

# **TRIBAL COURT CASA: A GUIDE TO PROGRAM DEVELOPMENT**

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## TABLE OF CONTENTS

<b>Introduction</b>	<b>5</b>
<b>Overview of CASA</b>	<b>7</b>
Conditions that led to CASA	8
The Search for Solutions	9
CASA Offers a Solution	12
Growth of the CASA Idea	13
Who Supports CASA?	13
The National CASA Association	14
National CASA Association Recognition and Awards	16
<b>Overview of Tribal Court CASA</b>	<b>17</b>
Tribal Court CASA Programs	17
Overview of Tribal Courts & the History of Native American Child Welfare	18
Training and Technical Assistance	19
<b>Section I: Planning a Quality Program</b>	<b>21</b>
<b>Developmental Activities for CASA Programs</b>	<b>22</b>
<b>Initial Planning Steps</b>	<b>23</b>
Become Educated About the Problems	23
Assess the Community's Response to Child Abuse; Do We Need CASA?	23
Determine if the Program Will Succeed	24
Enlist the Right People to Help	25
Obtain Judicial Support	25
Form a Steering/Planning Committee	26
Plan the Committee's First Meeting	27
Next Steps	28
<b>Does Your Tribe Need CASA? Community Assessment Questionnaire</b>	<b>30</b>
<b>Creating the Organization</b>	<b>32</b>
The Mission	32
Establish a Plan	32
<b>Organizational Structure</b>	<b>34</b>
Establishing CASA Under the Tribe	34
Establishing CASA Under Another Organization	37
Establishing CASA as a Independent Organization	37
Administrative Models of Tribal Court CASA Programs	41
<b>Which CASA Model to Use</b>	<b>42</b>
The CASA as Guardian Ad Litem (GAL)	42
The CASA as Friend of the Court	44
The Monitoring Model	44
<b>Establishing the Board</b>	<b>45</b>
Board Recruitment	45
Considerations in Selecting Board Members	46
Board Responsibilities	47
<b>The Power of Image</b>	<b>49</b>
Developing Community Support	49
How CASA Relates to Others in the System	50
Responding to Common Objections to the Program	53
Gaining Visibility in the Community	55
Getting Started: The Basics	55
<b>Establishing a Relationship with the Court</b>	<b>58</b>

Role of the Volunteer _____	58
Guiding Principles _____	58
Agreement with the Court _____	60
<b>Funding the Program _____</b>	<b>61</b>
Developing the First Budget _____	61
Developing a Successful Approach to Fundraising _____	62
Possible Funding Sources _____	63
Some Tips to Make Grantwriting a Little Easier _____	69
<b>Staffing the Program _____</b>	<b>71</b>
Where to Begin _____	71
Developing the Job Description & Qualifications _____	72
<b>Establishing an Office _____</b>	<b>76</b>
Office Space _____	76
Office Environment _____	77
Furniture and Equipment _____	78
Computer System _____	78
Telephone System _____	78
Copying _____	79
<b><i>Section II: Volunteers _____</i></b>	<b>80</b>
<b>Recruiting Volunteers from the Tribal Community _____</b>	<b>81</b>
Where and How to Find Them _____	81
Getting Prepared _____	81
Saying "No" _____	91
<b>Volunteer Training _____</b>	<b>92</b>
Designing Your Training Program _____	92
<b>Volunteer Management _____</b>	<b>96</b>
Volunteer Supervision/Consultation _____	96
Volunteer Policies and Procedures _____	97
Assigning a Case to a Volunteer _____	98
Retaining Volunteers _____	98
Performance Evaluations _____	99
Disciplinary Action _____	100
Volunteer Recognition _____	100
<b><i>Section III: Managing the Program _____</i></b>	<b>102</b>
<b>Financial Management _____</b>	<b>103</b>
What is the Accounting Process? _____	103
Establishing an Accounting System _____	104
Establishing a Bank Account _____	104
Internal Controls _____	105
Financial Statements _____	105
Audits _____	106
Tax Returns _____	107
<b>Risk Management _____</b>	<b>108</b>
Fear of Legal Liability _____	108
Minimizing the Risk _____	109
<b>Program Operations _____</b>	<b>111</b>
Policy Considerations _____	111
Keeping Records _____	113
Gathering Statistical Data _____	115
<b>Appendix _____</b>	<b>117</b>

# *Introduction*

Developing a Tribal Court CASA program is a significant undertaking that requires the cooperation and commitment of many people. It also requires a great deal of research, planning, organizing and plain hard work. This manual is designed as a guide to help you through the initial steps and to assist you in the early phases of program operation.

The material in this manual is based on the collective experience of Tribal and non-Tribal Court CASA organizations throughout the nation. Although each CASA program is truly a grassroots organization that must tailor its design to the unique needs and interests of the community it serves, all Tribal Court CASA programs do share common problems and challenges, particularly during their first few years of operation. This manual offers the wisdom of those who have launched new programs. It is intended to be a general guide to program development, not a rigid program design. Just as CASA volunteers must treat each child individually, each Tribal program must tailor its design of the community it serves.

As you begin your planning and development process, there are several resources available to assist you. Most states have a statewide CASA association that can provide guidance and support, steer you to potential funding sources, and connect you to other programs in your state. Most statewide organizations have a director or designated representative who facilitates communication between the programs within the state, and acts as a liaison between programs in the state and the National CASA Association. If a CASA network exists in your state, we highly recommend becoming involved with it. Another excellent resource is established Tribal Court CASA programs. This guide will give you specific references to these programs and they are always happy to share their knowledge and experience. The CASA network is comprised of bright, dynamic volunteers and professional staff who are committed to the concept of CASA and to helping it grow.

Equally important is creating a strong relationship with National CASA (NCASAA). National CASA was established to promote, assist and support the development and growth of quality CASA programs. In 1995, National CASA implemented an initiative designed specifically to assist in the development and enhancement of programs that provide volunteer court appointed advocates for Indian children who have been abused or neglected. This guide is part of that mission. The goal of National CASA is to increase the number of Indian children receiving culturally sensitive representation through indigenous CASA programs in Tribal Court proceedings. The Association provides training and technical assistance (National CASA has partnered with the Tribal Law and Policy Institute to assist native programs); an annual national conference for volunteers, staff, and board members; a quarterly newsletter; grants for new and established CASA programs; and resource materials. The Association also promotes the CASA concept through ongoing public awareness efforts. Information kits, promotional items, and public service announcements are available to programs, courts and community volunteers. We are here to help and want to provide support in every way we can.

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# Overview of CASA

## **What is a CASA Volunteer?**

CASA (Court Appointed Special Advocate) volunteers are lay people who are assigned by a judge to represent the best interests of children whose cases are before the court. CASA/GAL (Guardian Ad Litem) volunteers serve as the eyes and ears of the judge, gathering relevant information about the child and the family.

## **What is a CASA Volunteer's job?**

- ◆ To interview anyone who might have information about the case—parents, foster parents, relatives, teachers, doctors and the child
- ◆ To focus on the child(ren)'s needs
- ◆ To speak out for improved services for children
- ◆ To make recommendations to the judge regarding what, in their judgment, is in the *child's best interests*

## **What a CASA Volunteer is not:**

The CASA fulfills a unique role in the child protection system: the independent representation of the child's best interests. It may be helpful to understand what CASAs do not do. Specifically, they:

- ◆ are not a best friend
- ◆ are not "Big Brothers" or "Big Sisters"
- ◆ do not baby-sit
- ◆ are not investigators for criminal prosecution
- ◆ are not parent advocates
- ◆ are not attorneys who represent only what the child wants
- ◆ are not social workers representing the position of child protective services
- ◆ are not *responsible* for providing transportation to visits or appointments
- ◆ are not *responsible* for supervising visits between parents and children
- ◆ are not *required* to take children on outings

*(Adapted from the Alaska CASA Program)*

Each year in this country, nearly 500,000 children are removed from their families and placed in some form of foster care. They are also thrust into the court system. They have committed no crime, but are simply child victims who have been abused, neglected or abandoned. It is ultimately up to a judge to decide their futures.

In the past, judges have often had to base these decisions on incomplete information. Overburdened child welfare workers and attorneys have not had the time or resources to thoroughly monitor compliance with court orders or to find out firsthand what was really best for each individual child. As abuse and neglect cases keep crowding court dockets, more and more children have become "lost" in the confusing maze of the foster care system.

Today, almost 50,000 people are speaking up for these children as volunteer Court Appointed Special Advocates (CASA volunteers) and Guardians ad Litem (GALs). CASA/GAL volunteers currently advocate for children in over 800 program sites in forty-nine states, the District of Columbia, and the U.S. Virgin Islands. In 1994, the first Tribal Court CASA programs were funded. Now, there are eighteen Tribal Court CASA programs serving in Tribal and state courts. It is estimated that CASA programs spoke up for the best interests of approximately 185,000 children in 1998. Though an impressive statistic, that is still only about 25% of the abused and neglected children in this country.

As Tribal communities continue to develop children and family courts, it has become apparent that Tribal children need advocates who are familiar with their cultural needs and family systems. Large caseloads, resource shortages, and staff that may not be cross-culturally trained impact the well being of Tribal children even in those communities that are fortunate enough to have trained court and social services staffs. Tribal Court CASA volunteers can and do provide a valuable addition to the team working on behalf of an individual child. The benefits of citizen volunteers in the court extend far beyond the courtroom to the community at large. CASA volunteers are speaking out for improved services for children. As they do so, they are also raising the public's awareness of the problems of abused children.

### **Conditions that led to CASA**

Over the past fifty years, attitudes toward abused and neglected children have changed dramatically in the United States. In the first half of the century, neglected and abandoned children were most commonly placed in institutional settings such as orphanages and asylums. Abuse was considered a family matter, and children were rarely removed from their homes for physical harm inflicted by their parents. It wasn't until the early 1960s that child advocates succeeded in raising the awareness of the public and the courts, and child abuse was recognized as a serious problem and a crime. During this period there was also growing recognition of the importance of a child's attachment to caregivers. Judges began placing children in families instead of in institutions, giving birth to the modern system of foster care.

Foster care was intended to provide children with a safe, temporary home. By the 1970s, however, foster care had become permanent for many children. It was not uncommon for children to be placed in a series of foster homes with no efforts made to reunite them with their parents or to find other permanent families. For many children, becoming part of the foster care system meant the loss of a permanent, stable family for the remainder of their childhood.

As non-Tribal communities began reconsidering the social decisions as to treatment and placement of children in the community at large, Tribal communities became increasingly enraged by oppressive "assimilationist" policies towards Native children and organized to stop the flood of Tribal children into non-Indian placements. Examples of these policies include forcibly taking children from their homes, sending them to boarding schools and punishing them for speaking their language or engaging in cultural practices. In the late 1970s, the high rate of out-of-home placements moving Indian children into non-Indian environments came to the attention of Congress.



## **The Search for Solutions**

In the 1970s, national attention focused on child abuse and neglect, leading Congress to pass three laws that were instrumental in restructuring child welfare services in this country. These laws also laid the groundwork for the development of CASA programs.

The *Indian Child Welfare Act of 1978* (Public Law 95-608) was an indictment of state courts and departments of social services treatment of Native children. The Act was a comprehensive guide to the treatment of Native children in the dependency system of all the states. Federal guidelines and protections were created for foster care and adoptive placements. The Act defined the best interest of an Indian child as having a cultural component. This Act has changed the complexion of dependency law as it relates to Indian children. Many Tribal Courts adopted this law as their children's code or used it as a basis for their children's code.

Congress, in passing the law, established the new national policy of the country's court system in dealing with Tribal children. That policy states:

*The Congress hereby declares that it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian Tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian Tribes in the operation of child and family service programs.*

The essential ingredient of this law is the clear statement that when dealing with an Indian child the court must factor in the Tribe's interest, an interest that is distinct but parallel to the interest of a parent. In the law of this country there is no other ethnic relationship that has been so protected as this relationship between a child and the child's Tribe. It is incumbent on all institutions dealing with Indian children to realize this distinction and the underlying cultural importance of this factor. Tribal Court CASA volunteers can enhance and protect this national imperative to the benefit of their Tribe and the children of their Tribe.

*The Indian Child Protection Family Violence Prevention Act* (Public Law 101-630). Mandatory reporters are individuals who have legal or other responsibility for an Indian child's welfare. This includes people working through an Indian Tribe or organization, Tribal consortium, on Tribal lands, village corporations, lands held by incorporated Native groups, or regional corporations, and reservations. Under this law, individuals responsible for reporting abuse include:

- ◆ Physicians, surgeons, dentists, podiatrists, chiropractors, nurses, dental hygienists, optometrists, medical examiners, emergency medical technicians, paramedics, or health care providers;
- ◆ Teachers, school counselors, instructional aides, teacher's aides, teacher's assistants, or bus drivers employed by any Tribal, Federal, public or private school;
- ◆ Administrative officers, supervisors of child welfare and attendance, or truancy officers of any Tribal, Federal, public or private school;
- ◆ Child care workers, Head Start teachers, public assistance workers, workers in a group home or residential or day care facility, or social workers;

- ◆ Psychiatrists, psychologists, or psychological assistants;
- ◆ Licensed or unlicensed marriage, family or child counselors;
- ◆ Persons employed in the mental health profession;
- ◆ Law enforcement officers, probation officers, juvenile rehabilitation or detention facility workers, or persons employed in public agencies that are responsible for enforcing statutes and judicial orders.

Any known or suspected abuse of a child must be reported under this law—including current or future actions that might be expected to result in abuse of a child.

*The Child Abuse Prevention and Treatment Act of 1974* (Public Law 93-247), was one of the first legislative measures to address the importance of representation for children in juvenile or family court proceedings. In order to receive certain federal funds, the act requires the states to provide a guardian ad litem for children who are the subject of judicial proceedings as a result of allegations of abuse or neglect. The guardian ad litem (guardian "for the proceedings") or GAL, is defined in the Act as a:

*person appointed by the Court to promote and protect the interests of a child involved in a judicial proceeding, through assuring representation of those interests in the courts and throughout the social service and ancillary service systems.*

Though some states had implemented guardian ad litem legislation prior to the passage of the federal law, most passed legislation requiring the appointment of a guardian ad litem for the child as a direct result of P.L. 93-247. However, despite the legal mandate to do so, a 1990 national study funded by the U.S. Department of Health and Human Services found that only 50% of the states were actually appointing guardians ad litem for every abused and neglected child in the system. The law simply was not being followed and the federal government did not have a system for monitoring compliance. When guardians ad litem were appointed, the study also found, they were usually attorneys who had little time or training in matters pertaining to children.

Although P.L. 93-247 did much to improve a child's position in court, many children were still being placed in foster care unnecessarily, while many others remained in foster care placements longer than necessary. To remedy the heavy and extended reliance on foster care, child welfare professionals and advocates launched a movement known as permanency planning. Permanency planning requires that agencies provide services to preserve a child's family, expeditious reunification of the child with his/her parents if removal is necessary and alternative permanent placement for the child when reunification is not possible.

Permanency planning efforts emerged out of the recognition that a safe and permanent home is essential for the healthy development of a child. Research indicates that the lack of such an environment is a contributing factor to juvenile delinquency, teen pregnancy and social and/or emotional problems that often linger into adulthood.

In 1980, Congress passed *the Adoption Assistance and Child Welfare Act* (Public Law 96-272). This legislation was designed to encourage permanency planning in state child welfare systems

by requiring that states, in order to be eligible for federal child welfare funds, show evidence that "reasonable efforts" are made to keep a family together before a child is removed from the home.

This Act established a number of requirements of social services agencies, designed to prevent a child from remaining in limbo. They included:

- ◆ Goal oriented case planning
- ◆ Time-lines for parents to complete service plans
- ◆ Regular court reviews of case plans
- ◆ Reasonable efforts to reunify families if a child can remain safe

*The Adoption Safe Families Act of 1997 (ASFA)*, (Public Law 105-89), was passed as an amendment to Title IV-B and Title IV-E of the Social Security Act. These two titles are the basis for many of the basic federal statutory requirements of the child welfare system. Congress enacted ASFA to address concerns that: the existing system had lost its focus on children and had become too biased in the direction of keeping children with their biological parents regardless of how harmful the environment may be to the children, some children have been returned to unsafe families. Congress found that children lingered too long in foster care without permanent homes and felt that expediting permanent placement was better for children. These issues were addressed in some key aspects of ASFA:

- ◆ The health and safety of children must be of paramount concern in all decisions regarding service provision, placement, and permanency planning.
- ◆ Reasonable efforts to reunify a family are not required where a parent has a pattern of abusive behavior with the child in question, criminal behavior with another child of the parent or the parental rights to a sibling of the child in question have been involuntarily terminated.
- ◆ Incentive payments intended to increase the number of foster children placed for adoption are made available.
- ◆ Expedited permanent placements for children are to be achieved by:
  1. Mandating petitions for termination of parental rights once a child has been in foster care for fifteen out of twenty-two months (subject to certain exceptions).
  2. Encouraging the use of concurrent planning (dual case plans for reunification and adoption).
  3. Requiring a permanency hearing within 12 months after the initial foster care placement.
  4. Extending the reasonable efforts and case plan documentation requirements to also include efforts to find a permanent placement for a child.
  5. Expanding the use of funding to include "adoption promotion and support services" and "time-limited family reunification services."

It is important to note that nothing in ASFA amends the Indian Child Welfare Act or changes its' provisions. There are, however, unique issues affecting Tribes who manage their own child welfare programs as a result of ASFA. Comprehensive information on the issues facing Tribes as a result of ASFA is available from the National Indian Child Welfare Association. (*Adoption and Safe Families Act of 1997; Issues for Tribes and States Serving Indian Children*. By David Simmons and Jack Trope. National Indian Child Welfare Association. 1999. To order this document contact NICWA: (503) 222-4044 or [www.nicwa.org](http://www.nicwa.org))

## **CASA Offers a Solution**

The growing awareness of children's rights and subsequent changes in the law produced an environment of change in child welfare in which creative solutions to problems could be developed.

One such innovative program emerged in 1977 in Seattle, Washington, when King County Superior Court Judge David W. Soukup saw a recurring problem in his courtroom. He felt strongly that he was not getting all the facts needed to make well-informed decisions affecting the future of the children whose cases came before him. Such decisions included where the child would live, for how long, and under what conditions; what services and treatment should be ordered; and/or what steps should be taken to reunite the child with the birth parents or place the child in a new family unit.

While attorney guardians ad litem were being appointed to abuse and neglect cases in Seattle, they generally lacked the time and the specialized training to conduct the in-depth investigations required in these cases. Social workers, responsible for many cases, had too little time to devote to each child. In court, there were attorneys representing the interests of parents and the state. Yet the child, whose future hinged on the outcome, was without a voice.

Judge Soukup believed that someone other than an attorney might be trained to speak effectively for children. He wondered if it might be feasible to recruit and train qualified individuals to step into the courtroom to advocate for children. In 1977, Judge Soukup's idea became reality when volunteers began representing the best interests of children as their appointed guardians ad litem. These volunteers later came to be known as Court Appointed Special Advocates (CASA).

