To date, the methods, programs and systems continue to be created and improved in efforts to cope with the problems these children must face.

What Is a "CASA"

Court Appointed Special Advocate (CASA) or guardian ad litem (GAL) are the terms used in juvenile court, depending upon which part of the country one is in. The CASA is a citizen who volunteers to become an advocate for the children assigned to

CASA for whom home placement is being determined in juvenile court. Most of the children are victims of abuse, neglect and/or abandonment. Most sadly, some children do not receive a CASA until they have become juvenile perpetrators themselves.

There are more than 26 CASA programs throughout California and over 600 CASA programs in the country. The juvenile and family court judges implement the CASA program in their courtrooms and appoint the volunteers.

CASA volunteers are not required to have any legal background. In addition to the 40 hours of training, they are screened, fingerprinted, and closely supervised. Volunteers are "chosen" for their objectivity, competence, and commitment.

The local CASA program is responsible for the training course, and the program requirements vary. The course is taught by lawyers, judges, social workers, psychologists, and CASA personnel. The volunteers learn about effective advocacy techniques, child abuse, early childhood development, and adolescent behavior. After being sworn in by the judge, volunteers are also required to attend monthly inservice training sessions.

Once the training, screening interviews, and background checks are complete, the CASA is sworn in by a judge. The role of the CASA volunteer is to research the background of the child's case. The Advocate will talk with the child, parents, family members, social workers, school officials, health providers, and others who are knowledgeable about the child's history. They also review the records pertain
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