



## Midwest Foster Care and Adoption Association

Providing foster and adopted children the opportunity of a stable, caring, loving and nurturing family environment by recruiting, training, developing, supporting and motivating foster and adoptive parents.

*Dear Friends,*

**O**n September 1, 2011 the revised Supreme Court Standards for Guardian Ad Litem (GAL) in Juvenile and Family Court Division Matters were enacted throughout the state of Missouri. These changes were made in response to HB 1570, which passed in 2008. That bill was encouraged by MFCAA, in order to address inadequate and inconsistent representation for kids in court rooms across the state. Prior to the implementation of the new standards this year, the original Missouri Supreme Court GAL standards were not required to be implemented in every circuit in the state. Circuit courts could 'opt in' to the standards or not, at their discretion. The change in the law required that standards be implemented statewide, and tasked the Missouri Supreme Court with the challenge of updating those standards to reflect current best practice and to be feasible for implementation statewide.

The reason MFCAA strongly supported these GAL changes is our belief, supported by a decade of individual advocacy work with families, that Missouri children have been underrepresented statewide by Guardian Ad Litem who are either unable or unwilling to do the necessary work to get to know the child and the child's circumstance and to make appropriate recommendations to the court based on their independent investigation and beliefs about the child's best interest.

We have seen hundreds of cases where guardian ad litem appointed by the court have failed to ever

meet or interact with the children they are charged with representing. We've spoken to dozens of foster families who have never once been asked by a guardian ad litem for a child in their home about the child's status, functioning in school, emotional needs or concerns regarding the case. We've witnessed guardian ad litem failing to do more than simply parrot the recommendation of another team member without doing any of the necessary work to come to an independent opinion. And this failure, on the part of guardian ad litem has led to poor outcomes for children and families on many, many occasions.

As an advocacy organization, MFCAA strives to shine light on the problems that are inherent in this system in order to seek positive change for the benefit of the children we all serve. This advocacy strategy has been successful time and time again, because our community and the people in it (including those working within this system) truly care about the children and families we work with. It may be difficult to hear, but it's the truth. As we all know admitting you have a problem is the first step in solving the problem.

Often there are valid excuses about why inadequate GAL services have been provided to children, including lack of funding to hire enough attorneys, or lack of funding to compensate attorneys enough to inspire them to be willing to take on GAL cases. We simply do not accept that any barrier to effective representation for children is justification for letting things continue at the status quo. We believe that there is a solution to every problem. Finding a solution simply must become a priority across the

board. And making something a priority is often accomplished by making some noise.

Because you, as foster, kinship and adoptive parents, have the most continuous direct contact with children, we believe that you should be aware of the new GAL standards and what you can do to ensure that the standards are followed in your children's cases. In this newsletter we will provide you with information and commentary on the standards that should be easily observable to foster, kinship and adoptive parents.

But knowing the standards is not enough. As I've indicated above, in order to compel change we must raise the flag and call attention to failure to comply with the standards. The Missouri Supreme Court charges the Circuit Courts with the responsibility for assuring adequate GAL representation for the children in their areas. But the court will not act without knowledge and evidence of the need to act. So our goal is to equip the Circuit Court with the information necessary for them to take action on behalf of our kids.

Any party to a child welfare case can file a motion with any Missouri court to request a change of guardian ad litem for cause if ANY of these standards are not followed in a specific case. If after notification (which the foster parent can provide to the parties) the parties won't help and the guardian ad litem's failure to comply is egregious, we would strongly encourage you to consider contacting the Missouri Office of the Child Advocate (OCA). That office has the authority to provide information to the court on behalf of a child when it feels that the child is at risk due to factors the court may not have knowledge of. OCA can be reached toll free at 866-457-2302 or via email to [OCA@oca.mo.gov](mailto:OCA@oca.mo.gov).

When it comes to protecting the interests of the children you love, be proactive. We strongly encourage foster parents to reach out and make contact with your child's guardian ad litem. Provide them with adequate notice of the child's IEP meetings and teacher's conferences and invite them to come to your home to visit with their client (the child) there. If you can't get a phone call returned, then send the invitations via email. All of the Jackson County OGAL and CASA email addresses are available online on MFCAA's contact page along with the CD and Contract Agency staff addresses. Other circuit's GAL contact information should be readily provided to foster parents by social workers or the court.