In a short time, the judge's daring experiment proved to be an enormous success. Lay volunteers entered court proceedings with enthusiasm, dedication and professionalism. With proper training, they proved to be effective advocates for abused and neglected children. They conducted thorough investigations of each child's individual situation, made recommendations which reflected the best interests of the child, and monitored the case plan to ensure that the court's order was carried out in a timely manner.

CASA volunteers provided a fresh perspective to the juvenile court, one that questioned how families and children were being treated and what services were available to help them. Their presence on cases helped to ensure that children who were abused or neglected did not receive further abuse at the hands of an overburdened child welfare system.

In October of 1996, The Child Abuse Prevention and Treatment Act was amended to include CASA volunteers as one of the court's options for guardian ad litem appointment:

*In every case involving an abused and neglected child which results in a judicial proceeding, a guardian ad litem, who may be an attorney or a court appointed special advocate (or both), shall be appointed to represent the child...*

This legislative amendment serves as an acknowledgment by political leaders of CASA's strong reputation for providing a quality method of child advocacy.

## **Growth of the CASA Idea**

Not long after its initial experiment, the CASA concept received the attention of the Children in Placement Committee of the National Council of Juvenile and Family Court Judges (NCJFCJ). In October 1977, that body voted to endorse the volunteer CASA program as a model for safeguarding a child's right to a safe and permanent family.

In 1978, the National Center of State Courts selected the Seattle program as the "best National example of citizen participation in the juvenile justice system." This recognition, along with a grant from the Edna McConnell Clark Foundation (one of CASA's earliest and strongest supporters), made it possible for courts in other communities to develop programs based on the CASA concept.

Other early supporters who were instrumental in the growth of CASA were the National Council of Jewish Women (NCJW) and the International Association of Junior Leagues.

As communities adopted the CASA concept, new programs were established under a variety of names—Volunteer Guardian Ad Litem (GAL), ProKids, FOCAS, Child Advocates, Inc., and Voices for Children, Inc., to name a few.

## **Who Supports CASA?**

The CASA/GAL concept has been widely accepted by judges, child advocates and policy makers since the Seattle program began in 1977. It has affected hundreds of courts and thousands of children, and has been supported by a number of professional and governmental organizations, including the following:

- ◆ American Indian Development Associates
- ◆ National Indian Child Welfare Association (NICWA)
- ◆ Tribal Law & Policy Institute
- ◆ National Council of Juvenile and Family Court Judges (NCJFCJ)
- ◆ National Center on Child Abuse and Neglect (NCCAN)
- ◆ U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP)
- ◆ U.S. Department of Justice, Office for Victims of Crime (OVC)
- ◆ U.S. Advisory Board on Child Abuse and Neglect
- ◆ The U.S. Department of Health and Human Services
- ◆ The Edna McConnell Clark Foundation
- ◆ National Council of Jewish Women (NCJW)
- ◆ National Federation of Women's Clubs
- ◆ Kappa Alpha Theta Women's Fraternity
- ◆ Points of Light Foundation
- ◆ American Association of Retired Persons (AARP)
- ◆ International Association of Junior Leagues

- ◆ The American Bar Association
- ◆ The National Bar Association

Through its Permanency Planning Project, the National Council of Juvenile and Family Court Judges (NCJFCJ) has promoted CASA and helped to educate judges about the potential value of using volunteers in their courts. The support of NCJFCJ has helped build CASA's credibility in legal, social service and child welfare circles.

In 1988, CSR, Inc., under contract to the U.S. Department of Health and Human Services, published the results of a study entitled, *National Evaluation of Guardians Ad Litem in Child Abuse or Neglect Judicial Proceedings*. After analyzing five types of GAL models the study found that:

*CASA volunteers are excellent investigators and mediators, remain involved in the case and fight for what they think is best for the child... We give the CASA models our highest recommendation.*

In August 1989, the American Bar Association, the country's largest professional organization of attorneys, voted to officially endorse the use of CASA volunteers to work with attorneys to represent the best interests of abused and neglected children in juvenile court. Their resolution reads:

*Be it resolved that the American Bar Association endorses the concept of utilizing carefully selected, well-trained lay volunteers—Court Appointed Special Advocates (CASAs)—in addition to providing attorney representation, in dependency proceedings to assist the court in determining what is in the best interests of abused and neglected children. Be it further resolved that the American Bar Association encourages its members to support the development of CASA programs in their communities.*

Also in 1989, the Kappa Alpha Theta women's fraternity selected CASA as its national philanthropy. As a result, chapters and alumni groups across the country have assisted local CASA programs and state organizations in many ways.

## **The National CASA Association**

By 1982, it was clear that a national association was needed to provide networking opportunities and a unified image for CASA's emerging national presence. The National Court Appointed Special Advocate Association (“National CASA” or “the Association”) was formed that year.

Funding for the Association is provided through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice, corporations, individuals, and membership dues. This financial support allows the National CASA Association to promote the concept and growth of volunteer child advocates through ongoing services including training, technical assistance, resource development, continuing education and public awareness initiatives.

The Association hosts an annual national conference where volunteers, staff and others from throughout the child welfare and juvenile justice systems meet to exchange ideas and hear leaders in the field speak on various issues. National CASA also produces a quarterly newsletter, *The Connection*, to keep program staff and volunteers updated on the latest news from the child advocacy network.

National CASA produces *Feedback*, a bulletin of current news and important program information, and conducts an annual program survey, which provides valuable information about the organization of CASA programs, their services, and their needs.

In addition, the Association offers many services tailored to new and/or growing programs. It provides technical assistance both on-site and via telephone and Internet communications, thereby assisting staff in programs across the country to share information and solve problems. It also provides public service announcements, brochures for the public and professionals, and a number of instructive guides on substantive topics such as program development, volunteer management, fund-raising and public relations.

## **National CASA Association Recognition and Awards**

- 1985 The President's Volunteer Action Award
- 1986 American Federation of Junior Women's Club President's Award of Merit
- 1987 Kiwanis International selects CASA as a Major Emphasis Program
- 1989 American Bar Association endorses CASA  
Kappa Alpha Theta Foundation adopts CASA as national philanthropy
- 1990 U.S. Advisory Board on Child Abuse and Neglect includes utilization of CASAs and volunteer GALs among critical first steps it recommends to bring the "national emergency" of child abuse and neglect in America under control.
- U.S. Congress authorizes expansion of CASA with passage of "Victims of Child Abuse Act of 1990" (P.L. 101-647), so that "a court appointed special advocate shall be available to every victim of child abuse or neglect in the United States that needs such an advocate."
- National Council of Juvenile and Family Court Judges names CASA "Outstanding Volunteer Program" in America's juvenile and family courts.
- American Society of Association Executives Award of Excellence.
- 1991 President and founder David W. Soukup has meeting with President George Bush in Oval Office during National Volunteer Week.
- Child Advocate of the Year, Sharon Lawrence, designated a "Point of Light." Foundation for Improvement of Justice Award.
- The Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, names CASA an "Exemplary National Program in Juvenile Delinquency Prevention."
- 1992 David W. Soukup receives Caring Institute Award.
- 1996 Prevention for a Safer Society Award by the National Council on Crime and Delinquency.



# *Overview of Tribal Court CASA*

## **Tribal Court CASA Programs**

The National CASA Association has implemented a Tribal Court CASA Program designed to assist in the development and enhancement of Tribal Court programs that provide volunteer CASAs for Native American children who have been abused or neglected. The goal of National CASA is to increase the number of Indian children who are receiving culturally sensitive representation through indigenous CASA programs in Tribal Court proceedings.

There are currently eighteen Tribal Court CASA programs. A few of these programs have been in operation for years, but many are still in the planning stages. Some Tribal Court CASA programs serve one community; others serve more than one community. Most programs provide volunteers only in Tribal Courts, but a few provide volunteers in both Tribal and state court. The Tribal Court CASA initiative was implemented in 1994 and, since then many innovative policies and procedures useful for the development of Tribal Court CASA programs have been identified.

An ad hoc Tribal Court Advisory Committee assists the Tribal Court CASA Project. It's purpose is to review and consult with National CASA on the development of Tribal Court programs, the best methods to assist the Tribal Court programs, and the best methods for adapting CASA to meet the needs of Native American communities. A comprehensive Tribal Court CASA Meeting and a CASA Tribal Court Advisory Committee Meeting are held every year in connection with the National CASA Conference. On-site technical assistance meetings with the current Tribal Court CASA programs are underway.

At the recommendation of the Tribal Court Advisory Committee, the National CASA Board of Directors passed two policy directives prioritizing Tribal Court CASA programs:

- ◆ *The national board adopts this policy statement which establishes a priority for the Tribal Court CASA Programs, with regard to critical program sustainability issues. The National CASA Association Board recognizes the need to fund these Tribal Court programs, provide these programs with Tribal Court-specific training and technical assistance services and resources, encourage federal and private funding for these programs, and provide training and technical assistance services to assist these programs in developing and implementing long term funding and sustainability plans. (October 17, 1998)*
- ◆ *The national board adopts this policy position concerning the Tribal Court CASA programs. There is a critical need for state programs to work directly with the tribes and Tribal court programs in their states, especially in regard to state funding issues. Many of the state CASA programs are able to access state funds to assist with long term sustainability, but the state legislation authorizing this funding often specifically excludes tribes and Tribal Court CASA programs from eligibility (despite the fact that Tribal members are also state residents). Consequently, whenever state CASA programs seek state funding for CASA programs they should attempt to ensure that*

*Tribal Court CASA programs are also eligible to apply for these program funds. The board urges the state CASA programs to work more closely with the Tribal Court CASA programs on these critical sustainability issues. (October 17, 1998)*

## **Overview of Tribal Courts & the History of Native American Child Welfare**

In order to appreciate the need to adapt CASA for Tribal Courts, it is necessary to provide a brief overview of Tribal Courts, the historical backdrop of Native American child welfare policy, and the Congressionally recognized need to have Native American child-dependency cases heard in Tribal Courts.

Of the more than 500 federally recognized Native American Tribes and Alaska Native villages, more than 250 have operational Tribal Court systems. These courts exercise jurisdiction over nearly seventy million acres throughout the country—some in remote locations and others in or near urban areas. The Tribes themselves vary widely from the Navajo Nation with more than 200,000 members to bands with fewer than 100 members.

Indian Tribes possess the inherent sovereign power to “make their own laws and be ruled by them” (*Williams v. Lee*, 358 U.S. 217 (1959)). As Congress reiterated in enacting the Indian Tribal Justice Act of 1993 (25 U.S.C. 3601), “Tribal justice systems are an essential part of Tribal governments and serve as important forums for ensuring public health and safety and the political integrity of Tribal governments.”

Tribal Courts vary significantly from Tribe to Tribe (for example, the Navajo Nation court system processes nearly 100,000 cases per year while smaller Tribal Courts may hear less than 50 cases per year). Some Tribal Courts tend to look and act much like non-Indian courts. Other Tribal Courts (most noticeably in Alaska and the Pueblos in New Mexico) still operate as traditional courts. Many Tribal Courts have court-annexed traditional, or peacemaking court forums. Even those Tribal Courts that appear similar to non-Indian courts often incorporate Tribal customs and traditions in ways that distinguish them from their non-Indian counterparts. These traditional components may include use of Native language, introduction of customary or common law, a holistic approach to dispute resolution, inclusion of the extended family, fluid communication, invocation of the spiritual realm in ceremonies/prayer, comprehensive problem solving, focus on reparative and restorative justice, and use of customary sanctions.

It is also necessary to understand the historical backdrop of Native-American child welfare policy. Beginning in the 1800s, the United States implemented an oppressive “assimilationist” policy toward Native Americans and Native-American children in particular. Native-American children were forcibly taken from their homes and sent to boarding schools where they were severely punished for speaking their Native languages and practicing Native customs and religious practices.

In more recent years, the removal of Native-American children from their homes continued, but more often the children were placed in non-Indian foster care and adoptive homes at an alarming rate. For example, in 1974, 25% to 35% of all Native-American children were in some type of out-of-home placement. In response to this extraordinarily high number of out-of-home

placements of Native-American children, Congress passed the Indian Child Welfare Act (ICWA) in 1978 (25 U.S.C. 1901-1963).

The ICWA Congressional findings concluded:

*An alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children from them by non-Tribal public and private agencies and that an alarmingly high percentage of such children are placed in non-Indian foster and adoptive homes and institutions; and that the States, exercising their recognized jurisdiction over Indian child custody proceedings through administrative and judicial bodies, have often failed to recognize the essential Tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families.*

ICWA clearly recognized that “there is no resource that is more vital to the continued existence and integrity of Indian Tribes than their children.” In order to protect the best interests of Native-American children and to promote the stability and security of Native American Tribes and families, Congress set forth two basic jurisdictional and procedural requirements. First, ICWA provides that whenever possible Native-American child-dependency cases should be heard in Tribal Courts where it is presumed that the essential Tribal relations and the prevailing cultural and social standards will be respected. Second, for those cases that remain in state courts, ICWA provides a series of procedural safeguards that are designed to address the historic failures of the state court systems to protect Native-American children.

This Congressionally recognized need for Native-American child-dependency cases to be heard in Tribal Courts makes the provision of CASA volunteers in Tribal Courts and the adaptation CASA to the needs of Indian Tribal Courts and Native-American people imperative.

## **Training and Technical Assistance**

The Tribal Court CASA Program includes a significant training and technical assistance component that is designed to assist the current programs to achieve their program goals and objectives. Moreover, it is designed to develop training and technical assistance resources that can be utilized by other Tribal Court CASA programs in adapting the CASA program to meet the needs of their individual communities. The training and technical assistance is provided by the National CASA Association and The Tribal Law and Policy Institute. A periodic needs assessment process is conducted of the Tribal Court CASA programs. In 1995, the initial needs-assessment process identified numerous barriers faced by Tribal Court CASA programs: complex relationships between federal, state, and Tribal agencies; jurisdictional limitations (including the lack of criminal jurisdiction over non-Indians and the effects of Public Law 280), problems with state court recognition of Tribal Court orders, isolated location of most Tribal communities (which presents problems in getting services to the community and necessitates substantial travel for CASA volunteers and staff), lack of funding for Tribal programs and services, turnover/turmoil as a result of Tribal elections, lack of community awareness concerning CASA, difficulty in adapting a non-Indian program to meet the needs of individual Indian communities, difficulty coordinating with state agencies/programs, difficulty promoting a volunteer program in communities with high poverty and unemployment rates, and the critical need for Indian specific resources and program materials. Moreover, the needs-assessment

process identified and prioritized the training and technical assistance needs of the Tribal Court CASA programs.

In the first years of the Tribal Court CASA Project, the following programs were developed:

- ◆ Alaska Tribal CASA Project, Alaska
- ◆ Cedar Lodge CASA Program, Oklahoma
- ◆ Cherokee County/Cherokee Nation CASA, Oklahoma
- ◆ Chippewa Tribal Court CASA Program, Sault Ste Marie, Michigan
- ◆ Confederated Salish and Kootenai Tribes of the Flathead Reservation CASA, Montana
- ◆ Four Directions CASA Program, Ute Tribe, Utah
- ◆ Grand Traverse Band of Ottawa and Chippewa Indians CASA Program, Michigan
- ◆ Laguna Pueblo CASA Program, New Mexico
- ◆ Lummi Child Protection Project, Washington
- ◆ Navajo Nation CASA Program, Arizona/New Mexico
- ◆ Nisqually Tribe CASA Program, Washington
- ◆ Northern Cheyenne CASA Program, Montana
- ◆ Oglala Lakota CASA Program, South Dakota
- ◆ Okmulgee County/Creek Nation CASA Project, Oklahoma
- ◆ Pawnee County/Pawnee Tribe CASA Program, Oklahoma
- ◆ Red Cliff CASA Project, Wisconsin
- ◆ Shoshone and Arapaho CASA Program, Wyoming
- ◆ Spokane Tribal Court CASA Program, Washington

To obtain detailed information about each program, including contact information, please check the National CASA web site: [www.casenet.org](http://www.casenet.org) or call National CASA at 800/628-3233.

***SECTION I:  
PLANNING A  
QUALITY PROGRAM***

# ***Developmental Activities for CASA Programs***

*This checklist is a tool to assist you in the development of your Tribal Court CASA Program. Please note that not every Tribe will need to complete each step. These activities are not necessarily in chronological order as some tasks may be undertaken simultaneously.*

## **Planning Phase**

- Conduct needs assessment
- Obtain judicial support
- Determine community interest and elicit support
- Create steering committee
- Inform and seek support from other community agencies
- Develop a written statement of the mission of the program
- Identify funding sources and develop fundraising plan
- Create first year budget
- Seek funding
- Determine administrative oversight of program (public vs. private) and what role the volunteers will play
- File for incorporation and prepare bylaws
- Research liability issues and explore purchase of insurance (if necessary)
- Create organizational plan, determine staffing needs, and develop staff and board job descriptions
- Establish a Board of Directors
- Develop written goals and objectives
- Determine how legal services will be provided for volunteers
- Develop job descriptions for volunteers
- Establish office and obtain equipment and supplies
- Recruit, hire and train executive director

## **Initial Operational Phase**

- Continue training of director and other staff hired
- Develop and implement a public relations/recruitment plan
- Obtain public relations and training materials
- Establish written working agreement with the court
- Establish written working agreement with department of children's services
- Develop policies, procedures, forms and case management tools (including data collection)
- Screen potential volunteers
- Conduct background check of potential volunteers
- Conduct training of the first class of volunteers
- Swear in volunteers
- Appoint first case(s)
- Develop in-service training and support systems for volunteers
- Develop evaluation system for volunteers and program
- Establish methods of ongoing volunteer recognition

## *Initial Planning Steps*

### **Become Educated About the Problems**

The first step in planning for a CASA program is to educate yourself about the problems of child abuse and neglect and your community's response. How well are the child welfare and judicial systems working in your community? Are the needs of abused and neglected children being adequately met? Do children who are the subject of court action have a voice to speak for their best interests? Educating yourself about the problems of abuse and neglect and your Tribal community's response to those problems will enable you to become a powerful spokesperson for the CASA concept when you speak to community leaders and organizations to gain their support.

Having close contact with your state's CASA organization, other Tribal Court CASA Programs, local CASA programs, and with National CASA, will be very helpful as you begin the planning process. These people may already be aware of someone else in your community who is interested in collaborating on the project, thus eliminating duplication of efforts, and increasing effectiveness. Responsibilities of other programs will be more than willing to share their knowledge and experience and can often help you avoid making common mistakes or reinventing something that already exists. National CASA has many excellent materials to assist you, from written manuals on a variety of program development topics to volunteer recruitment materials. They also have staff available who can answer most of your questions, whether general or specific. Take advantage of all the resources available to you—your job will be easier and the results better.

