

Case Participants

There are many people involved in a dependency case. For our purposes, we will look at them in two categories: 1) Parties, and 2) Players.

Parties

A “party” in a civil case is someone who has an actual, personal stake in the outcome of the hearing. Parties are entitled to be present at every stage of the proceedings, have a right to an attorney, and can act in the court case by putting on evidence, calling witnesses, etc. In a dependency case, the legal parties are:

- Child
- Mother
- Father
- The State of Missouri, in the form of caseworkers on the case
- Legal guardians, if any
- Native American tribe, if any – and if the Tribe so chooses

Players

We’ll call a player someone who cares about the people involved, is involved in the case, or in some other way important to the process. These individuals are essential to the process, but do not get an absolute right to be present at all stages, or have the right to an attorney.

These players are:

- Judge
- Attorneys (any party can have an attorney who will speak for the party)
- CASA volunteer
- Mothers and fathers who might be a parent (they have standing to assert parentage)
- Family members
- Siblings
- Important people (like step-parents, god parents, friends, etc.)
- Service providers (foster parents, therapists, teachers, doctors, etc.)



A. Family Support Team (FST)

The Family Support Team are those individuals who support the child and his/her family during the child's time in protective custody. The CASA volunteer is a member of that team. One key role of the CASA is to attend all monthly Family Support Team meetings (commonly referred to as FSTs) to stay informed of issues on the case and to advocate to other members of the team for services, placement concerns, and other matters pertaining to the child. Other key professional members of the team include:

1. Guardian Ad Litem (GAL)

Pursuant to Missouri state statute 210.160, the court must appoint a "Guardian ad litem" (commonly referred to as a GAL) for every foster child. By law this person is an attorney charged with conducting an independent investigation of the circumstances surrounding the child and reporting the best interests of the child to the court.

Like the CASA, the GAL is appointed to represent the best interest of the child, not the child's wishes (what the child wants versus what is best in the GAL's informed opinion). The judge weighs the GAL's opinion heavily when making a decision as such the GAL is powerful player.

As a CASA, your role is very much the same: independently gather information and report your recommendations of the child's best interests to the court. By state law, the CASA volunteer is actually an extension of the GAL.

2. The Caseworker

Probably the most powerful player – who is also a party in his or her official capacity – is the caseworker. Simply put, the caseworker is the key player in the delivery of services to the family and child. The caseworker has a duty to ensure the child's safety, investigate and report to the court, engage the family with referrals and services, respond to requests from the court, and basically do all of the social work and paperwork on the case.

This is a very large task indeed. If something happens with the school – call the caseworker; child needs therapy – call the caseworker; child has an issue with the medical insurance – call the caseworker; mother needs to drug test – caseworker will set it up; father needs a job – there must be something the caseworker can do. The result is a caseworker who has limited time but unlimited responsibility.

Because of this, the court will often give the caseworker the discretion to make most decisions for the child – until someone requests review by the court. Therefore, the caseworker uses his or her education, experience, and understanding to best serve the family. Because of this, the caseworker is one of the most important individuals in the child's case.



3. The Deputy Juvenile Officer

A third member of the team is the Deputy Juvenile Officer (referred to as a DJO or JO). The DJO maintains close contact with the rest of the Family Support Team to act as the eyes and ears of the Juvenile Office attorneys for the case as well as to provide input and support to the child and family in the way of recommendations and access to court services. In a sense DJOs are part fact-finder and part paralegal on abuse and neglect cases on behalf of the Juvenile Office.

B. Understanding Role Differences

It can be difficult to be a CASA volunteer. Oftentimes the things you do will look like a friend, others it will look like an attorney, and others a caseworker.

Therefore, it can be necessary to clarify the difference between a CASA volunteer and a caseworker. The comparison below may help to define the responsibilities of each.

Caseworker

Is responsible for substantiating allegations in the petition.

Is responsible for development and management of the case plan.

Provides and oversees services to the family, i.e., transportation, supervised visitation, mental health services, parenting classes, domestic violence classes, drug treatment and testing, etc.

Visits the child once a month at least and has a caseload of over a dozen children

Makes reports and recommendations to the court.

CASA Volunteer

Does not participate in substantiating allegations.

Works with the caseworker to identify gaps in services to the child.

Ensures that the court is aware of any needed services and if they are being delivered.

Visits the child much more frequently, usually has only one CASA child or sibling group.

Gathers information about the child's situation, and makes recommendations to court.



C. Parties and Players

Below is a listing of some of the parties and players involved, along with some of their roles and responsibilities in bullet point form.

The Child (Party)

Why is the child's case in court?

- A petition has been filed alleging abuse or neglect.

What does the child need during court intervention?

- The child needs the court to order an appropriate intervention and treatment plan so that he/she can live in a safe, stable home without ongoing need for intervention.
- An appropriate plan will address safety/protection, placement if the child is out of the home, family contact, belonging to a family, financial support, a support system, education, mental health, physical health, and other "quality of life" issues.
- The child needs services to be provided that will meet his/her needs.

CASA Volunteer (Player)

The role of the CASA volunteer is to:

- Independently gather information about the child's case.
- Determine the child's needs.
- Explore family and community resources to meet the child's needs.
- Make recommendations to the court.
- Advocate for the child within and outside the courtroom.
- Monitor the case.
- Be the voice of what is in the child's best interest.
- Be the voice of the child's expressed wishes.