Email provides documentation of your attempt to assist in making the child available. If you witness a failure to comply with the standards, we encourage you to make note of your concerns in writing to the child's social worker and the Juvenile Officer. Typically foster parents are not parties to the case, so you cannot bring motions to dismiss for cause yourselves, but you can make your concerns known and encourage other parties to the case to do what is necessary to ensure that the children you care about are adequately represented.

MFCAA believes that the court process for the protection of children is dependent on EVERY member of the Family Support Team fulfilling the obligations of their specific role. Without each person performing his/her job adequately, the child and the family are denied the opportunity for safety and timely permanency.






Foster parents are accustomed to being held to a high level of scrutiny and accountability. We live with that for the benefit of the children we serve. We strive to improve our skills and meet the expectations established by the state for our performance. It is our belief that the other members of the team should be willing to do the same thing. A good guardian ad litem is core to ensuring positive outcomes for children. I've been involved in this child welfare system since 1985. I've never met a child who didn't deserve adequate and appropriate representation. I'm sure most of us would want only the best for our own children. Foster children belong to all of us, so let's do right by them.

Sincerely,



Lori Ross

For more information on the new GAL standards, please see pages 4 & 5 of this newsletter.

sunday	monday	tuesday	wednesday	thursday	friday	saturday
<b>Nov</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>  	<b>5</b>
<b>6</b>	<b>7</b>	<b>8</b> 	<b>9</b>	<b>10</b>	<b>11</b> 	<b>12</b>
<b>13</b>	<b>14</b>	<b>15</b> 	<b>16</b>	<b>17</b>	<b>18 National Adoption Day</b>  	<b>19</b>
<b>20</b>	<b>21</b>	<b>22</b> 	<b>23</b>	<b>24 Thanksgiving Closed</b>	<b>25 Closed</b>	<b>26</b>
<b>27</b>	<b>28</b>	<b>29 Conference</b> 	<b>30 Conference</b>	<b>31</b>		



Clothes Closet  
9a-2p



Food Pantry  
9a



First and Third Friday  
Training 6:30p—8:30p

### Clothes Closet & Food Pantry

MFCAA's Clothing Closet provides clothing, shoes, coats, toys, high chairs, car seats and more, free of charge, to all MFCAA Members. Clothing Closet hours are 9am-2pm on Tuesdays and Fridays.

MFCAA's Food Pantry provides basic food items to all Members, and is open Tuesday and Friday at 9am. Call 816-350-0215 for an appointment.

Foster Parents are required to maintain a certain number of training hours in order to keep their licenses, and ALL parents can use additional tools to care for the children in their homes. MFCAA provides two great resources for "parent training."

Resource Library - MFCAA has a lending library with video tapes, DVD's, CD's and books that can be checked out and used for outside training hours. Call Mary at 816-350-0215.

On-site Training—On-site Trainings are held at MFCAA, in the 2nd building on the far LEFT of the drive.

Please park in the paved lot (continue past the training building, and follow the drive as it curves right), then walk to the training building (for more info call 816-350-0215). Childcare is provided during both training sessions, for children ages 3 and older who are potty trained.

### ON-SITE TRAINING SCHEDULE:

**November 4th Eating Issues in Children who have been Traumatized** - Kathe Kraly and a team of experts from Children's Mercy Hospital

Failure to thrive, bulimia, obesity, and hoarding are a few of the issues we see with all children in the world today. We have for many years so why does it affect so many of the abused and neglected children we serve?

**November 18th Transitioning Foster/Adopt Teens to Adult Services** - Karen Candie, Children's Division

When your children reach the magical age of 18, adult services kick in. Even if they are heavily medicated, have a list of diagnosis, or do not have a disability that keeps them from working...the Medicaid is gone.

"MFCAA does not discriminate in the provision of service, in employment, or in membership on the agency's governing board on the basis of race, color, national origin, marital status, gender identity or expression, sexual orientation, religion, age, disability, or ethnicity."