### **Assess the Community's Response to Child Abuse; Do We Need CASA?**

All Indian children have a right to a home with loving people to care for them. However, in the population at large, millions of children are abused, neglected, or abandoned by their families each year. Eventually, many of these children end up in court with a judge deciding their future—should the children remain in foster care, be reunited with their parents, be placed with someone else in the extended family, or be placed in a permanent guardianship or adoption? Many children become victims of an overburdened child welfare system that cannot pay close attention to each child. Moreover, Indian children who are brought into the system face not only being separated from their families, but the prospect of having their cultural needs ignored.

Tribal Court CASA Programs can provide Tribal Courts with independent, culturally knowledgeable community members who advocate for the best interests of children. But, how do you know if your community can benefit from a CASA program? The best way to find out is to examine how well the system in your community is working. The first step in examining this

question is to gather information about your Tribal system. There is a Community Questionnaire on page 29 to assist you in conducting your assessment.

It is important to recognize that there are dynamics within the Tribal Court dependency system that may make gathering of information challenging. Tribal communities have a strong sense of keeping the information in dependency matters private. Though the Tribal community or segments of the community may have general knowledge about problematic family situations, the information which is placed before the court cannot be shared with the Tribal community by the court or anyone associated with the court. Therefore, as you gather information for the needs assessment you must be aware of the confidentiality concerns of the system. The court may provide you with statistical information that does not identify any concerned person. It is important, even at this early stage, that your efforts, which will be associated with CASA, be conducted in a professional manner. The key to professionalism is to maintain the confidentiality of all records you obtain. The information you are seeking should shield the families involved in the system from being identified.

If your assessment raises issues that cause concern, then a Tribal Court CASA program may be one solution. Developing a Tribal Court CASA program will not eliminate abuse or neglect. It will not prevent the need for foster care for some children. It will, however, help ensure that children are represented by independent, culturally knowledgeable advocates; see that children are placed in foster care only as a last resort; and help ensure that the courts have all necessary information to make the most appropriate decisions for children. It is important to remember that placement is only one of the decisions that a court can make. Additionally, courts often significantly impact the service plan of each child and a CASA volunteer can ensure that the service needs of a particular child are being implemented.

### **Determine if the Program Will Succeed**

Need alone does not guarantee the success of a CASA program. The next step is to assess the feasibility of establishing a program. A number of factors are involved in making this decision, including:

- ◆ Is there judicial support for the program?
- ◆ Does the Tribal Council support the program?
- ◆ Will the other child-advocacy organizations in the community support the development of a CASA program?
- ◆ Is there a history of successful volunteer programs in the community?
- ◆ Is there potential for local funding?
- ◆ What are the strengths of the community that will facilitate the development of CASA?
- ◆ What are the barriers that will have to be overcome before CASA can be successful? What are the strategies for overcoming them?
- ◆ Has a CASA program existed in the community previously or did efforts to start a program fail? If so, find out what happened. Such information will provide insight into the challenges you may face.



If you conclude that there is a community need for CASA and that a program of this type has a realistic chance for success, you are ready to move to the next crucial steps in developing the program, with the court's support: involving people with the qualities and skills necessary to lead the program development effort; and obtaining the support and assistance of community leaders.

### **Enlist the Right People to Help**

Enlisting the right people to provide leadership for the program's development is critical. They must be chosen carefully and sensitively.

Because CASA will be a new program in the community, it will likely come under close scrutiny. The professionals who work with children and families will have many doubts and the community will have many questions. They will raise issues such as involving volunteers in confidential child-protection cases and about the qualifications of the staff and volunteers. Since any misstep at this point can derail the program, it is imperative that you engage individuals with strong credibility, commitment to the mission of the program, and a healthy perspective about what the program can accomplish.

Some qualities that have been essential in the leaders of CASA programs include:

- ◆ A commitment to working to improve the lives of children in need
- ◆ Acceptance of people with diverse lifestyles and values
- ◆ A belief that the best option for children is to be raised by their own families or, if that is not possible, in another permanent Tribal family
- ◆ A willingness to learn and an openness to new ideas
- ◆ A good reputation in the community
- ◆ The respect of the court
- ◆ Adequate time to commit to the planning and development of the program
- ◆ Good organizational skills
- ◆ An ability to lead and to motivate

The experience of National CASA and the many programs across the country has confirmed that, though they may have many attributes necessary to a successful program, individuals who serve other roles in the child welfare system have limited ability to lead the development of CASA in their communities. Examples of individuals that may not be appropriate CASA volunteers include foster parents, employees of child protective services, or people who have cases before the juvenile court. It will be critical for you to develop screening tools that will assess an individual's situation and the appropriateness of their involvement with the CASA program.

### **Obtain Judicial Support**

No element of program development is more important than obtaining judicial support. If the judge does not support the program, it stands little chance of success. Many judges have heard about CASA and have at least some knowledge about how it works. However, some may have

negative perceptions of the program based on an anecdote they have heard or a bad experience with a volunteer in some other setting. Whatever the reason, some initial reluctance on the judge's part is not unusual and should not discourage you. Sometimes you can counter the judge's objections by providing information and answers to specific questions and by letting the judge know that she will be very involved in establishing the practices and procedures the volunteers will follow. Creating the opportunity for your judge to talk to other Tribal judges who have experience with CASA programs may also help.

Suggesting that the program be tried on a pilot basis for a limited period of time, with a limited number of cases, or appointing volunteers to a specific type of case, may also be ways of overcoming resistance. If, after all these strategies have been tried, the judge is still not supportive, you may have to conclude that the time is not right and put plans for the program on hold. It is likely that this will not be a permanent situation. There have been situations in which a judge has initiated the development of a CASA program after initially rejecting it. So, if there is judicial resistance, don't give up hope permanently. Within a few years, or sometimes only a few months, circumstances may change that will create the right opportunity for CASA to succeed.

### **Form a Steering/Planning Committee**

Establishing a steering or planning committee is the first institutional step in setting up the program. Steering committee members serve as a group of people who have endorsed the concept of the program and are willing to lend their names and volunteer their time to moving the concept through the exploration and start-up phases. The defined membership and purpose of the committee offers legitimacy, shows visible progress and marks the beginning of community support for the program.

The steering committee has a temporary leadership role: usually less formal than a board of directors, but with a similar level of responsibility leading up to the creation of the program's governing board of directors, if it is determined that the program will be a nonprofit organization. (Determining if the program will be a program of the Tribe, a non-profit or under an umbrella organization will be covered in Chapter 3).

The size of the committee is not set in stone. It should be large enough to ensure that there are an adequate number of people to do the work and small enough to allow members to feel that they are part of a unified team effort. The number of members can vary from eight to twenty. The important thing is to make sure the group possesses the right attributes.

Determining who should serve on the committee will be influenced by many factors, including Tribal politics. In order to gain support in the community, this committee must include enough credible leaders whose names are recognizable and who are widely respected. Keep in mind also that while it may be easier to start the program if only friends and supporters of CASA are invited to join, it will not serve the program well once it is operating and working with other agencies. Acceptance of a new program is more likely if those who must work with it have been involved in its planning and design and are therefore invested in the program's success.

It is a good idea to consult with your Tribe's chief judge about the composition of the committee. She may wish to actively participate or to designate someone from the court. Whether she chooses to participate personally or not, it will be important to keep her informed and involved throughout the planning process. The judge is also likely to have suggestions of others who should be invited to serve on the committee. In fact, she may be willing to issue letters inviting potential members to participate.

Due to their positions in the community, people who should be considered for membership on the steering committee include:

- ◆ Judge(s)
- ◆ Court administrator (or court clerk)
- ◆ Tribal Elders or Representative from the Elder's group
- ◆ Tribal Council Members
- ◆ Representative of the Cultural Committee(s)
- ◆ Representative of the Tribal bar association
- ◆ Representative from the Prosecutor's Office
- ◆ Local director of the Department of Social Services (or a representative)
- ◆ Leaders of local service provider agencies who would work with the program
- ◆ Leaders of key community groups (such as the cultural committee)
- ◆ Representative from the Tribal College
- ◆ Representative from the Tribal media
- ◆ Business Leaders

In addition to involving people in key positions, it is also crucial to have individuals with specific skills or knowledge. People with the following skills are invaluable to a new program:

- ◆ Knowledge of the legal requirements for developing a program
- ◆ Knowledge of financial requirements and systems
- ◆ Fundraising experience
- ◆ Knowledge of public relations and marketing

All of those who are invited to serve must be aware of the amount of time and energy it will take, and be committed to staying with the committee until the program is off the ground. The actual amount of time from initial planning to the first volunteer training class varies from community to community, but a year is about the average.

### **Plan the Committee's First Meeting**

Regardless of the judge's role on the committee, his or her presence at the first meeting is important because it provides credibility and establishes the support of the court in the minds of those present. The agenda for this first meeting will set the tone for the program planning effort to follow.

If the participants have limited knowledge of the CASA concept, present an overview, allowing time for discussion. It is also effective to have materials on hand that can explain the history, development and impact of CASA programs in other Tribal communities. These materials are available from the National CASA Association, including a video about developing Tribal CASA Programs. A national overview can often help early planners understand CASA's purpose and affirm its credibility.

It is also very helpful to have a representative of your state's CASA association or a director from another local program participate in the first meeting. They can provide valuable information about how CASA works and can answer many questions that arise. Contacting someone as soon as you have a date for the meeting will help to ensure that they can attend. (See page 28 for a sample agenda of the committee's first meeting.)

Once the planning committee has been formed and has held their initial meeting, the real work begins. There are many questions to be answered, decisions to be made, and tasks to be accomplished. Program planning is like building a house. It requires many people and much hard work, but if the foundation is built according to a well-conceived plan and the walls are constructed by a team with the right skills, in the end, everything will fit together and the house will be solid. Following the same rules in building a CASA program will ensure that the program runs smoothly and that the children served receive the best possible advocacy.

### **Next Steps**

After the committee has a plan and schedule in place, it will be ready to begin establishing the building blocks that will become the structure and foundation of the program. This next phase is likely to take a number of months. Members of the committee will sometimes work alone or in groups of two or three to accomplish their assigned tasks. During this period, it is easy to lose sight of what is happening and even to lose focus. People are busy with their own responsibilities and it is easy to put off those "CASA duties" until a more convenient time. It is essential, therefore, that the designated leader of the committee knows what each member is charged to do, and that she maintains frequent contact with the whole group. Meetings of the whole group may not be as frequent during this time, but occasional meetings are important to maintain the group's enthusiasm and to provide accountability.

The following chapters discuss in some detail the activities committee members will undertake as they work toward program implementation.

*SAMPLE*

# **Agenda for the first Planning Committee Meeting**

*Please adapt this agenda to fit your community's needs. This will give you ideas for items that may be covered.*

- ❖ Welcome, Invocation & Introductions
- ❖ Program Overview
  - ❖ Need for CASA
  - ❖ Description of Program
- ❖ Role of Committee (see appendix)
- ❖ Decide on a Name for the Program
- ❖ Develop a Mission Statement (see Chapter 2 for information on developing a mission statement)
- ❖ Draft a Timeline and Task Plan
  - ❖ Outline tasks that must be accomplished
  - ❖ Determine who will be primarily responsible for each task
  - ❖ Set deadlines for tasks
  - ❖ Determine future meeting dates
- ❖ Closing (At this point make it clear to the committee how valuable they are. Thanking them for their time and energy will go a long way in developing the long lasting support you are looking for.)

## ***Does Your Tribe Need CASA? Community Assessment Questionnaire***

*This is a guide for you to use when researching your community's response to child abuse and neglect. We strongly suggest that you interview the people involved in the child welfare system rather than having them fill out the following questionnaire. An interview will deepen your understanding of how the current system is working to serve children.*

*The following questions could be directed at the Tribal Court Judge assigned to child abuse and neglect cases. It is best to adapt the questions to fit your Tribal Court system.*

1. Does your Tribal Court assert jurisdiction over both civil and criminal child abuse and neglect cases? Are there jurisdictional problems with the state courts concerning child abuse and neglect cases (for example, how well does the state court comply with the Indian Child Welfare Act)?
2. What does your Tribal code provide with regard to the jurisdiction and handling of child abuse and neglect cases?
3. How many new child abuse and neglect cases were filed in Tribal Court last year?
4. How many children were terminated from court involvement last year?
  - a) Of that number, how many were returned home?
  - b) How many were placed with the extended family?
  - c) How many were placed in guardianship situations?
  - d) How many were placed in adoptive homes?
5. How many children in your community are currently placed with non-Indian families?
6. Are guardians ad litem currently provided in Tribal Court? If so, is every child involved in an abuse or neglect proceeding appointed a guardian ad litem? If not, which cases do receive appointments? How many children were represented by guardians ad litem last year?
7. How do the judges responsible for child dependency cases rate the current system? Are the judges satisfied with the information being provided to assist their decision-making?
8. Does the Tribal code define the role of guardian ad litem? If yes, what is it? Does the Tribal code specify who can serve as guardian ad litem? If yes, who can serve?

*The following questions could be directed to the Tribal director of social services and other workers actually assigned to child abuse and neglect cases. Again, it is best to adapt the interview questions to meet your needs.*

1. How many child abuse and neglect reports were made to the Tribe's Indian Child Welfare/child protective services last year?
2. Of these reports, how many were substantiated?
3. How many new child abuse and neglect cases involving Tribal children were filed in state court last year?
4. How many had CASA/GAL advocates familiar with the Tribal community?
5. How many children in your community are currently in foster care placements?
6. Note the number of cases in which a child has been in foster care placement, without a permanent plan, for the following time frames:  
\_\_\_ <18 months      \_\_\_ <1 year      \_\_\_ <2 years      \_\_\_ <3 years
7. How many children in your community are currently placed with non-Indian families?
8. How many children in your community are currently waiting for adoption or guardianship?
9. Are guardians ad litem currently provided in Tribal Court? If so, is every child involved in an abuse or neglect proceeding appointed a guardian ad litem? If not, which cases do receive appointments? How many children were represented by a guardians ad litem last year?
10. What is the average number of cases carried by the Tribal Indian Child Welfare or child protective service workers? What is the average number of foster care placements for each child in foster care? What services are currently available for abused or neglected children in your community?
11. How many of the service providers are Tribal members or are familiar with the Tribal culture?

*Most of this data can be obtained only by interviewing child welfare and court personnel. Making contact with these individuals can provide other useful information such as advice on the local political climate, community mood, and history of children's services leading to the current system. Unfortunately, solid data on these issues is not available in every community. If yours is one of these, you may need to make educated estimates based on what you can learn and advocate for better data collection as a starting point for better services to children. One key to success is to be well informed about the CASA program before you conduct the interviews. This will avoid misconceptions and enhance future relationships.*

## *Creating the Organization*

### **The Mission**

Effective planning begins with the mission of the program. Though this may seem like an unnecessary step, it is important to have the steering committee discuss and come to consensus about what the mission is. Because the mission statement serves to inspire people to become involved with the program and to stay committed to it, it is crucial that every member of the planning committee feel a sense of ownership for the mission and be able to connect his work on the committee to its achievement.

The mission statement should be short and should state clearly the ultimate purpose of the organization. It is important to include what the organization intends to achieve, not only what it intends to do on a day to day basis. Key elements in a CASA mission statement include court-based volunteer advocacy, abused and neglected children, best interests, and permanency. Consider the mission statements of two Tribal Court CASA programs:

The mission of the Sault Ste. Marie Tribe of Chippewa Tribal Court CASA Program is to promote the education of the community regarding its responsibility for abused and neglected children. The program is committed to providing all abused and neglected children a voice in the Tribal Court process through the use of trained and dedicated volunteers. Our endeavors are empowered by the belief that the children of today hold the future in their hands.

The purpose of the Cherokee County/Cherokee Nation CASA Program is to provide trained volunteers who advocate for the best interests of children who come into the court system primarily as a result of abuse or neglect. The Cherokee County/Cherokee Nation CASA Program will accomplish this mission through recruitment, screening, cross-cultural training and supervision of CASA volunteers who will serve as an independent third party "Officer of the Court" (Guardian ad Litem).

### **Establish a Plan**

Once the mission is established, the committee's next task should be to develop a plan which details all the tasks required to implement a program. This is a very focused and time-limited plan. It is not a strategic plan that lays out the long-term goals for the program's growth. That



kind of plan is also important and should be developed early in the organization's operation, but should be developed by those who will guide the program after it is operating. The initial plan is the blueprint for the organization's design and construction phases, and should include:

- ◆ **Activities:** Identify the specific decisions that must be made and the tasks that must be completed
- ◆ **Timelines:** Include dates when each task should be completed
- ◆ **Responsible party:** Identify the individual responsible for accomplishing the task
- ◆ **Resource requirements:** Identify all resources required to accomplish each task, including funding for supplies, postage, telephone, travel, etc.

See the checklist on page 21 for guidance as you establish your plan.

## *Organizational Structure*

The structure of your CASA program may already be determined. If the Tribal Court has initiated the development of the program and has ensured that Tribal funds are available to fund its operations; many of the tasks related to setting up an independent corporation would not be necessary. Some Tribal CASA programs developing today, however, are established as independent nonprofit organizations or start out under the umbrella of an existing nonprofit agency, so it is possible that your program will be pursuing one of these avenues.

Whether to establish the program under the Tribe, under another organization or as an independent organization is a decision that the planning committee should consider very carefully. As you might expect, all structures have pros and cons (see the chart at the end of this chapter for a listing of some of the benefits and challenges of each of these three models). Each option is discussed in detail below.

### **Establishing CASA Under the Tribe**

The majority of Tribal Court CASA programs are developed as programs of the Tribe, most frequently under the Tribal Court. There are a number of advantages to this arrangement that make this option appealing to many CASA steering committees. Though the exact nature of the relationship between CASA and the Tribe varies somewhat, the benefits of such collaboration can include:

- ◆ The use of existing office space and equipment
- ◆ Availability of services such as bookkeeping, accounting, telephone, clerical support and grant writing
- ◆ Reducing administrative time and cost
- ◆ Reputation and name recognition
- ◆ Access to funding sources
- ◆ Guidance in program and policy development

Starting a CASA program under the Tribe should not be chosen simply because it is a short cut to getting a program started, because this option also may have downsides. A number of programs established under their Tribe decided, after a year or two, to become independent to gain more control over their own operations. Some programs have developed under a Tribal program only to have conflicts develop as the program was implemented. Other programs have not been allowed to expand to the extent necessary to serve more children.

Most Tribes charge the program an administrative fee (or indirect cost), usually a percentage of the CASA portion of the budget, for the services they provide to the program. This is certainly a justifiable action and often remains a cost-effective way of doing business. However, some programs under this type of administrative structure have reported that it can become a problem when the fee charged is a high percentage of the program budget. Once the fee reaches a certain level, CASA must consider whether or not it could purchase or provide the same services independently at less cost.

### **Compatible Missions as a Starting Point**

If the CASA program chooses to operate under a Tribal department, it is vital that the CASA program and the Tribal department have compatible missions. Another option is to establish the CASA program under the Tribe as a stand-alone department. In either situation, it is critical that the CASA program has some level of independence due to the sensitive nature of the CASA work.

