

## Advocate Refresher

### Court Report Writing: Breaking it Down by Section

Court report writing is a big topic in the CASA world. Advocate Supervisors and CASA Volunteers spend a lot of time on this important task. CASA Court Reports are entered into the child's court record and are utilized by the judge and attorneys during Child In Need of Care Hearing's. The purpose of the CASA Court Report is to detail fact-based information that supports our assessments and recommendations. Fact based information is gathered at each CASA child visit. Information is also gathered from reading school and provider reports, speaking to DCFS workers, talking with parents, talking with foster parents, or any other person regarding the children that we serve.

All information gathered should be entered into Optima, our case management system. Our assessments should be based off several months of observations and information gathering, so documenting details is crucial for developing best interest recommendations. Information gathering is a fluid process, not just something to be done just before court. If our Optima Contact Logs are detailed, you are ahead of the game as it relates to getting the Current Situation portion of the court report completed.

**Below is a breakdown of each section of the court report and its purpose.**

#### Current Situation:

This section of the court report is used to report the fact-based information gathered. Your Optima Contact Logs should be read thoroughly and utilized in writing this section of the report. Below is a summary of what information is required:

*Child Information (Sources should include CASA's observations, conversations with the child, conversations with school officials and viewing school reports, discussions with DCFS, conversations with both biological and foster parents, and discussions with service providers.)*

- Where the child is placed and how the child interacts with the foster family
- Who the child wishes to have permanency with
- The relationship of the foster parent to the child and the potential for permanency
- How the child is doing in school or daycare
- Any special needs of the child
- Are the foster parents certified through the Department of Children and Family Services' Home Development Office
- Child family connections (Foster and Biological)
- Child community connections (School, Church, Extra-Curricular Activities)
- Child's strengths
- Child's services and firsthand information from the source (school, counseling, medical, etc.)

*Parent Information (Sources include CASA's observations of parent/child visits, conversations with the parents, discussions with DCFS, and reviewing provider reports):*

- What have the parents done or not done on their court ordered case plan
- Where the parents are living and working
- How the parents are demonstrating a behavioral change regarding the reasons that the child came into care
- How the child and parents interact during visits
- What are the parents' strengths
- What supports (community, family, social services, etc.) does the parent have

#### Writing Tips for the Current Situation:

*If you have all the above information along with any other pertinent facts, your research is completed and can be used to draft the Current Situation. This section should be utilized for documenting what is going on with the child, parents, and case. The information may include previously gathered information if it is still relevant, but much of the information should be up to date as it relates to the court date that you are preparing for.*

- Always cite your source. Examples of how advocates can do this are as follows: “*This CASA was advised by...*”, “*During this CASA’s visit on May 30, 2023, Ms. Williams told this CASA that John was up-to-date on all medical and dental appointments*”, or “*Susan told this CASA at a recent visit that she wanted to have more visits with her maternal grandmother*”.
- Use formal names for all adults in the child’s life. An example would be referring to the parents as Mr. or Mrs. (Last Name) instead of their first names.
- Utilize credible sources within the court report. Foster parents should not be the primary source of information. Speak regularly to schools, service providers, DCFS, and foster parents. This will assist us in evaluating the whole child/parent picture versus relying on only one source.
- Describe what is seen, heard, or read. If we are detailing that a foster parent has told us about negative behaviors, do not generalize and simply label the behavior as negative. Ask what the child’s actions are and document that. Examples: “*Mrs. Addison, Liam’s foster mother, has told this CASA that Liam frequently has episodes of hitting his foster siblings, refusing to follow directions, and tells family members that he hates them*”. This describes the behavior versus labelling the behavior or the child.
- If we are recommending services, the need for the service should be detailed in the Current Section. If we are requesting educational assistance such as tutoring, discuss what facts you have gathered to support this. There should be a logical reason for every recommendation in this section.
- When describing a child’s interactions with foster parents and biological parents, avoid generalizing. We often see statements in reports that say that the child is bonded with their foster parents or has an attachment to their foster family. We should describe the interactions. Examples would be seeing the child hugging his mother, laughing and playing with foster or biological siblings, or crying when the parent visit ended.
- We should not make assumptions about how parents, foster parents, or children are feeling. If we believe that a child was happy to be back with his parents, discuss what you saw versus what you assess. This can be done by stating the child was smiling or laughing during CASA’s visit.
- We can document how a child or other party tells us they are feeling. If a parent says that they are happy to have more visits or sad because visits are decreased, simply state this and your source. (Example: “*Ms. Jones, Tanner’s mother, told this CASA that she is very excited about having unsupervised visits with her son*”)

## **The Assessment:**

The assessment should always include paragraphs about specific child needs, placement, and permanency. Our children and cases are unique so there may be additional arguments related specifically to our children, but those three topics should always be addressed. Permanency is a paramount goal for all children in foster care. Evaluating permanency recommendations should not be taken lightly. CASA Volunteers and CASA Supervisors should regularly review the information that the advocate has gathered. While all information should be considered, the credibility of the source must be evaluated.

It is crucial that volunteers and supervisors be aware of how emotions, feelings, and unintentional biases influence permanency recommendations. Understanding what each goal means and how to apply the facts that have been gathered helps create an objective framework to the decision-making process.