# Missouri Supreme Court Standards for Guardian Ad Litem, with MFCAA Commentary

**Standard 1** is a lengthy discussion addressing how the courts appoint Guardian Ad Litem.

**Standard 2** addresses caseloads. This is an issue in some jurisdictions, including Jackson County (Kansas City), in which GAL duties are performed by attorneys who do this as their sole legal practice. The standard language is “**A guardian ad litem has a duty to notify the court if the caseload reaches a level bearing upon the guardian ad litem’s ability to meet these standards or comply with the ethical standards of the rules of professional conduct.**” This is a critical standard. The fact that a circuit has designated a process or organization to handle GAL representation for children, and then assigns that entity to represent children in numbers which exceed reasonable caseload sizes, **CANNOT** be used as an excuse to allow children to continue to receive inadequate representation in Juvenile or Family Court matters.

In 2001 the National Association of Counsel for Children (NACC) issued a recommendation on appropriate caseload size for Guardian Ad Litem in abuse and neglect cases. Both the NACC recommendation and the second Missouri Supreme Court Standard recognize that the lack of standards of practice or guidelines on caseload size for attorneys representing children in child protection proceedings has frequently been cited as a major cause of substandard and ineffective legal representation of children. The NACC standard for caseload size is:

**The NACC recommends that a full time attorney represent no more than 100 individual clients at a time, assuming a caseload that includes clients at various stages of cases, and recognizing that some clients may be part of the same sibling group. This is the same cap recommended by the U.S. Dept. of HHS Children's Bureau and the American Bar Association. One hundred cases averages to 20 hours per case in a 2000-hour year.**

For example, in Jackson County, Kansas City, the Office of the Guardian Ad Litem employs 7 attorneys. Those attorneys represent an average of 235.7 clients each. Clearly, without any additional information, this information raises serious concerns about whether this office, with its current structure and staffing level, can adequately represent the needs of its child clients. MFCAA believes that without substantial changes in the system of child representation in Jackson County, this circuit will remain unable to meet the new standards based on this issue alone. The attorneys in the Office of the Guardian ad Litem in Jackson County have an obligation per this standard to raise this issue to the Jackson County Family Court and the Court en Banc. The Court has an obligation to respond and make the changes necessary to provide adequate representation to children. And as a society which values its children, we have a responsibility to demand that our courts and our county legislature make the changes necessary to meet this obligation to the children who are dependent on us to protect their interests.

**Standard 3** deals with the Independent Judgment of the Guardian ad Litem. It states that “**A guardian ad litem shall be guided by the best interests of the child and shall exercise independent judgment on behalf of the child in all matters.**”

**Standard 4** outlines General Duties and Responsibilities. This is another critically important standard in that it lays out the courts’ expectations for those attorneys who represent children in this way. The standard says: “**The guardian ad litem shall provide not only factual information to the court but also shall diligently advocate a position in the best interests of the child. The guardian ad litem shall be prepared to participate fully in any proceedings and not merely defer to other parties. The guardian ad litem may examine, cross-examine, subpoena witnesses, and offer testimony. The guardian ad litem when appropriate to represent the best interests of the child shall file petitions, motions, parenting plans, responses or objections. The court shall assure the guardian ad litem maintains independent representation of the best interests of the child. The court shall require the guardian ad litem to perform the guardian ad litem duties faithfully and, upon failure to do so, shall discharge the guardian ad litem and appoint another.**”

The comments section of this particular standard explains that the Supreme Court expects the guardian ad litem to conduct all necessary interviews with persons having contact with or knowledge of the child in order to ascertain the child’s wishes, feelings, attachments, and attitudes. The guardian ad litem is also expected to conduct interviews with the child except when the child is too young or some other legitimate circumstance (remember **not** caseload size as indicated in Standard 2) prevents an interview. The standards go on to state that the guardian ad litem should conduct **regular** face-to-face meetings with the child in order to observe the child’s physical, mental, social, educational and familial well-being and to form opinions about the child’s best interests.

Failure on the part of the guardian ad litem to either 1) interview persons having contact with and knowledge of the child (including foster, kinship or adoptive parents, therapists, teachers, daycare providers, etc...) or 2) interview the child and have **regular** face-to-face meetings with the child in a variety of settings, would be grounds for the court to presume that the guardian ad litem did not perform the general duties and responsibilities outlined in this standard. And, without having performed these important investigatory functions, any recommendation made by the guardian ad litem on behalf of a child could then be seen as invalid based on lack of information or invalid because it would be reliant upon the observations of others rather than formed independently as required by law.