### **Questions for Consideration**

If the CASA program is to be under an established Tribal department, there are some fundamental questions that should be carefully considered prior to any agreement include:

- ◆ Is the mission of the proposed parent department compatible with that of CASA?
- ◆ What is the community's perception of that department?
- ◆ Is there a potential for conflict if the department and CASA are serving the same population?
- ◆ Will the Tribe or Tribal department be able to carry the additional start-up costs for CASA?
- ◆ Is the department's interest long-term or do they wish to spin off the CASA program in the future?
- ◆ How actively will the sponsoring department market CASA, pursue funding for the program, and utilize existing political contacts to support CASA?
- ◆ Who will have the responsibility of governing with respect to CASA?
- ◆ Will CASA have its own board or advisory committee to establish policies and set goals?
- ◆ What will be the financial relationship between CASA and the Tribe? Are there limitations on fundraising?
- ◆ How will future planning for CASA be approached after the program's establishment?

The planning committee should examine the potential for conflicts of interest that may occur between the CASA program and the parent department when both organizations may be serving the same families. When this occurs, the potential for disagreement about the proposed permanent plan for the child or the visitation schedule between the child and parents is likely at some point. Issues of confidentiality also arise when one party has confidential information that the other would find helpful. If CASA is to be under such an organization, it is important to create procedures for dealing with and resolving conflicts prior to implementing the joint organization.

There are some Tribal departments that should not administer the CASA program because of an inherent conflict. The agency responsible for child protection in the community is an obvious example. Though their mandate is to protect the child, their role is to balance the interests of the

Tribe and the parents with those of the child. In contrast, CASA is focused solely on the child. The office of the prosecutor is another obviously inappropriate entity for administering CASA, due to the fact that the prosecutor's office will likely be a party in a child protection case, with a different mandate from the CASA volunteer. If the CASA program is established directly under the court, the judge should not serve as the direct supervisor of the CASA volunteers due to the fact that it is difficult for a judge to serve in both capacities. Consequently, most CASA programs established under the Tribe have found that the best arrangement is for the CASA program to be either (1) an independent Tribal program or (2) a program established under the Tribal court with a person other than the judge (such as the court administrator) serving as the CASA supervisor.

### **Factors Supporting Successful Tribal Arrangements**

The experiences of many CASA organizations administered by Tribal governments have demonstrated that there are a number of conditions that support the effectiveness of this type of structure:

- 1) **Independence of CASA.** In order to provide recommendations regarding the best interests of children to the court, CASA volunteers must be totally independent. There should be no possibility, or even the perception, that the government could influence the volunteers or the program in any way.

This can be achieved, in part, by having a separate advisory board for the CASA program. The role of such a board would include:

- ◆ Developing and approving policies for CASA, including agreements with the court and social services when appropriate
- ◆ Developing and recommending the program's budget
- ◆ Promoting a collaborative relationship with the Tribe and periodically reviewing the agreement that guides the relationship between the two
- ◆ Promoting CASA through public relations activities
- ◆ Monitoring and evaluating program operations
- ◆ Developing and implementing fundraising activities for the benefit of CASA

- 2) **Separate staff for CASA.** In the early stages of program development, the Tribe may be tempted to utilize existing staff to recruit, train and supervise volunteers. Because of the nature of the work of CASA volunteers, access to expert supervision is critical to the volunteers' and the program's success. Volunteer supervision in a CASA program requires consistency and continuity. It cannot easily be assigned to staff that have other duties, or be divided among several staff members. National CASA standards recommend that a full-time supervisor should supervise no more than thirty volunteers. If the program expects to have that number of volunteers within the first year or two of operation, it is strongly recommended that there be separate staff for the CASA program.

- 3) **Written Agreement.** A formal written agreement between CASA and the Tribe or Tribal Court outlining the responsibilities and rights of each should be developed. Often the Tribal council adopting a resolution to support CASA accomplishes this. Such an agreement assures that both entities have carefully considered the implications of the arrangement in advance, and that the unique needs of CASA will be balanced as implementation proceeds. Generally, the Tribal council should approve and sign the agreement before the CASA program gets underway.

The development of a CASA program within the Tribe can be an effective method of combining community resources and creating a strong, sustainable program. Developing a plan that respects the uniqueness of each program and realistically addresses the possibility of disagreement and conflict will help to ensure that the arrangement succeeds. (See appendix, A-11, for a sample resolution that establishes a CASA Program.)

### **Establishing CASA Under Another Organization**

Another organizational model that has been used is the development of new CASA programs under the administrative structure of another established, or “umbrella”, non-profit organization. Common umbrella organizations include child abuse prevention councils, child advocacy centers, and agencies dealing with domestic violence. This arrangement has many of the same benefits as establishing CASA under the Tribe, including resource support. It is critical, however, that the umbrella organization have a compatible mission with the CASA program and that the goals of each organization are compatible.

In determining whether to establish CASA under an umbrella organization, it is important to carefully consider the same fundamental questions set forth above concerning the establishment of CASA under the Tribe. It is also very important to address any potential conflicts of interest that may occur between CASA and the parent organization.

The conditions supporting a successful arrangement with an umbrella organization are similar to the factors identified above concerning successful arrangements under the Tribe, including independence of CASA, separate staff for CASA, and the need for written agreements. The development of a CASA program within a sponsoring umbrella organization can be an effective method of combining community resources and creating a strong, sustainable program. (See appendix, A-26, for written agreement between CASA & an umbrella organization.)

### **Establishing CASA as a Independent Organization**

Establishing CASA as an independent nonprofit corporation at the beginning of the program’s existence provides the advantages of ensuring that the volunteers can be truly independent, without concern for possible negative consequences to the program; allowing the organization to create its own image in the community; and providing autonomy in planning, budgeting, hiring, fundraising and other aspects of program and volunteer management.

On the downside, establishing a nonprofit corporation requires a number of legal steps that can be time consuming and requires specific knowledge of the law and tax regulations. There are a number of excellent resources available that can provide step-by-step instructions on how to form a nonprofit corporation. One good publication available from National CASA is *How to Form a Nonprofit Corporation* by Anthony Mancuso, published by Nolo Press (www.nolo.com). National CASA has access to other resources that can be helpful in establishing your program as a nonprofit corporation. It is wise to consult an attorney as you proceed, although a non-attorney can prepare the necessary documents.

There are three fundamental documents that serve as the basis for a legal nonprofit corporation:

- ◆ Articles of Incorporation (or “Charter” in some states)
- ◆ Bylaws
- ◆ Tax Exemption Letter from the Internal Revenue Service

### **Articles of Incorporation**

Corporations are created under the statutory authority of a state or tribe. All states have specific statutory provisions relating to the formation of nonprofit corporations. Many tribes also have Tribal corporation codes that provide for the development of corporations under Tribal authority. Typical of the items required in articles of incorporation are:

- ◆ Name of the corporation
- ◆ Duration of the corporation (usually perpetual)
- ◆ Purposes for which the corporation is formed
- ◆ Provisions for conducting the internal affairs of the organization
- ◆ Names and addresses of the incorporators
- ◆ Names and addresses of the initial board of directors
- ◆ Address of the initial registered office and name of the initial registered agent of the corporation
- ◆ Provisions for distribution of the assets of the corporation on dissolution

The statutes of each state and tribe are different, however, and an attorney should be consulted to ensure that you conform to the requirements in your state or tribe. It is important that the articles qualify the organization as a nonprofit corporation by stating the organization’s purpose appropriately.

### **Bylaws**

The articles of incorporation provide only a broad outline of the organization’s form, and the initial board of directors (can be the steering committee for the purposes of incorporation) should quickly develop and approve a set of bylaws that will supplement the articles by prescribing more detailed rules for governing the organization. Bylaws provide the discipline required for orderly operation of the organization, and they should be written with an emphasis on fair treatment.

Bylaws often begin with a restatement of the name and purposes of the organization, consistent with the articles of incorporation, but they add basic rules for operating the organization:

- ◆ The frequency, notice and quorum requirements for organizational meetings
- ◆ Voting qualifications, proxies and procedures
- ◆ The number and term of the board of directors, scope of authority, method of nomination and election to the board, and provisions for filling vacancies
- ◆ List of officers, method of nomination and election, terms of office, powers, duties, and succession
- ◆ The composition and duties and powers of the executive committee;
- ◆ Title and scope of authority of the staff executive
- ◆ Record keeping and financial reporting responsibilities
- ◆ Bylaw amendment procedures and provisions for dissolution of the organization

It is wise to stop short of having too much detail contained in the bylaws so that the organization can retain some flexibility to change its operations without bylaw amendments. Bylaw amendments, although simpler than amendments to the articles of incorporation since the laws of the state are not involved, nevertheless often require a vote of the full membership of the organization, which can hamstring an executive, the officers and board in creating new operating structures to meet changing needs.

Committee structure is one example of the type of operating flexibility that should be preserved for board action at a later time. The bylaws should only prescribe the membership and authority of one standing committee: an executive committee made up of officers who need to make decisions between board meetings. Beyond that, the bylaws should provide that the board has authority to establish any other committees with whatever jurisdiction it prescribes. By preserving such organizational flexibility, the board is able to form new committees, or perhaps more importantly, eliminate obsolete committees without amending the bylaws.

### **IRS Tax Exemption Letter**

Nonprofit organizations must take one more step in establishing their operations. In order for donations received to be tax-deductible and to qualify for reduced postal rates, nonprofit organizations must establish their tax-exempt status with the IRS. Section 1.501(a) of IRS regulations provides that there shall be an exemption from income taxation for qualified organizations. Application for exempt status should be filed using IRS Form 1023. Copies of the organization's articles of incorporation and bylaws must be included with the application, and a full description of the purpose and activities of the organization must be provided. IRS Publication 557 provides detailed information on the filing process. Fees associated with the filing are usually several hundred dollars.

If the IRS determines that an organization has met the test for exemption, it will issue pre-determination and final determination letters, which should be kept safely on file with the other fundamental organizational documents. Be aware that issuance by the IRS of tax-exempt status does not eliminate the need for the organization to file annual information returns with the IRS. Tax-exempt organizations other than private foundations must file Form 990, or Form 990 EZ,

which is a shortened form designed for use by small organizations. An accountant or financial advisor should be consulted about the filing of this annual return.

There is also the possibility that you will need to obtain tax-exempt status from the state in which the organization is operating or is incorporated. While some states simply replicate the federal tax exemption regulations, so that qualification under federal regulations automatically qualifies the organization in the state, some jurisdictions require additional application and annual tax returns.

You may wish to speak with other Tribal Court CASA Programs before deciding which administrative model to pursue. National CASA can provide you with current contact information for programs operating under each model. Examples of the variety among programs include:

- ◆ The Confederated Salish & Kootenai Tribes of the Flathead Reservation have established their CASA program as an independent program of the Tribe.
- ◆ The Okmulgee County/Creek Nation CASA Program is under a domestic violence program who acts as the CASA's umbrella organization.
- ◆ The Cherokee County/Cherokee Nation CASA program is an independent nonprofit organization.



## Administrative Models of Tribal Court CASA Programs

<i><b>Organization Structure</b></i>	<i><b>Benefits</b></i>	<i><b>Challenges</b></i>
Under the Tribe	<ul style="list-style-type: none"> <li>◆ Support of other programs with resources</li> <li>◆ Assistance with fiscal operations</li> <li>◆ Financial support</li> <li>◆ In-kind services</li> <li>◆ Staff time off for traditional purposes</li> <li>◆ Tribal resolutions—providing assistance with volunteers</li> </ul>	<ul style="list-style-type: none"> <li>◆ Council stability, high turn-over</li> <li>◆ Power taken away from committees</li> <li>◆ Confusion about who is in control</li> <li>◆ Lack of active board members</li> <li>◆ Tribal politics</li> </ul>
Under another Organization	<ul style="list-style-type: none"> <li>◆ De-politicizes program (avoids negative impacts of Tribal administration change)</li> <li>◆ Continuity of program due to Board of Directors</li> <li>◆ Children can be the fiscal priority</li> <li>◆ In-kind support (financial management)</li> </ul>	<ul style="list-style-type: none"> <li>◆ Only a minority of Board members may be involved</li> <li>◆ Program not a part of “in-house” Tribal budget</li> <li>◆ Possibility of fragmented reporting</li> <li>◆ More liability/insurance issues</li> </ul>
As an Independent Organization – 501(c)3	<ul style="list-style-type: none"> <li>◆ Able to serve native kids in State &amp; Tribal Court</li> <li>◆ Not involved in Tribal politics</li> <li>◆ Independent &amp; Objective recommendations</li> <li>◆ Larger pool of volunteers</li> <li>◆ Wider source of funding</li> <li>◆ Total control of policies &amp; procedures</li> <li>◆ Less levels of bureaucracy above program</li> </ul>	<ul style="list-style-type: none"> <li>◆ Administrative cost higher</li> <li>◆ Not always included in Tribal budget</li> <li>◆ Must continually work at maintaining relationships &amp; being part of the team</li> </ul>

## *Which CASA Model to Use*

You will recall that in the chapter containing the history of CASA, this manual discussed the *Child Abuse Prevention and Treatment Act* (P.L. 93-274) passed in 1974. This Act required, for the first time in federal law, that children involved in court proceedings because of allegations of abuse or neglect must have a guardian ad litem appointed to their cases. The Act did not specify who could represent children in this capacity, nor did it define their roles and responsibilities. Also, the Act did not require guardians ad litem for children involved in tribal court child protection proceedings, nor did it provide funding for guardians ad litem in tribal court proceedings. Consequently, most children in tribal court child protection proceedings do not have guardian ad litem services.

In the early stages of implementation of the law, when a guardian ad litem was appointed, it was usually an attorney. However, judges were frequently dissatisfied with the quality of information they were receiving, and with the lack of direction among attorneys as to what they should do to fulfill the guardian ad litem role. It was against this backdrop that Judge Soukup developed the first volunteer CASA program.

In Judge Soukup's court, the CASA volunteer was appointed as the “guardian ad litem”. As new programs developed, different models were created. In some courts the CASA volunteer was appointed by the judge to serve in the capacity of “friend of the court” and in a few programs the volunteer's role was more narrowly defined as “a monitor” of the court's orders. These three models will be discussed in this chapter, allowing you to pick the one that best fits the needs of your Tribal Court system.

A study conducted in 1990 at the direction of Congress revealed that the most common means of providing guardian ad litem representation for children continues to be through private attorneys appointed by the juvenile court judge. However, research indicates that appointment of private attorneys who receive no special training is the least effective method of representation. On the other hand, there is growing evidence showing that well trained and supervised volunteers are effective in fulfilling the guardian ad litem role.

### **The CASA as Guardian Ad Litem (GAL)**

When the CASA volunteer is appointed as the GAL, he is considered a "party" to the case and performs the following duties:

- ◆ Act as an independent fact finder (or investigator) whose task is to review all relevant records and interview the child, parents, family, Tribal representatives, social workers, teachers and other persons to ascertain the facts and circumstances of the child's situation.
- ◆ Ascertain the interests of the child, taking into account the child's age, maturity, Tribal identification and cultural imperatives.
- ◆ Seek cooperative resolutions to the child's situation within the scope of the child's interests and welfare.
- ◆ Provide reports, preferably written, of findings and recommendations to the court at each hearing to ensure that all the relevant facts are before the court.
- ◆ Appear at all hearings to represent the child's interests, providing testimony when required.
- ◆ Explain the court proceedings to the child, when appropriate, in language and terms that the child can understand.
- ◆ Ask that clear and specific orders be entered for the evaluation, assessment, services and treatment of the child and the child's family.
- ◆ Monitor implementation of service plans and dispositional orders to determine whether services ordered by the court are actually provided in a timely manner, and are accomplishing their desired goals. Monitor the progress of a case through the court process and advocate for timely hearings.
- ◆ Inform the court promptly if services are not being made available to the child and/or family, if the family is failing to take advantage of such services, or if the services are not achieving their purposes. Further the CASA will bring to the court's attention any violation of orders, new developments or changes in the child's circumstances.
- ◆ Advocate for the child's interests in mental health, educational and other community systems.
- ◆ Advocate for the child's best interest realizing that an Indian child's best interest is tied to the tribe's interest in each individual child. As such the tribe's interest in each child must be identified and protected in any dependency court action.

In fulfilling these duties, it is helpful for the CASA volunteer to have access to legal representation by either an attorney on the staff of the CASA program or an attorney who provides pro bono work for the program. The CASA should always consult the attorney on legal matters pertaining to the case; when legal procedures such as filing motions or subpoena of witnesses is necessary; or when the CASA needs to obtain access to evidence held by other

In most Tribal Court CASA programs, the CASA functions as a GAL rather than as a friend of the court or in the monitoring role. This is due, in part, to the fact that most tribal courts do not have existing GALs. Consequently, the CASA program does not have to modify or limit the volunteer role to accommodate the already existing GAL.

parties in the case. In this model, the attorney offers information and advice, but the volunteer makes the ultimate decision regarding recommendations to the court. In the Tribal setting where it may not be possible to have legal representation for the CASA, the volunteer needs to be able to act as an advocate in court for the child. In this instance the volunteer's training should include the circumstances of having to act as an advocate without the partnering with an attorney. In this case, the cooperation of the court is necessary, to ensure that the CASA volunteer is accepted by the court as an advocate without an attorney partner.

### **The CASA as Friend of the Court**

In some areas, statute or traditional practice dictates that the guardian ad litem in dependency court be an attorney or a social worker. In some other areas, an attorney is required present to the court what the child's wishes are, just as an attorney represents a client in any court proceeding. (The "best interests" of the child may be different from the "wishes" of the child.) If either one of these is the case in your area, the Friend of the Court model will be more appropriate for your CASA program. In this model the CASA volunteer is still appointed as an officer of the court, but is not considered a party to the case. The CASA may, and probably will, perform some or all of the same duties as the guardian ad litem. The difference in this model is that the attorney GAL or the attorney representing the child's wishes is calling the shots and will provide direction for the case. The CASA will still provide written reports and recommendations to the court, and may be called to testify in hearings, but the attorney will be the one to present the case in court and will have the final say if there is disagreement about what the recommendations should be.

However, it is also possible for the child to be represented by counsel, and also have a separate CASA volunteer who may or may not be represented by an attorney. Though it might seem that the child's counsel and the CASA would have the same position, that is not necessarily true. Examples of this may come up when the attorney/advocate is not well versed in the difficult social dynamics involved in dependency court matters or lacks cultural awareness. Or, where the attorney/advocate has a substantial caseload and cannot devote the necessary time to every case.

### **The Monitoring Model**

This is the least commonly used model for CASA programs. In this kind of program the volunteers do not engage in fact finding investigations, do not provide reports to the court, and may not even appear in court. What the volunteers do is limited to monitoring the orders of the court to ensure that the child and family are receiving the services mandated in an appropriate and timely way. They fulfill this duty by being in touch with the child and family and by reviewing the written case records of social services and other agencies.

In the few locations in which this approach is used, it was chosen because law or regulation in those areas dictate that a social worker (independent of the public agency) be appointed as the guardian ad litem for the child. While volunteers provide a needed and valuable service to children in these programs, they do not have the in-depth involvement in the court process necessary to fulfill the advocacy role that is CASA's mission.