The CASA volunteer brings to the case:

- An interest in improving the life of the child through the court process.
- Time, energy, focus, and longevity.
- An "outside the system" point of view and an independent perspective.
- The community's standard for the care and protection of its children.



Guardian Ad Litem (Player)

The role of the child's GAL is to:

- Represent the child's best interests and protect their legal rights.
- Translate his/her (and, ideally, the CASA volunteer's research and recommendations from his or her court reports) recommendations into a oral testimony at court hearings
- File legal documents relevant to the child's case and ensure that the child's rights are respected throughout the case.

What does the child's GAL bring to the case?

- GALs bring legal expertise, facilitation and negotiation skills, and courtroom experience.

When is the GAL for the child involved in the case?

- He or she is appointed at the Protective Custody Hearing and remains on the case for its duration.

Parents or Caretakers Named in the Petition (Party)

Why are the parents/caretakers involved in the case?

- They have been forced into the court action because the child welfare agency asked the court to intervene to protect their child.
- They need to comply with the child welfare agency's intervention plan (Written Service Agreement) and correct the conditions that led to the child's removal, which means effectively protecting their child and/or enabling their child to return home.
- They need to follow the orders of the court – or they risk having their parental rights taken away (“terminated”).

What do the parents/caretakers bring to the case?

- The parents bring their love of the child, family ties, a history of parenting, abilities, and skills as parents, interactions with the child and with each other, mental and emotional health, physical health, support systems, housing, income, and their own set of challenges.



Attorney for the Parent/Caretaker (Player)

The role of the attorney for the parent/caretaker is to:

- Represent the wishes of the parent/caretaker he/she represents.
- Protect the legal rights of the parent/caretaker in court.
- Advise the parent/caretaker on legal matters.
- File legal documents relevant to the case.

What does the attorney for the parent/caretaker bring to the case?

- He/she brings legal expertise, facilitation and negotiation skills, and courtroom experience.

When is the attorney for the parent/caretaker involved in the case?

- He/she is involved from the petition filing through the end of the court case.

Caseworker (Party in their official capacity)

What is the role of the child-protection agency caseworker in the case?

- The caseworker has completed a risk assessment process and, based on risk or substantiated allegations of abuse and/or neglect, has determined the need for court intervention. The caseworker petitioned the court to intervene on the child's behalf because:
 - He/she has developed an intervention plan with the family, which has not sufficiently eliminated the risk that child maltreatment will happen again, or
 - Due to risk of imminent danger, the caseworker has already removed the child from her home to ensure the child's safety.
- The caseworker needs the court to order that the agency's intervention and treatment plan be followed by the parents/caretakers and other service providers so that the child receives proper care and protection without continuing agency intervention.
- The caseworker is responsible for managing the case and arranging for court-ordered services to be provided to the child and the child's family.

The child-protection agency caseworker brings:

- Training in analyzing risk, assessing service needs, and providing guidance to families.
- Direct services for families to provide them with the knowledge, skills, and resources necessary for change.
- Links to other service providers so the family can access resources outside the child protective services system.

When is the child-protection agency caseworker involved in the case?



- A caseworker is involved from the initial contact with the family and/or child until the agency's services are no longer needed.

Juvenile Officer (Player)

The role of the Juvenile Officer is to:

- Represent the position of the State of Missouri in court.
- Gather and present evidence as to the allegations against the parent/caregiver.
- File legal documents relevant to the case.
- File motions for terminating parental rights and ordering protective custody.

What does this attorney bring to the case?

- He/she brings legal expertise, facilitation and negotiation skills, and courtroom experience.

When is this attorney involved in the case?

- He/she is involved from the petition filing through the end of the case.

The Deputy Juvenile Officer- DJO (Player)

The role of the Deputy Juvenile Officer (DJO) is to:

- Assist the Juvenile Officer in the writing and filing of motions.
- Assume the responsibility of delivering juvenile court services to children and their families.
- Give testimony in the juvenile court and make recommendations to the judge regarding treatment services.
- Act as the eyes and ears of the Chief Juvenile Officer as a member of the Family Support Team (FST).

When is the Deputy Juvenile Officer involved in the case?

- The Deputy Juvenile Officer is involved from the request for emergency custody at the petition filing until the court case is closed (or, if child is not removed from home, from the arraignment or adjudication hearing, depending on jurisdiction, until the court case is closed).



The Judge (Player)

The role of the judge is to:

- Decide, based upon the statutes of the State of Missouri, if the child is abused or neglected, and if so, order services that will address the needs of the child.
- Determine if there is a continued safety issue for the child that necessitates continued out-of-home placement if the child has been removed from home.
- Order and oversee appropriate and timely reviews of the case.
- Hear and decide upon motions regarding what should happen in the case.
- Approve the permanent plan for the child.
- Order termination of parental rights when appropriate.
- Settle disputed adoption cases.
- Close the court case when there is no longer a need for court intervention or the permanent plan has been achieved.

When is the judge involved in the case?

- The judge is involved from the request for emergency custody at the petition filing until the court case is closed (or, if child is not removed from home, from the arraignment or adjudication hearing, depending on jurisdiction, until the court case is closed).