**Standard 5** addresses Access between the Guardian ad Litem and Child. This standard creates the opportunity for the contact requirements addressed in Standard 4 to occur. It says, “**The guardian ad litem and the child shall have access to each other at reasonable times and places, and this access shall not be restricted or limited by any agency or person without good cause. To ensure proper access, the guardian ad litem has the obligation to ascertain the location of the child, to initiate communication with the child, and to provide the child with contact information for the guardian ad litem promptly. The child’s legal custodian shall provide the guardian ad litem with timely information regarding the current residence of the child and shall notify the guardian ad litem promptly of any change in placement of the child.**”

This standard is followed by comments which state that ‘establishing and maintaining a relationship with the child is the foundation of effective guardian ad litem representation’. It indicates that ‘frequent’ communication between the GAL and the child is vital. Failure

on the part of the GAL to 'initiate communication with the child' or to 'provide contact information for the GAL to the child' would also be a failure to comply with these standards which would constitute grounds for discounting the recommendations made by the GAL, and grounds for removal of the GAL for cause by the court.

**Standard 6** addresses the Guardian ad Litem Access to Reports and Records. The standard says: **"The guardian ad litem is entitled to all reports relevant to the case and shall have access to all relevant records relating to the child, the placement of the child, or the child's family members."** The corresponding comments make the point that "It is essential that the guardian ad litem personally review the available information rather than relying upon descriptions, summaries or characterizations of the evidence provided by others." Again, this standard establishes the responsibility the GAL has to assure that the information is independently examined and evaluated so that decisions and recommendations are reflective of the GAL's thorough investigation and carefully considered opinion related to the child's best interest.

**Standard 7** addresses Confidentiality and Privilege. This standard says, **"A guardian ad litem shall comply with all statutes, rules, and regulations relating to the receipt of confidential or privileged information received as guardian ad litem. A guardian ad litem shall not redisclose any confidential or privileged information without valid court order as required by law except as permitted by Rule 4-1.6."** This standard's corresponding comments indicate that 'Discussion among the parties about confidential or privileged information is allowed. However it is generally not permissible to redisclose any of this information to any person not a participant to this case.' This comment is unclear in MFCAA's opinion, as to the application as relates to foster or kinship parents, parent aides, therapists, support workers, etc., who are not directly parties to the case, but who are clearly members of the child welfare team for the specific children and families they serve. This may prohibit guardian ad litem from communicating about cases with foster/kinship parents and other team members who are not parties, or it may allow for that contact based on the courts' interpretation. Our concern is solely that whichever interpretation is made by the court be applied consistently to all members of the family support team who are not parties to the case, rather than being used as an excuse for excluding resource families from access to information while providing that same information to all other members of the family support team.

**Standard 8** addresses Progress of the Case through the Court Process. It says, **"The guardian ad litem shall review the progress of a child's case through the court process and advocate for timely hearings, provision of necessary services, and compliance with court orders."** This standard again addresses the importance of direct contact between the guardian ad litem and the child and those who work closely with the child. The comments state, "The guardian ad litem should stay in touch with the child, third party caretakers [foster/kinship parents], case workers, and service providers throughout the term of appointment to ensure the child's needs are met and the case moves quickly to an appropriate resolution."

**Standard 9** requires the guardian ad litem to Relate the Court Process to the Child. It states: **"The guardian ad litem shall explain, when appropriate, the court process and the role of the guardian ad litem to the child. The guardian ad litem shall ensure that the child is informed of the purpose of each court proceeding."** Failure on the part of the guardian ad litem to explain the purpose and nature of each court hearing, is again, failure to comply with the standards established.