## *Establishing the Board*

After the structural issues of setting up the program have been resolved, it is time for the steering committee to develop the governing board of directors or, if the program will be governed by the Tribe, the ongoing advisory committee. Though there are still planning steps to be completed, the organization is entering what can be considered the implementation phase. The pace of the action will increase and several things will be happening at the same time. Funding must be found, staff should be hired, policies and operational systems developed, and volunteers recruited. The board/advisory committee members who will oversee the program's initial operations should be involved in these steps. It is not unusual at this point for some members of the planning committee, especially those who made a limited time commitment, to step aside at this point.

Establishing the board is a very important step. The decisions made now regarding the composition of the board and its role will significantly impact the ultimate success of the organization. A strong board provides both the energy and stability needed to ensure the life of the program.

A key aspect to the successful operation of a board is its size. There are several considerations in determining the optimum number of members: the skills needed to fulfill the program's mission; the representation of various constituencies; enough people to serve on committees; and enough members so that no one member feels overworked. An optimum working board generally has twelve to twenty members. The initial board may be smaller in number, with a plan to add more members as needed. The by-laws should establish a minimum and maximum number of members.

The by-laws should also establish the length of a board member's tenure. It is usually advisable to stagger the terms of board members so that a half or a third are elected every one or two years, for terms of two to four years. This assures that the entire board does not retire at once. Most organizations limit board members to two consecutive terms, a good approach that encourages the board to identify and cultivate new board members in a thoughtful and effective process.

### **Board Recruitment**

An effective board does not happen by accident. It must be carefully built and maintained by the collective efforts of every board member. When the executive director is hired, that person should also collaborate on identifying new board members. It is critical that the board reflects the diversity of the community it is serving. This includes diversity of demographics such as sex, age and background; linkages to various sectors of the community; and the individual skills and

interests which members bring. Strong boards have a composition that is representative of the larger community in which they operate.

Secondly, there must be unity among board members. While acknowledging the need for diversity, the board must ensure that members have a shared belief in the mission and essential values of the organization. Each member must be committed enough to give the time and resources needed.

The objective of the recruitment process is to identify and select people who can operate as a team. The first step is to identify those skills and characteristics that are needed on a well-rounded board. Common skills sought for newly forming CASA boards include human resources/personnel management; public relations/media experience; management skills; accounting/financial management; office administration; fund development experience; and volunteer management.

Potential board members should be interviewed by members of the planning committee to determine their interest and suitability. The responsibilities and expectations of CASA board members should be clearly explained. Friendship with a committee member should not assure a position on the board for anyone. Screening of potential members should be conducted using the same methods required for staff and volunteer applicants. This includes child protective services and criminal background checks. This sends the clear signal that CASA is a professional organization that is serious about finding quality board members. Board candidate should be informed in advance about the screening process and should be asked to sign a release authorizing committee members to obtain necessary information.

Once board members have been selected, they should be given a thorough orientation regarding CASA, the planning process and progress to date, and expectations of each board member and the board as a collective body. Training for the new board on the roles and responsibilities of boards can be very helpful at this stage, and offers a chance for new board members to get to know each other. Bringing in a consultant from the Tribal community college, or another nonprofit, to provide the training is usually a good idea.

### **Considerations in Selecting Board Members**

A major goal in selecting board members for a new Tribal Court CASA program is the development of a professional and credible image in the community, particularly among the many professionals that will come in contact with the program once volunteers are assigned to cases. It is crucial, therefore, to develop a board of individuals who are not only qualified and committed to CASA, but who are also free of potential bias or conflict resulting from their employment or other organizations with which they are affiliated. CASA planning committees often specifically recruit people with connections to the court or social service system, believing that the program will benefit from their other affiliations. While this can be very helpful in the planning stages, once a governing board or ongoing advisory committee is established, it is wise to avoid using individuals from organizations where real or perceived conflict of interest may develop. A CASA board member must be able to make a firm commitment to carry out the

duties of membership. As long as a potential for conflict exists, that person faces the likelihood that at some future point, one or both of their roles may be compromised.

### **The Judge**

For example, consider the judge. If he initiated the development of the program and has been involved with the planning up to now, he may have a strong feeling of ownership and assume that he will be a member of the governing board. However, his membership on the board can present a problem. The key issue is the necessity for program independence. A judge who will be appointing volunteers to cases and assuming a position on the board could compromise the program's independence. If the judge is perceived as being overly influenced by the CASA volunteers' recommendations or too closely involved with the program, other professionals may question the judge's ability to give equal consideration to the evidence of all parties in a case.

Most judges will not want to be a member of the board. They will generally want input on some policy matters and involvement in training of volunteers. These are important and appropriate roles for the court. However, some judges do not see any conflict in hearing cases and serving on the board. Obviously, this is a delicate issue, which will take considerable diplomacy. Allowing the presiding judge to name a fellow judge, perhaps a retired judge or one who has left the bench, is sometimes a graceful out.

### **Social Services Personnel and Public Attorneys**

Having an employee from the public social services agency on the board looks like a good idea at first glance. However, when the inevitable conflict occurs between CASA and the agency, that individual may be putting his employment on the line if the conflict concerns agency policy.

A similar barrier exists in the case of a prosecutor, or Tribal attorney. These public employees are frequently involved in the same cases that CASA volunteers are assigned to, but they have different roles. They may or may not agree with a volunteer in any given case. For that reason it is best to avoid the possibility of conflict by not placing them on the board.

### **Foster Parents**

Foster parents are often the most vocal critics of the court and child welfare agencies. All too often, they have witnessed children being victimized by the system that is supposed to protect them. Often they are motivated to become involved with CASA because they see it as a possible remedy for the ills of the system. While their knowledge of the system would seem to make them suitable candidates for board membership, their roles may become blurred. Their ability to make objective decisions that will further the program's mission may be compromised. It is better if they are encouraged to seek involvement with other organizations.

### **Board Responsibilities**

Developing and clarifying the board's role at each stage of a program's development is essential because the board's involvement, commitment, sense of partnership and strength can make a

critical difference in an organization's ability to continue and to grow. Staff and volunteers come and go, but a strong board that brings in new members with new ideas on a regular basis is the foundation for a program's growth. (See appendix, A-16, for a sample board job description.)

Most nonprofit leaders agree that it is the board's duty to do the following:

- ◆ Carry out the functions and obligations as designated by law or charter. The board should have a written description of its role and legal authority, if any.
- ◆ Serve as a review body to counsel, advise, and deliberate with staff regarding program policy and operations. The board needs to take the pulse of the organization, watch its spirit and be sure it is progressing toward agreed upon goals.
- ◆ Set or recommend policy, authorize operational goals and objectives, and emphasize quality of overall corporate planning in the organization.
- ◆ Encourage the director to establish rules and procedures for the administration of the agency and see that they are followed.
- ◆ Serve as a public community relations organization. This means members need to have access to (or in some cases be a member of) the organizations constituents and public—to hear from them and talk to them. This is necessary to communicate the organization's goals to the public, and the concerns and needs of the constituents to the organization. In other words, the organization must not operate in a vacuum.
- ◆ Monitor operations of the agency. This includes having access to necessary information regarding the organization's budget, program, problems and achievements, so it can objectively evaluate the director and the agency itself.
- ◆ Support the agency in securing funds. Appropriate board members should accompany and support the director in solicitation visits. In some cases they may want to make the presentation. Board members should engage in fundraising activities as necessary.
- ◆ Act as ambassadors, negotiators and intermediaries between the agency and community members whenever problems arise. At times, this may mean taking a stand against some action that the program is being pressured to carry out. This task can sometimes require fighting a battle with politically influential people.
- ◆ In some programs, the board has primary responsibility for finances. The treasurer must keep financial records; prepare financial statements and reports; prepare budgets (together with staff); and safeguard the program's financial assets through bonding, insurance and internal controls.

If you establish your program under the Tribe, you may need to follow set Tribal procedures when establishing your board. For example, some Tribes have procedures that require that the Council appoint board members.



## *The Power of Image*

### **Developing Community Support**

CASA is relatively new in Indian Country and lacks widespread visibility. However, community responsibility for children is a cultural value, so the CASA concept will not be foreign to Tribal communities. Many non-Indian communities resisted CASA programs when they were first introduced in these communities. Because the program is new in your area most Tribal community members will not be familiar with the role and purpose of a CASA volunteer. If the new program can successfully educate the community about who it is and what it does, it will likely meet less resistance. Community-wide support is also necessary for building credibility and staying power. Commitment to Tribal children through implementation of a CASA program is a critical expression of Tribal values.

Particularly in the initial stages of developing your CASA program, the ability to concisely state the program's purpose when speaking to each agency and constituency within the community is essential. You must also be equipped to respond to any objections that may be voiced. Because the needs and characteristics of each Tribal community are unique, the questions and responses will vary in different areas. However, the history of growth and acceptance of CASA programs in other Tribal communities indicates that some issues and objections can be anticipated and resolved early.

### **Explaining the Benefits of CASA**

Some of the commonly cited benefits of a CASA program include:

- ◆ **Quality Representation of Children.** A CASA volunteer is specially trained to conduct an independent investigation of the child's situation and report to the court all relevant information. The volunteer frequently has more time to devote to the case than the professionals involved and therefore can provide the court with more in-depth information. Social workers or attorney guardians ad litem can carry as many as sixty cases at a time while National CASA Standards recommend that a volunteer not be assigned to more than two children/sibling groups at a time.
- ◆ **Quality Decision-Making by the Court.** A CASA volunteer is specially trained to conduct interviews with children, parents and professionals to obtain important facts and opinions regarding the child's needs. Using the materials gleaned from the investigative process, the CASA volunteer, the volunteer's supervisor, and the attorney can engage in a joint process of

case discussion. Considering a child's situation from several perspectives leads to more carefully considered recommendations, which can positively affect the decision of the court.

- ◆ **Community Awareness and Involvement.** Involvement of community volunteers in the Tribal Court system provides the added benefit of educating people about the needs and interests of abused and neglected children. By engaging these citizens, the community is encouraged to accept ownership of the problems of child abuse and neglect and to work at finding solutions and prevention measures.

### **How CASA Relates to Others in the System**

Most professionals are very supportive of CASA once they know about the role of volunteers and how they will be required to interact with the advocates. In fact, many professionals have asked to have CASA volunteers assigned to the children with whom they work. Initially, however, there is usually some resistance when the program is new and those who work in the system have not had experience with CASA volunteers. Every professional who works in this field considers herself a child's advocate and naturally feel that having someone else also assigned that role is not necessary. It is important to establish clear and open channels of communication at both the agency and individual levels to assure effective collaboration and cooperation. Establishing a clear understanding about the role of the volunteer and how the volunteer will relate to each player in the child's arena is a key first step toward creating good relationships.

### **CASA Volunteers and Attorneys**

CASA volunteers and attorneys relate to each other in varied ways depending upon the model of representation that is established by the court and the CASA program. The most common models of interaction are:

- ◆ An attorney is guardian ad litem; the CASA volunteer is an independent "Friend of the Court" or a party to the action, reporting directly to the court. There is no mandate that they work together.
- ◆ Guardian ad litem may be an attorney, a CASA volunteer or other non-attorney adult.
- ◆ CASA is the guardian ad litem, teamed with attorney advocate.
- ◆ CASA is the guardian ad litem, represented by attorney in court.

Regardless of the model used in your program, the keys to successful collaboration with attorneys are a clear understanding of roles, commitment to teamwork, frequent two-way communication, and an established protocol for resolving differences when they occur.

It is also important to emphasize to your local legal community that the intent of the CASA program is *not* to provide legal representation for children. It is to make sure the best interests of children are heard in court, and this job is best performed in conjunction with an attorney. CASA programs must have either an attorney on staff, or consult regularly with pro bono attorneys, contract attorneys, or attorneys appointed to serve jointly on a case for this purpose. In general, the legal profession has been quite supportive of CASA programs nationally.

## **Social Workers**

CASA volunteers and social workers tend to be in close communication and share information on most cases. It is of critical importance, especially in jurisdictions that assign CASA volunteers early in the court process, that the roles of each are clear. CASA volunteers do not deliver services but may locate and recommend them for a child or family. They often give input regarding the development of a case plan or may recommend a revision, but they do not formulate the plan. Just as CASA volunteers do not practice law, they do not practice social work.

When approaching a social service agency in your community, it is especially important to emphasize that it is not the mission of CASA volunteers to look over the shoulder of other agencies. Rather, the purpose of the CASA or volunteer guardian ad litem is to ensure that the court has all the information it needs to expeditiously place children in a safe, permanent home environment. In the majority of cases, the CASA volunteer achieves that goal through close cooperation with the caseworker, supporting the case plan and the department's recommendations.

Sometimes, however, the volunteer makes recommendations that are different from the caseworker's. Any resulting complications can be minimized if every effort is made to keep the attention focused on the child and the facts surrounding his or her circumstances, rather than on the disagreement. Building a positive working relationship with the department, as with any other entity, requires open communication on a regular and ongoing basis. Sometimes relationships must be built one social worker at a time.

## **Indian Child Welfare Advisory Committees or Tribal Child Protection Teams**

CASA volunteers are excellent sources of information about a child's current needs and circumstances and should be involved with multi-disciplinary team meetings.

## **Foster Parents/Extended Family Care Providers**

CASA volunteers communicate often with a child's foster parents about how the child is doing and what the child currently needs. Foster parents are the best experts on any changes in behavior, school performance, medical or social needs, and what services are currently being provided by social services. CASA volunteers and foster parents do not always agree, but they are both focused only on what is best for the child and therefore have a strong partnership.

## **School Personnel**

CASA volunteers often contact schoolteachers, principals and counselors to see how children are progressing in school. If the child has special educational needs, the volunteer will check to ensure that those needs are met. In some states, they may serve in the capacity of educational surrogate in order to review a child's individual educational plan.

## **Mental Health/Substance Abuse Therapists and Counselors**

Treatment professionals can communicate with CASA volunteers, provided appropriate releases have been signed and/or court orders allow the release of information. CASA volunteers relay

important information to the court regarding parental progress and compliance with court ordered treatment.

### **Medical/Tribal Health Professionals**

With appropriate releases or court orders, CASA volunteers can obtain the child's relevant medical records and communicate with medical professionals about the child's condition(s).

### **Sibling and Family Visitation**

A Tribal Court CASA worker can provide the vital continued contact with an Indian child's birth family and cultural family or clan. Often, the foster parent and/or the social worker are unable, unwilling or not knowledgeable in the relationships of each child and the necessity to insure that these relationships are maintained.

### **Enrollment**

A Tribal Court CASA worker can facilitate the vital step of the child's enrollment in their Tribe. Enrollment is a highly significant right of each Indian child and must be insured. Tribal Court CASA volunteers can be trained to insure that this vital right is protected for each child.

### **Cultural Activities**

A Tribal Court CASA volunteer can and should insure that the child he is representing has a case plan that includes the cultural support and development of that child.

## **Responding to Common Objections to the Program**

Here are some of the most common objections CASA programs have faced when first introduced into non-Indian communities. A review of these objections will help a Tribal organizer meet the objections they may face in organizing a Tribal program. The responses are drawn from real program experience, and can help a Tribal organizer formulate responses for the opposition that might exist in a Tribal community. The responses given are not guaranteed to resolve the problems that may come up in your community; they are suggestions that you may find helpful.

**Objection:** Adding one more person to the process is unnecessary and will further complicate the handling of the case.

**Response:** The child is already involved in the process and her interests must be considered by a number of persons under the present system. Yet, when so many people and so many institutions are involved on the child's behalf, sometimes the focus on the child gets lost. The CASA can be the thread that pulls all these resources and caring people together. Designating one specially trained advocate to speak for the child is more efficient and may actually save time since programs train volunteers in negotiating skills that can sometimes facilitate the progress of difficult cases.

**Objection:** The caseworker is a trained professional, and does not need an untrained lay person interfering in case planning and management. The volunteer would be practicing social work without the training.

**Response:** The social worker is indeed a trained professional hired for his knowledge of child development, the dynamics of abuse and neglect, and skills in helping families solve problems. The CASA volunteer does not practice social work and has no decision-making authority. When they testify in court, they are not considered expert witnesses. However, the volunteer does receive extensive training and has been selected because of his/her ability to be thorough and objective. CASA volunteers can help social workers that have high caseloads by giving children the kind of focused attention that social workers would if they had more time.

**Objection:** The system is working fine; we do not need anyone else checking on us.

**Response:** The CASA concept is not limited to courts and social service systems that are experiencing problems. Children entitled to representation of their best interests, as specified in the Child Abuse Prevention and Treatment Act. The use of trained volunteers in that role has proven a cost-effective model for meeting that requirement. CASA volunteers serve as an adjunct to the system, ensuring that the system works well for all children.

**Objection:** If a new program is developed, funding will likely be cut from some other program to support this one, because there is no new money in this community to support new programs.

**Response:** The impact of all permanency planning efforts is felt in the long term with a reduction in the costs of foster care, and reduced workload of court and social service personnel. By utilizing attorneys in an efficient manner, volunteers have

actually saved money while offering greater representation for children. They can provide the background information necessary for the attorney's legal case.

**Objection:** CASA volunteers are practicing law without legal training or a license.

**Response:** CASA volunteers receive extensive training in the substance of child welfare laws and local court rules in addition to the workings of the court system. However, CASA volunteers do not practice law; they have access to legal counsel to advise and represent them in legal matters and procedures beyond the scope of their training.

**Objection:** Volunteers cannot be trusted to work in the court system, and carry so much responsibility.

**Response:** One of the foundations of the judicial system in the United States is the use of citizens as jurors. They are charged with the very serious responsibility deciding the outcome of cases, based on evidence presented. The CASA concept also assumes citizens are capable of responsible participation in the court process. CASA provides specialized training, clear role definition, and professional supervision to guide and support the volunteers.

**Objection:** What about the potential for liability when volunteers are used in the court?

**Response:** Some states have specific legislation addressing the issue of liability of volunteers in general, or specifically, CASA volunteers. Some nonprofit agencies have purchased liability insurance coverage for their volunteers. Whether a volunteer is covered under the Tribe's liability protection or through a county risk maintenance plan depends entirely upon the jurisdiction.

**Objection:** The information in cases of alleged child abuse and neglect is confidential and very sensitive. No one from the community should have access to that information about families and children in the community.

**Response:** The CASA program emphasizes the importance of confidentiality when training its volunteers. The role as the child's representative makes the CASA volunteer a recognized part of the proceeding, with the need to know the information available to the other parties, and the same obligation to handle that information confidentially. The success of existing CASA programs indicates that the confidentiality issue can be adequately addressed, and most programs state explicitly that violation of confidentiality is grounds for dismissal of a volunteer. In many programs, volunteers are required to sign an oath of confidentiality.