**Below are the four most common case plan goals and questions for you to consider when evaluating permanency recommendations:**

**Reunification:** Unless there is an extreme circumstance, parents must be given 12 months to work towards reunifying with their children. The court may grant an extension beyond the 12-month period if there are compelling reasons to do so. When evaluating the appropriateness of this goal please consider the following:

- Are parents visiting regularly with their child?
- How do the parent and child interact?
- How does the child react when seeing his/her parent?
- How does the child react when leaving the parent visit?
- What compliance has the parent or parents made in addressing the reasons the child came into care?
- What are the barriers for the parents in completing their case plan?
- Does the parent have a home for the child to return to?
- What support systems are available to the parents if and when the child is returned home?
- Are there concerns for the child's safety if he or she is returned to his parents?
- Is the parent actively working their case plan and addressing the issues that caused the child to come into care, and is there a demonstrated behavior change?
- Has DCFS assisted the parents regarding barriers that prevent case plan compliance? (Examples would be transportation, disabilities, language differences, etc.)
- Can the parents complete their case plan in a reasonable time frame if they are given additional time beyond the 12-month period?
- What are the compelling reasons for asking the court to grant an extension to the parents?

**Adoption:** If a parent is unable or unwilling to work a case plan to reunify with their child, CASA volunteers may ask the court to consider changing the child's goal to adoption. In order for a child to be freed for adoption, the state must file a petition to terminate the parents' rights to the child or children. When evaluating this case plan goal, please consider the following:

- Is there any reason filing a petition for termination of parental rights is not in the child's best interest?
- Is the current placement an adoptive home?
- Is the current home a certified foster home or a relative placement that will need to be certified as an adoptive home?
- How old is the child?
- Are there adequate grounds for the Department of Children and Family Services to petition the court for termination of parental rights?
- Will the child experience a loss of family connections if they are adopted?
- Are there siblings? If the siblings are not together, will the sibling connection be maintained post adoption?

**Guardianship:** If adoption is not possible or if there are other compelling reasons, particularly for older children, volunteers may ask the court to consider changing the child's goal to guardianship. With

guardianship, parents retain their rights and may be able to petition the court later to regain guardianship of their children. When evaluating this case plan goal, please consider the following:

- Are the current caretakers willing to accept Permanent Guardianship of the child or children?
- Does the caretaker understand that this legally binds the caretaker to caring for and providing for the child until the child's 18<sup>th</sup> birthday?
- Is the caretaker certified through the Department of Children and Family Services as a foster parent? (This information is needed to determine if the caretaker will be eligible to receive a subsidy for continued financial assistance until the child's 18<sup>th</sup> birthday if guardianship is granted.)
- Is the caretaker currently receiving financial assistance from the biological parent or Kinship Care? If so, is continued support needed should the caretaker not qualify for financial support from the state, or the parent stops support payments?
- How old is the child?
- Does the child wish for the current caretaker to become their permanent guardian?
- If guardianship is granted to the current caretaker, will important family connections be preserved?
- Are there siblings? If the siblings are not placed together, will the familial relationship be preserved post guardianship?

**Alternative Permanent Living Arrangements (APLA):** This goal should be considered only after all of the above goals have been ruled out. A case plan goal of APLA means that the child will age out of foster care. Please consider the following when evaluating this goal:

- Why is Reunification not possible for the child?
- Why is Adoption not possible for the child?
- Why is Guardianship not possible for the child?
- Have all possible relative placement resources been explored?
- Does the child have siblings that are not in care or are placed with another relative? If so, are sibling visits taking place? What is the plan to sustain those connections?
- Are there any appropriate family members that can be a visitation resource to the child?
- Are services in place to help the child transition into adulthood?
- What is the child's educational level?
- Does the child have information about Extended Foster Care?
- Would the child benefit from Extended Foster Care?
- Has DCFS and CASA worked to develop a child specific Youth Transition Plan?
- Is the child 16? (Children under the age of 16 are not eligible for this goal).
- Does the child have any special needs that impact the child's ability to function independently in adulthood?

#### **Writing Mechanics for the Assessment:**

The following writing examples demonstrate effective methods for using the information that has been gathered and evaluated can be documented in our CASA Court Reports:

- *The child has resided with his grandparents since he entered foster care at birth. His grandparents provided a nurturing environment while the child recovered from the effects of heroin withdrawal. The child has had some contact with his mother, but she has not demonstrated the ability to care for him based upon her not having adequate housing and continuing to test positive for drugs. This CASA feels that the goal should be changed to adoption. The child is two years old and has been with his grandparents all his life.*
- *This CASA believes that it is in the best interest of the child for the court to give the parents an additional 90 days (about 3 months) to work their case plan. The parents visit regularly with their child and this CASA has observed appropriate affection and nurture. The child tells this CASA how much she wants to return home to her parents and the current foster parents are a great support system for the family.*
- *This CASA is concerned about the mental health of the child. During visits, this CASA has observed the child crying excessively and not being responsive to her foster parents' attempts to calm her. School officials have also reported this. This CASA is aware of the trauma that the child experienced and feels that a mental health evaluation is needed.*

## **Recommendations:**

Recommendations are the finale of the court report. There should be no explanation of why we are making the recommendation in this section, the recommendations should be clearly stated. The Current Situation and Assessment should support the clearly stated recommendations.

Below are some examples:

- **CASA recommends that the case plan goal be changed to Guardianship.**
- **CASA recommends that the child be referred for a mental health evaluation.**
- **CASA recommends that the mother be referred to TBRI Courses.**

Please remember that court report preparation is a collaborative effort. CASA Advocate Supervisors are available for consultation and guidance throughout the process. Ask for help early versus waiting until the day the draft is due. The process is simplified when we gather information consistently and document our information in Optima. Volunteers have already done the legwork and research; it is just a matter of transferring the information into the report and assessing best interest recommendations based upon the information gathered.