**Standard 10** lines out the expectations for guardian ad litem in terms of Case-Related Activities, **"The guardian ad litem shall participate, when appropriate, in the development and negotiation of any service plans, parenting plans, proposed orders, and staffings that affect the best interests of the child as they relate to the case at hand. The guardian ad litem shall monitor implementation of service plans and court orders while the case is pending to determine whether services ordered by the court are being provided in a timely manner."** The comments refer specifically to Family Support Team meetings and Permanency Planning Review Team meetings. This would seem to indicate to MFCAA that it would be appropriate to expect that the guardian ad litem for the child be present in those meetings, not a representative from the guardian ad litem's office or a volunteer. In fact, to send a representative or volunteer to attend the meeting and then utilize the information gathered by that representative as the basis for a recommendation without having attended and participated would seem to be directly contrary to Standards 4 and 6.

**Standard 11** talks about Participation in Court Hearings. This standard sets forth the expectation that the GAL will appear, will not waive the presence of the child without cause, and will participate fully in all proceedings.

**Standard 12** covers the issue of Protecting the Child as a Witness, which is a fairly rare circumstance in child protection cases. An example of this would be when a parent is prosecuted criminally for some kind of abuse that the child witnessed. This standard seeks to limit multiple depositions and repetitive examinations.

**Standard 13** addresses Recommendations to the Court. This standard states, **"The guardian ad litem shall present a recommendation to the court when authorized by law or requested by the court on the basis of the evidence presented and consistent with the best interests of the child. During the proceedings, the guardian ad litem must inform the court of the child's wishes and preferences even though different from the guardian ad litem's recommendation."** Clearly in order for the guardian ad litem to share with the court what the child's wishes are, the guardian ad litem will have to have spoken to the child and asked those questions. Failure to do so indicates inadequate representation for the child.

**Standard 14** defines the Training requirements for guardian ad litem. This is a lengthy standard which lays out the fact that attorneys who represent children in child welfare actions need a unique knowledge set. The Supreme Court establishes the expectation that attorneys who engage in this type of practice will have the core knowledge necessary to adequately perform their duties.

The full text of the standards can be found online at: <http://www.courts.mo.gov/courts/clerkhandbooksp2rulesonly.nsf/c0c6ffa99df4993f86256ba50057dcb8/a6135d5fc4666c9f8625769d005a45fe?OpenDocument>

# 2011 Conference

## November 29 & 30

Westin Crown Center

[www.fosteringstrategiesforchange.org](http://www.fosteringstrategiesforchange.org)



## **MFCAA Annual Christmas Party**

**December 9, 2011**

**6:00 pm—8:00 pm**

**American Royal**

**1701 American Royal Ct**

**Kansas City, MO**

Please RSVP by calling 816-350-0215 or by email to [kim@mfcaa.org](mailto:kim@mfcaa.org)

Join us for fun activities for the kids, prize drawings for the adults and a visit by Santa for all!



WHEN: Friday, November 18, 2011,  
Reception at 1:30 p.m., and  
Continuing until 4:00 p.m.

WHERE: Jackson County Family Court  
Juvenile Justice Center  
625 E. 26th Street, Kansas City, MO  
Courtroom Lobby Area

**WHO'S INVITED?:**

Adoptive Petitioners (past and present)

Adoptees

Attorneys

Social Workers

Adoption Agencies and anyone else involved in adoptions

Picture Taking Welcomed!!!!!!

There will be small gifts for all adoptees, and refreshments for all who attend.

For More Information, please contact:

Susan Hoysradt at 816-435-4715

Cheryl Waxter at 816-435-4724



## **We need donors to help with our adopt-a-family Christmas program.**

Many of these families have opened every bed in their home in an effort to provide love and stability for children. Each family MFCAA pairs with a donor is making the ultimate commitment to our future by caring for the abused and neglected children of our community.

You can help in many ways: adopt-a family, general donation of gifts, or cash donation. Over 100 of our children have not yet been matched with a holiday donor.

Visit [www.mfcaa.org](http://www.mfcaa.org) for more information or call us at 816-350-0215.





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**November 2011**



## **Recipe of the Month**

### **French Stew**

From [kellythekitchenkop.com](http://kellythekitchenkop.com)

2# beef stew meat  
2c. beef broth/stock  
1 onion, sliced  
sea salt & pepper to taste

Put all ingredients into a large covered casserole, 4 hours @ 300\*. Thicken with a flour & water mixture and put back into the oven for 10-15 minutes. Serve over noodles or rice, or throw in some carrots & potatoes for the last couple hours of bake time.

*This column is funded by The Junior Service League of Independence, Missouri*