## **Gaining Visibility in the Community**

CASA programs are different from most other programs serving the court because they depend on public visibility to survive and grow. Unlike caseworkers, attorneys or court personnel, CASA volunteers are recruited from the Tribal community. If the Tribal membership has not heard of the program, it will be more difficult for the program to effectively serve the Tribe's children.

As a result, CASA programs face a unique challenge: they must work within the confidential parameters of the Tribal Court and social services system while simultaneously promoting the program within the Tribe. They are advertisers as well as advocates. CASA programs need public visibility for three major reasons:

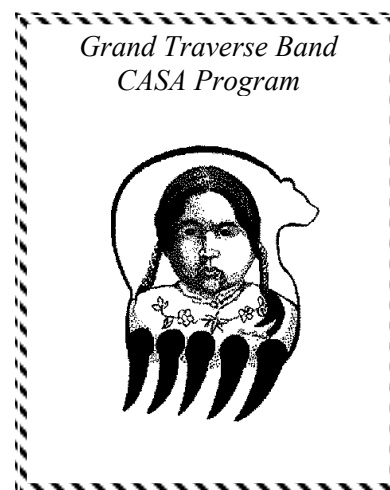
- ◆ To recruit volunteers
- ◆ To generate Tribal support and credibility for the program
- ◆ To raise funds

This presents an ongoing challenge for most CASA programs, both Tribal and non-Tribal. Cases never stop coming in, but volunteers sometimes do. While the program may rely on word-of-mouth recruiting for its first group of volunteers, it is unrealistic to think that this kind of "grapevine" effort will maintain a sufficient volunteer pool in the months and years to come. Free time is a valuable commodity for most people and they are most likely to dedicate volunteer hours for a program with a recognizable name and solid reputation that provides a much-needed service for children.

## **Getting Started: The Basics**

Your logo is very important to your program's image. Many Tribal Court CASA programs use the National CASA logo to identify themselves with a national network of programs. Others have developed a CASA specific Tribal logo that speaks to the traditions of the community the program is serving. Some programs choose to use their Tribe's official logo. One option is to use a local logo along with a smaller version of the National logo on your posters and recruiting brochures.

Below are two examples of Tribal Court CASA logos:



In addition to thinking about your logo, new programs will need to reserve some money in their budgets for public relations materials. In creating a Tribal Court CASA program's public relations campaign, it is essential that the artwork and the message be presented in a strong cultural context. New programs can look to the other Tribal programs for ideas and guidance in this area. Don't perceive these items as simply a luxury; the dollars you put into creating effective marketing tools now will pay off for you later in your recruiting and Tribal awareness efforts.

Some materials you may find useful include:

- ◆ **General Information Brochure.** A professionally designed and printed piece that provides basic information about CASA: what the program does, how much time it requires, what skills are necessary to do the job and where to volunteer or get additional information. Remember, this brochure will be many people's first impression of your program; it needs to reflect professionalism and credibility.
- ◆ **Business Cards.** For program director and/or any staff who deal with the general public.
- ◆ **Stationery.** Letterhead and envelopes that use the CASA logo and program colors.
- ◆ **Recruiting Posters.** Posted in buildings and public places.
- ◆ **Program Newsletter.** To distribute to volunteers, interested parties, and the press.
- ◆ **Public Service Announcements (PSAs).** Free radio, television and newspaper advertising spotlighting your program to recruit volunteers (PSAs are available from the National CASA Association. All materials can be used as models for Tribal PSA's but should be adapted to the Tribal community.)
- ◆ **Conferences, rodeos, powwows or other events.** Many Tribes allow organizations to set up informational booths at community gatherings. This type of outreach is widely used in Indian country to create interest in programs and present information to the Tribal community.
- ◆ **Video.** National CASA Association has developed a Tribal specific video for use in speaking engagements. Your program may decide to utilize that video, or develop one of your own to use in your community.

One of the benefits of your program's membership in the National CASA Association is that you may use NCASAA graphics and public relations materials, available from the national office.

NCASAA materials have been designed so that every CASA program may use them, regardless of name. Using the materials developed by the National CASA Association allows local CASA programs and programs that carry other names to maintain a consistent national image.

To ensure that we maintain quality in our visual image, members of the National CASA Association must adhere to the graphics standards when using these materials. Our purpose is to offer a means to achieve uniformity within the CASA/ GAL network, and to offer guidance to new members. You will find the standards for the utilization of the CASA graphics in the national standards for local programs.



The National CASA 's *Communications Manual for CASA/GAL Programs* specifically outlines ways to launch a successful PR campaign for your program. It contains information on: designing printed materials; putting together an information/press kit; working with the media; and getting a public service announcement on the air. This kit is not Tribal specific.

Being a manager and a public relations executive can be difficult for some program directors. Often, the job of nurturing the young program is so time consuming that it is hard to create a marketing campaign as well. Sometimes the program director's personality is more suited to program management than to "selling" a product, and the director feels uncomfortable or reluctant to aggressively pursue public attention. To deal with this dilemma, some programs appoint a Public Relations Coordinator (a volunteer) who deals with the job of creating visibility for the program. (See appendix, A-20, for sample press release.)

## *Establishing a Relationship with the Court*

### **Role of the Volunteer**

New CASA programs must develop a strong relationship with their court, establish the duties of volunteers and establish policies and protocols for relating to the other players in the system. You must determine if your Tribal code details the roles and responsibilities of the guardian ad litem, what her qualifications and training must be, and what her rights and powers are. Determine if your Tribal code addresses the volunteer's role (including whether the volunteer is a full and independent party to the case), the formal status of the volunteer, the forms of attorney representation, the formal relationship between the volunteer and attorney for the child and the types of cases accepted. You should become very familiar with what your Tribal code says and how the code is implemented by the Tribal Court(s) throughout your community.

As discussed in chapter four, there are five generally accepted activities associated with the guardian ad litem role:

- ◆ Fact finding/Information gathering
- ◆ Legal representation
- ◆ Negotiation/mediation
- ◆ Case monitoring
- ◆ Resource brokering

### **Guiding Principles**

Because local practice, including the understanding and wishes of your Tribal judge, will help to determine how your program operates, it is important to establish mutually agreeable goals and expectations at the earliest stages of program development. Regardless of the parameters of the volunteer's activities within the court, there are some guiding principles that will support quality advocacy. It is important to keep them in mind as you plan your community's approach to representation.

- ◆ **The volunteer must have access to legal support.** Regardless of the program model, lay volunteers do not participate in the case as legal counselors to the child, but as individuals appointed to represent the child's best interests. Nor does the volunteer provide legal services in fulfilling his role. Established programs obtain legal assistance for their volunteers in a number of ways. Some programs have an attorney on the CASA staff; a number of programs contract with a private attorney when the need arises and some request that the court appoint

an attorney to represent the volunteer when necessary. Most other programs rely on pro-bono (volunteer) legal assistance. In some programs, one or several established law firms in the community provide pro-bono services to CASA. In other areas, the local bar association or the young lawyers division of the bar has agreed to donate their time.

Legal assistance should be accessible as soon as volunteers are assigned to cases, so it is essential to determine what resources will be available in advance. Whatever plan you devise, it is wise to develop a written understanding of time expectations and roles. Also, don't assume that all attorneys have knowledge or experience in juvenile law or an understanding of the problems of abuse and neglect. These subjects are not generally required in law school, and most attorneys choose not to practice in this area. This does not mean, however, that they are not committed and interested. Capitalize on their willingness to become involved and assume that they are seeking opportunities for learning, growth, and service to others. Provide written materials on CASA as well as on the topics of abuse and neglect. Offer training opportunities, which include other attorneys as presenters as well as CASA volunteers. Don't forget to thank your volunteer attorneys and recognize them as you would any volunteer.

- **The volunteer must be independent.** This means that no one with ties to any of the parties should serve as a CASA volunteer. It also means that the volunteer must be permitted to conduct a thorough fact-finding investigation. There should be no conflict or fear of retribution against the program that would make it difficult for this person to present recommendations that are consistent with the child's interests.

If the child is old enough and mature enough to state his or her own wishes and they differ from what the volunteer considers to be in the child's best interests, there should be a procedure that allows the volunteer to inform the court in order that the judge might consider the necessity of appointing an attorney to represent the child's wishes.

- ◆ **The volunteer should be appointed to the case at the earliest possible time** and should remain involved until the child is in a legally sanctioned permanent placement and the case is dismissed from the court system. It is important to note that although the volunteer is appointed prior to adjudication, he or she does not investigate the allegations of abuse and neglect. His/her role during the initial stages of a case (prior to the court's ruling on the allegations) is to gather facts related to the child's past and current situation; to determine what services have been previously provided to prevent foster care placement and to assess what services are necessary to meet the child's needs and to reunify the family.
- ◆ **The volunteer should receive notice of all hearings, staffings, and other case conferences related to the child.** In addition, the volunteer should receive copies of all requests for discovery and responses, copies of correspondence and other appropriate documents.
- ◆ **The CASA volunteer should have complete access to all information related to the child and his or her situation.** Such information may include: records of social service agencies, law enforcement, the court, schools, public health, medical providers, substance abuse treatment, and mental health history. The volunteer must also be allowed to interview: the

child, parents, social services staff, law enforcement personnel, and any other individuals who have knowledge of the child.

- ◆ **The volunteer should have immunity from liability for performing his role in a responsible manner.** As an officer of the court, the volunteer usually has statutory immunity from liability when performing his duties unless an act, or failure to act, is willfully wrongful or grossly negligent. If immunity is not prescribed in your state law, the court should address it in court rules or on the order of appointment for the volunteer.

### **Agreement with the Court**

A written agreement with the court is an excellent way to define the goals and expectations of the relationship between the court and the CASA program. Once it is developed, it should be signed by all judges who will be appointing volunteers, the president of the CASA board or the supervisor of the program's director, and the program's executive director. The agreement should be reviewed annually and modified or refined as the need arises. What is covered by the agreement will vary based on local wishes.

The following are issues that should be considered as you work on your memorandum of agreement with the court:

- ◆ Role and duties of the volunteer
- ◆ Criteria for cases to be referred for volunteer assignment
- ◆ Procedures for prioritizing cases when an adequate number of volunteers are not available
- ◆ Procedures for the court's referral of cases to the program and the program's selection of the appropriate volunteer to be assigned
- ◆ Procedures for the court's feedback on volunteer performance
- ◆ Expectations regarding volunteer reports submitted to the court, e.g., format, deadline, distribution, etc.

### **Frequent Communication**

Many issues will emerge that go beyond the scope of the written agreement. For this reason, it is important to build in frequent face to face opportunities for communication between the director and the presiding judge. It may be difficult because of the competing demands on the judge's time. The director should be flexible but persistent in pursuing regular meetings. They present the best opportunity to for the court to be made aware of the ramifications of its directions and permit the airing of any court-related difficulties that have arisen within the program. Though it is inappropriate for a presiding judge to sit on the board of a program, her input and consideration is critical to the healthy functioning of the program. There must also be an arena for timely resolution when differences of opinion occur.

## *Funding the Program*

One of the great challenges facing the steering committee is finding the necessary money to get the program off the ground. The court, Tribal council and community leaders may embrace the concept wholeheartedly, but they will still ask, “Who is going to pay for it?” Regardless of the enthusiasm for CASA, the commitment of those involved or the careful planning that is done, if the funds are not available, the program will never train the first volunteer.

Finding funding for a new organization that does not have a local track record of success, has little visibility in the community, and no staff, requires creativity and the willingness to try multiple approaches. Because you need to know how much money to ask for and what it will be used for, the first step in getting the money is to determine how much you need and what you need it for. Creating a budget that includes expenses for the first year of operation is the best place to start.

### **Developing the First Budget**

To determine what the actual costs of goods and services will be, take a look at other human service programs of the Tribe. Members of the planning committee may be able to provide some information based on their personal knowledge or experience in other. Your state CASA organization can share what other developing programs in your state have budgeted for necessary items.

Although you might need to include other categories or distribute the items within these categories differently, the expenses of launching a CASA program will fall into the categories below:

- ◆ **Personnel.** Don’t forget to include benefits, taxes and the employer portion of social security.
- ◆ **Equipment.** You should include a computer and printer for the first year as well as a desk, chair, locking file cabinet for confidential records, a telephone and answering machine.
- ◆ **Volunteer Support.** This category includes the purchase or printing of recruitment materials such as brochures and posters; training materials and other costs associated with training.
- ◆ **Facility.** Includes office space, maintenance, utilities and cleaning.
- ◆ **Supplies.** Includes paper, pens, computer cartridges, business cards, letterhead, etc.
- ◆ **Travel.** Includes cost of mileage reimbursement, travel expenses such as meals and hotels associated with training and meetings for staff, and reimbursement for volunteer mileage if that is anticipated.

- ◆ **Telephone/Internet Service.** Be sure to include the cost of installing the initial telephone line for the program, if there will be a charge, as well as funds for long-distance calls. Explore the need and cost effectiveness of installing a phone line for internet or fax access. It may be cheaper than adding one later.
- ◆ **Administrative costs.** Includes legal, accounting and other costs of administering the program and may include an indirect cost if the CASA program will be a program of the Tribe.
- ◆ **Insurance.** Should include professional and general liability, directors and officers coverage for the board and liability coverage for volunteers if you anticipate that you will have volunteers active on cases during the first year.
- ◆ **Staff Training.** This includes the registration costs for workshops or conferences such as those sponsored by National CASA and your state organization.
- ◆ **Dues & Publications.** Should include your program dues for National CASA and any dues for your state association. You might also include publications and training videos for the volunteers.

You might need to include other categories in your budget, or distribute the items within these categories differently. For example, you may focus on public speaking to promote the program. If so, then you must earmark money for travel reimbursement. If you are planning for staff to participate in conferences and training, make sure you include an allowance for registration and per diem costs. In addition, it should be considered mandatory to travel to the NCASAA meetings for the Tribal Court programs. The reason for that requirement is that the programs use this time to meet and trade ideas, approaches and resources. These meetings have proved to be invaluable to the existing programs, and Tribal participation in the meetings should be considered a priority.

If the court, or another department in the Tribe, initiates the program the budget will need to fit into the format prescribed by the Tribe, which may include different or additional categories and costs. If the program will be private nonprofit, those recruited for the board of directors should clearly understand that fundraising is an important part of their responsibility. Even if the Tribe chooses to provide some baseline funding to the CASA program, the advisory board or the board of directors should assume they will have some fundraising responsibility.

## **Developing a Successful Approach to Fundraising**

Once you have identified the kind and amount of financial resources you will need to start the CASA program, you are ready to begin developing your funding plan. If you have included people on the planning committee who have experience in fundraising, they will be helpful during this phase of planning. If not, you will need to identify people who are willing to assist in the funding efforts or provide training to members of the planning committee.

Funding sources want assurance that they are being asked to support a carefully researched and well-planned program that fills *documented* community needs. Funding for human service programs—especially children's programs—is limited, and competition is stiff. Funders want to know that they are not throwing money away on a program that will fail because of poor

planning, lack of coordination with those who will be affected, or duplication of efforts. You must be able to show a solid plan to support your request.

The three fundamental rules of successful fundraising are:

- 1) Know who you are asking.
- 2) Know what you are asking for.
- 3) Ask and ask again.

The success of any fundraising project will hinge on how well you know the person, agency, or corporation you are soliciting. It is essential to have a clear, precise understanding of the potential funder, types of programs it likes to support, and its funding history. Your request might be a good one, but if it does not fall within the funder's philosophy or budget parameters, you probably will not get funded.

Another rule is to narrow your request to specific needs. It is rarely effective to approach an institution or organization with a blanket request. Funders usually prefer to fund defined projects rather than general operating expenses. It is also helpful to have a list of items that the program needs, such as office furniture or computers, to provide potential funders. If you do not ask for what you need, you may be offered something you cannot use. Then you are faced with the dilemma of declining an offer of support, and possibly alienating a potential supporter. Use the budget as a blueprint for determining what your specific requests should be.

At the same time, you must be flexible. A potential donor might decline your original request, but offer something else that is also needed. It is a good idea to prepare two or three alternative requests, based on what the donor is able to offer. The key to successful solicitation of in-kind contributions is to be clear about what specific items you need, and be willing to ask for them—again, and again, from several different sources, if necessary.

One important tool that can help your program succeed with fundraising is a written plan. This plan will include all types of fundraising, from raffling off a quilt and approaching your council for funding, to applying for a major foundation grant. Having a comprehensive plan allows you the freedom of knowing when & how you plan to seek funding so that you do not need to scramble to figure out your next activity. Request help from National CASA if you need assistance in developing a plan.

## **Possible Funding Sources**

***In-Kind Contributions.*** Donated goods and services are a major source of support for CASA programs, especially those in the early stages of development. Many organizations that would like to support the development of CASA may not have cash to donate, but would be more than willing to provide in-kind support. Any goods or services donated to the program should be included in the budget as revenue. The contributor should determine the value of the contribution and provide the program with a written letter stating its value. In turn, the program, if tax-exempt

status is in place, can provide a letter documenting the contribution for tax purposes if the donor desires it.

The following are common sources of in-kind support for CASA programs:

- ◆ **The Tribal Court.** Office space, telephone, clerical support, supplies
- ◆ **Community Service Organizations.** Office and meeting space, printing, training materials
- ◆ **The Local Legal Association.** Pro bono legal services, office space
- ◆ **Corporations, Businesses, Law Firms.** Paper, printing, computers, graphic design, office space, volunteer recognition materials

***The Court.*** If the program is court-initiated, funding may be available through the court or the Tribe. If attorney guardians ad litem are currently being appointed at Tribal Court expense and the Tribal code does not require that the GAL be an attorney, it may be possible to negotiate for a portion of that funding to be channeled into the CASA program. You should anticipate some resistance to this idea. The support of the presiding judge would be essential to counter objections that will likely arise.

***Juvenile Services.*** If the court is supporting the program, the judge may be able to identify other sources of funding within the Tribe's juvenile services budget or corrections departments. It may be possible to develop a contract for services to the court, either on a specified rate per case basis, or a percentage of the program budget, even if the court cannot totally fund the new program.

***Tribal Youth Program (TYP) Grants through the Office of Juvenile Justice and Delinquency Prevention (OJJDP).*** The Omnibus Consolidated and Emergency Supplemental Appropriation Act of 1999, (Public Law 105-277), appropriated \$10 million to OJJDP to support and enhance Tribal efforts for comprehensive delinquency prevention and control and for juvenile justice system improvement for Native American youth. Of the \$10 million appropriated for TYP, OJJDP will use \$1 million to support program-related research, evaluation, and statistics; \$200,000 to provide training and technical assistance to Tribal programs; and \$7,990,000 for discretionary grants, with additional funds to enhance other Tribal efforts and program support. Tribal Court CASA Programs fall under one of the objectives of this program, to provide interventions for court-involved Tribal youth. Elements relevant to this objective include graduated sanctions, restitution, diversion, home detention, foster and shelter care, community service, improved aftercare services, teen courts and mentoring. The funding range is based on the service population on or near a reservation with inter-tribal coalitions encouraged. You can look on the internet for the funding announcement and more information at [www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org).

***Juvenile Justice and Delinquency Prevention (OJJDP) Block Grants.*** When National CASA successfully secured recognition of CASA in federal legislation in the fall of 1988, the door also opened for local CASA programs to tap into federal funding through formula block grant money from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), a division of the U.S. Department of Justice. OJJDP is a long-time supporter of CASA, and provides a high percentage of the National Association's funding. It also provides money to states through a formula block grant program.



To access these funds, states submit a state plan outlining how funds will be used. Once approved, each state determines how funds will be distributed to implement their plan. Funds can be used for virtually any program to reduce or prevent delinquency or improve the juvenile justice system. This includes programs that deal with areas as diverse as restitution, drug abuse prevention, school crime, and serious juvenile offenders.

The funds are funneled through a state agency designated by the governor. State Advisory Groups (SAGs) help administer the formula grant program in each state. SAGs are comprised of governor appointed volunteers who have training or experience in either the prevention and treatment of juvenile delinquency or the administration of justice. Members include elected officials, representatives of local government agencies and representatives of private organizations within their state.

These advisory groups have varied responsibilities within their states, including: advising the governor and the legislature on pertinent youth issues; supervising the preparation and administration of the comprehensive state juvenile justice plan, reviewing and overseeing the award of grants, and reviewing the progress and accomplishments of programs under their plans.

State plans are generally devised in the beginning of the federal fiscal year, which begins October 1<sup>st</sup> of each year. However, according to OJJDP, it is not uncommon for states to be late in submitting their plans, or for the plans to change mid-year.

To find out about the funding possibilities from this source, check with your state organization. They should be able to give you the contact information for the SAG or the administering agency in your state. If the state organization can not provide this information, contact National CASA. You may also look on the internet for more information at [www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org).

### **Some recommendations:**

- ◆ Pool your efforts with other programs in your state to avoid competing for the funds. Your state association may submit one proposal on behalf of all programs that can result in more funding than if you develop individual proposals.
- ◆ Check with your local legislators to find out as much as possible about the members of the SAG, and which programs have been funded in the past. Try to determine if the advisory group actually makes the funding decisions, or if it merely approves decisions made by someone else.
- ◆ Get a copy of your state's funding plan. It should be available from the governor's office.
- ◆ If you learn that the SAG makes the funding decisions, ask for fifteen minutes on the agenda of their next meeting to do a presentation on CASA. This presentation should stress the connections between abuse and delinquency, and CASA's effectiveness in improving conditions for youth. If a politically influential judge or community leader is affiliated with your program, include that individual in the meeting. Be sure to coordinate such a meeting with your state organization and the other programs in the state.

- ◆ If you are not successful in obtaining funding for the current year, inquire about the possibility of future funding. Be sure and communicate how much funding you need and what it will be used for.
- ◆ Cover all your bases. Remember that the funds are originally passed through the governor's office, so be sure to include the governor and his or her staff in your public education efforts.

***Victims of Crime Act (VOCA).*** The Victims of Crime Act (VOCA), enacted in 1984 and amended by the Children's Justice and Assistance Act of 1986 (CJAA) and the Omnibus Drug Bill of 1988 (H.R. 5210, Title VII, Subtitle D), establishes a Crime Victim's Fund in the Treasury. The fund receives money from five sources: criminal fines collected from convicted federal defendants; penalty assessments imposed on convicted federal defendants; forfeited appearance bonds, bail bonds and collateral security posted by criminal defendants; and literary profits due certain convicted federal defendants (Son of Sam provision).

VOCA authorizes the Attorney General to make annual grants from the fund according to the following formula. Of the first \$100 million deposited in the fund:

- ◆ 49.5% is allocated for grants to state crime victim compensation programs. Funds permitting, compensation programs will be reimbursed for 40% of the prior year's victims compensation awards.
- ◆ 45% is allocated for grants to states for the purpose of assisting local units of government and private nonprofit organizations to provide direct services to victims of crime. VOCA gives the states primary responsibility for the selection of programs to be funded, with only minimal federal requirements. The state is required to give funding priority to programs providing assistance to victims of sexual assault, spousal abuse or child sexual abuse.
- ◆ 1% is allocated to the Justice Department's Office of Juvenile Programs (OJP) for the purpose of providing training and technical assistance to state and local programs and for services to victims of federal crimes. At least half the money must be spent on services to victims.
- ◆ 4.5% is transferred from the fund to the Secretary of Health and Human Services for making grants to states to improve the treatment, prevention and prosecution of child abuse and to protect the victims of child abuse. Of these funds, 15% is available for child abuse response in Tribal Communities through the Children's Justice Act grant administered by the Office for Victims of Crime.

If the fund exceeds \$100 million, the next \$5.5 million (between \$100 million and \$105.5 million) deposited in the fund goes to the Secretary of Health and Human Services for child abuse prevention grants. For more information see the Office for Victims of Crime internet site at [www.ojp.usdoj.gov/ovc](http://www.ojp.usdoj.gov/ovc).

***The State.*** A number of states have passed legislation requiring or enabling the development of CASA programs and appropriated funding available through channels within the state budget. Your state organization should be able to provide information about how to qualify for these funds if they are available. See page 16 for National CASA's policy statement regarding the relationship between State CASA programs and Tribal CASA programs.

***The National CASA Association's Grant Program.*** National CASA's grant program generally awards a number of grants for new program development. Federal funding for the grant program is made available through the Department of Justice, Office of Juvenile Justice and Delinquency Prevention, and is contingent upon annual congressional appropriations. Check with the National staff for details of upcoming grant cycles. Be sure to identify yourself as a Tribal program so that you receive information regarding the special resources available to Indian programs.

***Corporations and Private Businesses.*** Charitable contributions from corporations or business may be available in your community for new programs serving a community need. The dollar amount and the application criteria will vary according to corporation or business philosophy, practice and resources available. Investigate business sources on an individual basis. If planning committee members have had experience applying for contributions from local corporations, they may have valuable information on how to approach a company.

If you are unable to find anyone who has had experience with the particular company you want to approach, call and ask to speak to the person in charge of charitable contributions. Request information on their guidelines and priorities and be prepared to give a brief overview of the CASA program. If their stated purpose makes a cash contribution unlikely, you may consider a request for an in-kind contribution such as printing services or office equipment.

The Tribal Court CASA programs should not shy away from making requests to any industry or business that is in the community. It is important in approaching any business entity that a specific request is made. That is, prior to contacting the business, have a plan to ask for a specific amount or a specific in-kind contribution.

***United Way.*** Some United Way agencies have venture grants to assist new programs with start-up needs. These grants are separate from United Way agency membership, but may be available to member agencies starting new programs. If you have chosen to start the CASA program in an established nonprofit agency in the community, this source of start-up support may be available.

***Private Foundations.*** Private family, community or corporate foundations are sometimes open to funding new Tribal Court CASA programs, particularly if the foundation's field of interest includes family services or improvement of judicial responses to youth. Foundations generally prefer specific projects with clearly defined outcomes, time lines and indications of support from other sources. Some foundations will not fund operating expenses, but will consider requests for funds to produce or purchase the materials required to train CASA volunteers.

The reference departments of most local libraries have foundation directories available that provide contact information as well as funding priorities. These days, there is also a wealth of information about foundations and other funding opportunities on the internet (see, for example, the Internet site of the Foundation Center at [www.fdncenter.org](http://www.fdncenter.org)). Check with your state CASA organization for foundations that are potential funding sources within the state.

***Foundations with a Particular Native American Program Focus.*** There are a number of private foundations that have a particular field of interest concerning Native American programs. Some of these foundations focus upon the funding of Native American programs nationally, but many

concentrate their funding within specific geographic areas. A list of these foundations is kept up to date on National CASA's internet site at [www.casenet.org](http://www.casenet.org). Your state CASA program may also be able to supply you with information.

**Special Events.** Special events are another potential source of raising funds to support a new CASA program. A special event may be anything from a large-scale benefit dinner dance to a garage sale. Special events take a lot of work for (all too often) little return. They require careful planning, and you must anticipate the need for volunteer support and money to cover up-front expenses. A person with experience planning special events can be a valuable asset, providing realistic information about the work involved and the expected return.

Special events do have some advantages, however. They attract publicity and possibly volunteers. If careful records of successful events are maintained, events can be repeated with less planning effort. Those who participate in special events also can be approached to make a contribution to the program, or assist in other ways, if their names and addresses are recorded.

There is a tendency to overestimate the expected revenue from special events and underestimate the work involved, so it's wise to plan other sources of funding for the program in case the proceeds fall short of expectations.

There are many excellent books, periodicals and educational courses and seminars offered by community colleges and universities, as well as private training companies that provide education on all aspects of fundraising, from planning a special event to writing a grant proposal. Many of these opportunities are not expensive and would provide great return in ideas and knowledge to the program planning effort. If fundraising expertise does not exist on the planning committee, you would be well advised to take advantage of some of the available resources.

National CASA Association and your state CASA organization are good places to contact for additional fundraising resources. There are also many resources available on the Internet, including:

- ◆ The National CASA Association has a series of resources on the grant writing page of the CASAnet site ([www.casenet.org](http://www.casenet.org))
- ◆ The Tribal Law and Policy Institute's Tribal Court Clearinghouse provides links to a series of resources on its Tribal Court funding resources page ([www.Tribal-institute.org](http://www.Tribal-institute.org))

## **Some Tips to Make Grantwriting a Little Easier**

### **WHAT TO DO NOW**

1. ***Time Management.*** Schedule a series of times when you will work on the proposal. Give yourself due dates for different tasks. Schedule other people to help if at all possible, giving them specific tasks. Ask them to proofread, type tables, do parts of your regular job—be creative! Do all you can to have a full draft ready at least a few days before you must send it.
2. ***Get to Know your Request For Proposal (RFP).*** Read the grant instructions and questions slowly two or three times, until you are familiar with them, as if you were getting ready to play a piece of music. Try to understand the point of each question.
3. ***Have a Plan.*** If you have not yet developed a clear program development or expansion plan with definite goals and rationale, now's the time. Sit down with your Tribal advisory committee and make it happen. You can use the RFP as a guide if you are starting from scratch.
4. ***I Know I Have that Somewhere.*** Gather together relevant information about your program, your proposed project, your community and court, the people you want letters of support from, your budget, etc. Put them in a safe place where you can find them easily. Do this for paper and computer documents.
5. ***That Dog Ate My Proposal.*** Always back up computer files onto one or two floppies and always make extra copies of the paper materials you need. If you are filling in a paper form, copy extra blank copies before you type on it.
6. ***There are So Many Questions.*** List out what questions you have easy answers for and what questions you have to do a lot of work on. Plan time to accomplish each task.
7. ***Arm Yourself.*** Ask for your letters of support early and give people due dates that fall well before your final draft date. Start working on the tough questions right away.

### **AS YOU START WRITING THE PROPOSAL**

1. ***Answer the Question.*** Start each section or question by typing out the question first, if it's not already in the form. This will help you focus on the actual response the reviewers need instead of just chatting on about other aspects of your program. The reviewers can't give you money if you don't tell them what they need to know.
2. ***Start with What You Know.*** Answer the easy questions first. This will give you a sense of accomplishment and confidence. Put in bits and pieces of answers for the hard questions. You can write yourself notes like "expand" or "work on this" or "research".
3. ***Remember High School English.*** Use simple, clear writing. No points are awarded for big words, while clarity is essential. Start each paragraph with a topic sentence and add supporting information. Put in quantitative and qualitative statements that show what you are talking about. Use an example. Wrap up each paragraph and relate it to what comes next. This will help you focus on the questions and build a stronger proposal. Remember you are building one complete argument and the proposal has to convey a cohesive plan where each part relates to the others.

4. **Put Thoughts in Order.** Thoughts don't always come into your head in a way that is easy for others to follow. Try to put basic information first and details second, what happened first before what happened next.
5. **Pity the Poor Reviewer.** Picture the reviewer sitting up late at night trying very hard to give your proposal all the attention it deserves. She has already read twelve others. They looked pretty good. But yours is easy to read. It makes so much sense and answers all the questions. It really shows that you have a solid plan and will serve your community well.

## YOUR PROPOSAL

1. **Who Says?** Use the voices of judges, tribal elders, tribal councilmen, community members, volunteers, children served, families served, teachers, doctors, etc. to show who you are and what great work you do. Short quotes at various points in the proposal can give you credibility and bring your work to life.
2. **No Mouseprint.** Use a 12-point font such as Times New Roman, one-inch margins, and single spacing as the RFP instructs. It's better to have more pages than squish too much on a page. Align the text to the left margin so it's easier to read.
3. **Too Many Words.** When you discuss data, put them in a simple table or list. This breaks up the narrative and makes your document easier to read. Introduce or explain every table and list. Be sure to use bullets productively—one or two short-medium length lists per page, interspersed with text.
4. **One Great Document.** Make sure all the information you include builds one cohesive argument in support of your proposed project. For example, each item in your budget needs to show up in the narrative and make sense in terms of your goals.

## READY TO SEND?

1. **The Grandma Rule.** Ask a CASA person and a non-CASA person to read your proposal. Have them tell you what the proposal tells them. Ask them what parts are not well explained. Be sure they can tell you the justification for your request and how you will reach your goals.
2. **Stop Editing!** The day before you want to mail the proposal, do your final edits and proofread. Proofread again. If you change something, be sure your new version is complete.
3. **Attach What?** Assemble your proposal and all the attachments. Check what you have against the RFP's list of required items. Check again. (Now go grab whatever you forgot, because everybody forgets something.) Get your envelope ready and the right kind of label.
4. **Send it Where?** Check the details about what address to mail it to, what type of mail service is accepted, how many copies are needed, etc. Be sure to keep one or more copies for yourself. Send it with a delivery service that has tracking if possible, for your peace of mind. And send it a day before the last second if you can.

## *Staffing the Program*

The steering committee is likely to realize very quickly that in order to get a program fully operational, it will be necessary to have staff. Initial staffing is often a catch-22 situation—hiring an employee requires funding, but to be successful obtaining funding you need staff to coordinate and oversee fundraising activities.

At this point someone usually wonders aloud if the development of the program can continue without paid staff. After all, members have volunteered their time to do everything needed and things are progressing well thus far. Perhaps, the group may speculate, they could find a volunteer to run the office for a while until they have the necessary funds.

While having a volunteer run the office is one option, it may not be the best choice. Though a volunteer may be well qualified, hiring a salaried employee guarantees a time commitment and a regular work schedule. It also leads to consistent control over the nature and priorities of the work to be done and provides overall continuity for the program development effort.

Having professional staff is also an important step in establishing the credibility of the program with other professionals in the community and it is staff who will ensure the quality of the program's day to day operations.

### **Where to Begin**

The selection of the director is the most critical hiring decision for the start-up program. Even the most dedicated volunteers can make only limited impact without adequate supervision and guidance. Since both program quality and viability are highly correlated with effective management, it is important that the director be chosen wisely.

Initially, it must decide whether to hire a full-time or part-time person. The decision should be based on the defined duties the person will be expected to perform, how involved board members intend to be in policy development and fundraising, and how many volunteers are projected for the first year or so. The experience of most directors in starting programs is that, even if the board is active and involved, the job requires at least 40 hours a week if it is to be done well. Most new directors find that they spend full-time hours even if they are paid for part-time. If there is any way possible to generate enough funds, it is cost effective to employ a full-time director from the beginning.

## **Developing the Job Description & Qualifications**

Finding and hiring the right staff starts with a clear, concise job description. There is no formula for the perfect one, but at a minimum, a good job description should include:

- ◆ Basic skills required, both technical and educational
- ◆ Desired qualities beyond skills and education
- ◆ Duties and responsibilities
- ◆ Hours required
- ◆ Who the person will report to

Initially, the director will most likely be performing duties that will later be shifted to other staff. This should be explained during the interview process. Caution should be exercised to avoid developing a job description that contains such an extensive list of duties that no one could perform them all effectively. Such a job description is frustrating for a new director and is a good way to set someone up to fail. A realistic job description serves as a guide for the employee and a basis for performance appraisals and salary increases. Key duties of an executive director usually include:

- ◆ Hiring, training and supervising staff
- ◆ Conducting or overseeing recruitment, screening, training and supervision of program volunteers
- ◆ Providing professional perspectives to staff and volunteers regarding services
- ◆ Developing and maintaining procedures for case record keeping, and supervising staff and volunteers in completing record keeping tasks
- ◆ Developing and maintaining procedures for managing information systems
- ◆ Serving as a professional liaison to the court, agency personnel and the board of directors
- ◆ Planning program growth and development, including special projects, budgets, annual work plans and analysis of trends in program services
- ◆ Representing the program to networks of service providers and coalitions dealing with child welfare
- ◆ Overseeing day-to-day operations

The specific experience and educational requirements should be developed by the planning committee, in keeping with the present standards for comparable positions in the community. Fundamental requirements for the executive director should include:

- ◆ Experience working within the Tribal community
- ◆ Knowledge of the juvenile justice system
- ◆ Awareness of trends in child welfare and permanency planning
- ◆ Familiarity with Tribal resources and leaders who can facilitate establishment and growth of the program
- ◆ Understanding of the dynamics of child abuse and neglect
- ◆ Ability to provide training for volunteers and staff
- ◆ Good communication skills
- ◆ Ability to plan, organize, supervise, delegate and evaluate the program operations
- ◆ Knowledge of budgeting methods



- ◆ Interviewing and assessment skills

The director should also be flexible and creative, possess leadership qualities and be able to develop good working relationships with a variety of people. Remember, the executive director generally is the program's official spokesperson in the community.

Of course, finding an individual with all these qualifications is possible, but not very likely for a starting program. Such people are rare and they usually command much higher salaries than the program can afford. One solution to this dilemma is to focus on the skills in one area and plan to offer training in the additional areas of responsibility. This allows the scope of duties to broaden as the demands of the program change, and for the director's salary to increase at a comparable rate. (See appendix, A-16, for a sample job description.)

### **Getting the Word Out**

Recruiting the right person to fill the director's position may require sensitivity to the Tribal political scene. In some communities in which there is strong resistance to the CASA program, hiring an attorney or a social worker known by the professionals in the area might be a wise move. A person who has credibility and long-established personal relationships may be a real asset in the early developmental stages of the program. On the other hand, there is the possibility that conflict will arise between new responsibilities and old allegiances. The advisory committee or supervisor will need to assess this carefully.

Finding the right person usually requires a variety of strategies. Ads placed in the Tribal newspaper's classified sections may bring a slew of responses, but many may be way off the mark in terms of qualifications. Sending a job announcement to Tribal agencies and to other CASA programs may elicit more qualified candidates. Word of mouth is also effective, especially in small communities.

### **Reviewing Resumes**

As resumes arrive, develop a fair and systematic process to review them, always keeping in mind what skills are required for the position. With experience, each reviewer will develop his or her own rating system. Obviously, the main points of the resume are important—the person's education, experience, skill levels and any demonstrable communication and interpersonal abilities. Interest in and commitment to an organization's mission should be paramount.

Start judging a candidate as soon as you open the envelope. Does the resume look like it is written with care: Are there typographical or spelling errors? Is it orderly and easy to read? Is the cover letter direct and cogent or rambling and ineffective?

To uncover more intangible qualities in a candidate, look for evidence of:

- ◆ Sustained interest in a job or cause
- ◆ Loyalty to an organization
- ◆ Ability to be a team player
- ◆ Communication skills

- ◆ Orientation to detail

### **Interviewing**

Conducting good interviews is a learned skill that requires careful preparation, execution and follow-up. It is perhaps hardest to master the techniques of putting applicants at ease. Proceed with the general understanding that applicants will be nervous, especially if the interview is being conducted by several members of the committee. During the interview, you should address administrative issues, such as salary and benefits, travel requirements and starting date, in addition to the job requirements.

All applicants should be asked a common set of questions that can help determine the candidate's job-related skills and experience, general intelligence and aptitude, attitudes and personality. Standardizing the questions from interview to interview helps to avoid discrimination. In addition to questions about background and experience, asking questions such as the following that have been recommended by experts in human resources, can provide insight into a candidate's suitability:

- ◆ What was your single most noteworthy achievement or contribution in your current job?
- ◆ What specific strengths do you bring to this job and this program?
- ◆ How do you make important decisions?
- ◆ What risks did you take in previous jobs, and what were the results?

Obviously, the overall goal is to learn as much about each candidate as possible, as well as to determine if that candidate's resume is accurate. Generally, an interviewer should try to determine the candidate's ability to do the following:

- ◆ Plan tasks
- ◆ Prioritize
- ◆ Solve problems
- ◆ Work on a team
- ◆ Apply knowledge
- ◆ Know limitations
- ◆ Take initiative
- ◆ Learn on the job
- ◆ Communicate with colleagues

### **Other Screening Requirements**

All candidates should be required to submit a written application and references. As part of the application or as a separate document, be sure to obtain the person's signed consent to contact references and conduct criminal record and child abuse registry background checks.

## **Selection and Hiring**

Once the most qualified candidate has been selected, an offer should be made in a letter accurately stating the job offer and employment conditions. Additional documents that should be filed in the employee's personnel record include:

- ◆ Employment application
- ◆ Copy of formal job offer and written acceptance
- ◆ Social security number
- ◆ Completed Form I-9 (to document immigration status)
- ◆ Federal, state and local tax withholding forms as applicable

See National CASA's publication, *Achieving Our Mission* for additional discussion of the hiring process.

## **Additional Staff**

Depending upon the level of initial funding for the program and the projected rate of growth in the initial phase of operation, the organization will want to consider how administrative support, including word processing, bookkeeping, record keeping and receptionist duties, will be filled. Hiring a part-time person can be cost-effective in that it frees the director and board members to concentrate on fundraising and volunteer development. Some organizations have successfully filled these responsibilities using volunteers or consultants contracted for specific projects.

Again, depending upon the amount of growth projected for the program, a volunteer coordinator will most likely be needed in the early stages of the program's growth. The national standards for volunteer supervision recommend that a full-time supervisor be assigned to no more than thirty volunteers. It is obvious then, that if the director is filling the role of supervisor in addition to administrative and other duties, volunteer supervision will be inadequate if there are more than a handful of active volunteers.

As with the director's position, careful attention should be given to developing the job descriptions for these additional positions and to the recruiting and selecting of the individuals to fill them. The advisory committee should work closely with the director on these tasks.

## *Establishing an Office*

### Office Space

Establishing an office is an important milestone for the developing organization because it is a strong symbol that the dream is becoming reality. Having an office is an indication to the community that the program is becoming a viable organization and provides a location for people to associate with CASA. It also allows the printing of brochures, stationery and business cards with an address and phone number, important steps as you begin to plan for volunteer recruitment.

Office rent can be a big chunk of the monthly bills. So, before signing a lease, it is worthwhile to investigate the availability of free or very inexpensive space. Many CASA programs have been able to negotiate in-kind space in the Tribal Court or a nearby Tribal facility. Such an arrangement is ideal because of proximity to the court and because other in-kind services such as telephone and the use of copy machines are often part of the arrangement.

If court or other Tribal space is not available, you might have luck finding shared space with another nonprofit agency. This can be extremely advantageous, especially if there are meeting or training rooms and equipment that can be shared as well.

Other factors to consider as you look for office space are:

- ◆ **Terms of the lease.** Sometimes landlords are willing to give potential tenants a break on the rent if they will sign a long-term lease. Be cautious about entering into such an arrangement, as the needs of the program may demand more or different space before the lease expires. It is also possible that donated space might become available and if the program is locked into a long-term lease, you may not be able to take advantage of that benefit. Also, be wary of lease arrangements that include automatic increases each year.
- ◆ **Location.** It is desirable that the program be located in proximity to the court. Some programs have made office location decisions based on cost alone, without considering that staff, as well as volunteers, must make frequent trips to the court. If the office is located a significant distance from the courthouse or if the trip is inconvenient because of poor access, the savings in rent may not be cost efficient.
- ◆ **Size.** Space planners say that, ideally, an office should provide at least 200 square feet of space per person, including common space. Don't forget to consider the need for private

space to interview potential volunteers and to discuss confidential cases during supervision sessions, as well as space for board members or volunteers who may help with office duties.

- ◆ **Anticipated growth.** While you may not need much space in the earliest stage of operation, try to anticipate potential growth to the extent possible, since leases are usually offered on a multi-year basis. It is often difficult to break a lease if it becomes necessary, and it's always expensive to move to a new location.
- ◆ **Utilities.** If the cost of utilities is included in the lease, the landlord will handle the monthly payments directly, but be aware that those rates may automatically increase each year. If you will be doing volunteer training in the office or holding other meetings at night or on weekends, be sure that the building will be lit and heated during those hours and that you will not be billed an additional amount for the extra hours. If the program is to handle its own utility bills, the landlord should provide estimates of the average monthly bills. It's a good idea to confirm the estimates with the utility company or other tenants, if possible.
- ◆ **Cleaning service.** The lease may also provide cleaning. In some larger office buildings, the landlord often adds janitorial services to all the leases. In other places, the program may need to hire a janitorial service separately.
- ◆ **Security and safety.** Some security and safety measures are the program's responsibility regardless of the type of lease. Before signing a lease, be sure that fire exits are accessible and that fire extinguishers are available and in working condition, especially if there is a kitchen that may be used for cooking. While most CASA programs are not legally required to adhere to the Americans with Disabilities Act (which applies to organizations with fifteen or more employees), accessibility for disabled persons will be a consideration in volunteer and staff recruitment.

Before signing any lease, it is a good idea to have it reviewed by an attorney.

## **Office Environment**

In addition to the physical and legal considerations, it is important to assess how pleasant and functional the space is. Is it clean? Does it have good lighting? Is there adequate storage space for supplies and equipment? Is the workspace configured, or can it be arranged, to provide staff the necessary environment in which to be productive and efficient? Will volunteers and potential volunteers feel welcome and comfortable? Does the environment project professionalism?

Much can be done to create a pleasant and professional office environment without spending a great deal of money. Freshly painted walls can work miracles if the landlord will agree to paint them or allow you to do so. It is usually possible to secure the donation of paint from local merchants and it is often not difficult to find volunteers who will give a Saturday to helping with the painting.

Putting posters, photographs, or framed children's art on the walls is also a creative way to make the office friendly and welcoming. Try to avoid clutter, which detracts from the professional image you want to project.

## **Furniture and Equipment**

Nonprofit organizations can sometimes find businesses willing to donate used furniture and equipment or sell it at a very low cost. The donor gets the benefit of a tax deduction and saves the cost of disposal of old furniture or equipment. Contact local businesses that may be planning to remodel or expand their current space. If this option does not prove fruitful, there may be other sources of used office furniture and equipment in your community.

Before purchasing furniture or equipment, compare the cost of leasing, which may in some cases, be a more cost-effective approach. Equipment, such as copiers, which generally need to be updated every few years, may be better leased than purchased.

## **Computer System**

In today's business environment, computer technology is a necessity. Besides word processing for volunteer reports and correspondence, programs utilize computers for accounting, data collection, publishing program newsletters, and budget development. Access to the internet is necessary for email, access to many of National CASA's resources, financial grant reporting, and to conduct research on funding sources and child welfare issues.

In setting up the program's computer system, consideration should be given to the confidential nature of information that will be maintained. What kind of security will be provided, who will have access, and how long will information be retained are all issues that should be addressed in policy.

Many programs begin with one desktop PC and a good printer, which will likely be adequate for a while. Though it is easy to obtain donated computers from businesses that are upgrading, the decreasing costs of computer hardware and rapid improvement of technology, make purchasing a new PC, with the latest Pentium processor and sufficient memory to meet the program's needs for the foreseeable future, the best option.

The issue of training staff to use necessary software applications and maintenance of the equipment should also be considered. More discussion on these issues is contained in National CASA's *Achieving Our Mission*.

## **Telephone System**

Purchasing a telephone system can be very expensive. Most small programs find that leasing is more cost effective. Though a one-line system may adequately serve the program at the time of initial operation, you should consider obtaining a second line in order to have a dedicated line for internet access and fax capability. There is a wealth of programmatic and management

information available on National CASA's web site and periodic live topical forums are an excellent source for staff training. Email has become a main source of communication between programs and volunteers, as well as among programs across the country. Having a dedicated phone line for computer use prevents tying up an only line when the computer is online.

Every CASA program should have an answering machine or voice mail service, especially if staff will not be available to answer the phone during normal business hours. The message on the answering machine should always be up to date, and messages should be retrieved and responded to on a daily basis. Nothing will lose a prospective volunteer faster than poor telephone response from the program.

### **Copying**

It is unrealistic to think that even the smallest office can do without a copier for its routine needs. Access to equipment is a must for copying court records, volunteer reports, and many other things. A new program might begin by estimating the copying needs for a month-long period. Then actually track a few months' volume and make adjustments to the budget if necessary. If copying is not provided by the court or umbrella agency, the program may want to consider leasing a machine or purchasing a used one. It may be more economical to send large projects, such as volunteer training manuals or newsletters, to a copy/printing company, especially if all or part of the project can be negotiated as an in-kind donation to the program.

***SECTION II:  
VOLUNTEERS***



# *Recruiting Volunteers from the Tribal Community*

## **Where and How to Find Them**

Recruiting, screening and selecting volunteers is an ongoing process for any CASA program. Since community volunteers are the backbone of CASA, program directors and CASA staff spend a great deal of time focusing on how to get the most qualified volunteers into the program, and keep them once they are screened and trained. Many new Tribal Court CASA programs fill their first training class primarily through word-of-mouth news about the program. Beyond the first class, however, it will be necessary to continually engage the community to keep a consistent flow of applicants coming in.

No matter how you decide to handle volunteer recruitment, remember that it is one of the most important—and most visible—jobs in the program. The person recruiting volunteers helps to mold the program's image, and is your front-line representative to prospective volunteers. The recruiter will determine the quality of the volunteers who join the program, and will be the person who screens for competency, responsibility and stability. As a "community ambassador" for the new program, the recruiter must be articulate, objective and approachable.

## **Getting Prepared**

It is critical to be sure that you are prepared to handle potential volunteers calling to request information before you begin recruiting. Following you will find suggestions of how to structure your recruiting efforts so that you are well prepared to start this exciting part of CASA program development.

Volunteer recruitment is a marketing effort. You are trying to promote the program in a way that will:

Recruiting volunteers requires you to look through the eyes of the people who are the potential volunteers. For many Native people, using words that carry traditional meaning and values will be more effective than words that are used in the mainstream. For example, Tribal CASA programs have found that they are much more successful when they say things like "*Come and help our kids*" as opposed to "*Come volunteer*". Taking responsibility for the welfare of all Tribal children is consistent with the traditional values of many indigenous people. Tribes have community expectations about the role of all adults in protecting children from harm. This makes the role of a CASA volunteer in helping kids overcome difficult experiences, losses, and changes a natural process for Native people, while "volunteering" may sound like a foreign concept.

- ◆ Attract men and women of all ages who represent the cultural groups in your community
- ◆ Attract them on an ongoing basis, to replace volunteers lost through natural attrition
- ◆ Generate visibility for the program in the community

To be most effective, your recruiting efforts need to be researched and a written plan developed. The plan should clearly outline your goals, what you intend to do to reach those goals, and when you can realistically expect to accomplish them. Funding sources may request to see a copy of your recruiting plan.

The CASA program should produce a standardized packet of written information, which clearly explains the purpose of CASA, defines the roles and responsibilities of CASA volunteers and explains the commitment of time required. Your recruitment plan should outline specific strategies to attract volunteers who are representative of your community. It should also be designed to also make the public aware of the problems faced by abused and neglected children who enter the Tribal Court.

### **STEP ONE: Determine the Type of Volunteers Needed**

Since the CASA volunteers you recruit will be meeting the specific needs of your community, take a moment to think about the type of person you are looking for. What skills should the volunteers have? What attitudes should they possess? What training? What interest do you want your volunteers to have in child welfare or child abuse/neglect?

Also keep in mind the demographics of the children you will be serving. Do they come from largely rural areas? Do they not speak English as a first language? Do they have disabilities? Once you determine the needs of the children, then you can concentrate on recruiting volunteers who will be sensitive to the needs of those children and can communicate effectively with their families.

CASA volunteers must also have certain qualities that are not tangible. They should be emotionally mature and stable people, who have experienced satisfying relationships with children. They should be objective and receptive to individual lifestyle choices. Applicants should also possess a sense of self-worth, exhibit self-assurance, be able to deal with hostility and rejection, and be flexible enough to accommodate change.

Successful CASA volunteers commonly have some skills that enable them to perform their duties effectively and efficiently, and apply the knowledge they gained through the pre-service training and consultation with the program staff. These include the ability to:

- ◆ Interview, observe and listen
- ◆ Analyze written material
- ◆ Write clearly and concisely
- ◆ Investigate and do research
- ◆ Express themselves verbally
- ◆ Plan and set goals
- ◆ Make decisions

- ◆ Organize tasks
- ◆ Pay attention to detail and accuracy
- ◆ Be assertive
- ◆ Be a credible witness
- ◆ Negotiate
- ◆ Follow guidelines and policy
- ◆ Be tactful

These skills may have been gained in other volunteer settings, through employment, or through life experience. A professional background is not required in order to possess these skills, and persons with no previous work or volunteer experience can be successful in the CASA program if they have acquired these skills in some other way.

Many people who would like to give their time and energy, and who would make excellent CASA volunteers, cannot financially afford to do so. Volunteering can be expensive if you consider costs such as gasoline, parking, long distance phone calls and childcare. Tribal Court CASA programs find that, to recruit and retain good volunteers, they must budget for reimbursement of at least some expenses.

### **STEP TWO: Determine how many volunteers you need**

This information will be largely based on your budget, program model and the expectations of the court. Although your goal is to always recruit as many potential volunteers as possible, keep in mind the realities of your training and supervisory capabilities. CASA programs generally start out modestly, taking a few cases at a time until the program is operating smoothly. Your first training class shouldn't include more people than you can comfortably handle. The time lapse between recruitment, screening and training is crucial. The kind of volunteer needed for a CASA program is the type of person who is heavily in demand. Many programs have found that, unless they use volunteers within a short time, they are picked up by other organizations. If you do have an overflow of qualified applicants, then select your core group and try to put the others to work in other jobs until they can be assigned to cases.

Keep in mind that you need to have an adequate staff-to-volunteer ratio to ensure timely and thorough case management. The ratio specified in the National CASA program standards is one supervisor to thirty volunteers.

The needs assessment conducted in the planning stages should indicate how many dependency cases come through the court. Your judge can help you determine the number of cases that are likely to be referred to the CASA program. It will also be necessary for the planning committee and/or the court to decide how many cases each volunteer should optimally handle. Ideally, each volunteer should be limited to one case at a time.

### **STEP THREE: Develop a Written Volunteer Job Description**

The volunteer job description serves several purposes. First, it gives prospective volunteers a clear, concise idea of exactly what the program is and what it expects of them. Second, it gives

the CASA program a chance to clearly outline the parameters of the job. This can help diffuse false expectations and/or inappropriate behavior before they have a chance to develop. Third, a written statement will add credibility to the program since it can also serve as "official" documentation to the court, the state, the media, or even potential funders on exactly what CASA volunteers do.

The job description should be provided to all CASA volunteers before they are accepted into the program. Once they are assigned to cases, the job description should be used as a basis for guiding their activities and evaluating their performance. (see appendix, A-35)

#### **STEP FOUR: Develop a Volunteer Application**

One way to find out whether or not the potential volunteer would be suitable for the program—and has the necessary qualifications—is through the volunteer application. Most CASA programs use this as the primary way to gather the basic information necessary for screening.

Most programs develop application forms that are similar to job applications. They cover the basics—educational background, work experience, other volunteer or community service work, criminal record and personal history. The application is also a useful as a way to elicit other information about an applicant, such as the applicant's motivations and expectations, and personal values regarding children, families and abuse/neglect. These questions can help you discover a person's past experience with children, and their previous involvement with other child-related organizations. Questions requiring written responses also give you an idea of the applicant's writing ability. (see appendix, A-39)

Such questions might include:

- ◆ "What motivates you to apply to volunteer with this program?"
- ◆ "What do you think of when you hear the words 'child abuse'?"
- ◆ "Why do you think parents would abuse their child?"
- ◆ "What's your personal history or experience with child abuse?"

#### **STEP FIVE: Create a Recruitment Plan**

Your CASA program may be ready to go, but it won't get far if no one has heard of it. Because the program relies heavily on lay volunteers, odds are you will have to go outside child welfare circles to do your recruiting. At this point in the planning process, you need to outline how and where you will seek volunteers.

**Determine what your product is.** Your product is what the program accomplishes—how CASA helps children—and what benefits it provides to those who want to volunteer. Use this information to develop your message and informational materials such as brochures, posters and/or public service announcements. (See NCASAA's *Communications Manual for CASA/GAL Programs*.)

Research has shown that the most frequent reason given by CASA volunteers regarding their motivation for being involved in the program, is an overwhelming motivation to help children. The other highest responses suggest that volunteers want to meet the needs of the community, to

effect positive change in the community and use and develop their knowledge and talents. Knowing this information should help you formulate an effective message that will attract potential volunteers with similar motivations. The CASA program offers volunteers some unique experiences including the following:

- ◆ Active participation in the Tribal Court and child welfare systems that produce significant and positive results in the life of a child
- ◆ Experience that may help career advancement
- ◆ Increased knowledge of child welfare issues and the court process
- ◆ Belonging to a group of individuals who are concerned with similar issues
- ◆ Caring for the community's most precious resource
- ◆ Making professional contacts in the field of child welfare
- ◆ The opportunity to help improve life for a child

**Decide how you are going to get that message across to the community.** There are many methods that can be successful in promoting the program and you will probably want to utilize several in order to appeal to a broad range of people. Some of the most frequently used are:

- ◆ General information brochure
- ◆ Articles in the Tribal Newspaper
- ◆ Public service announcements (PSAs)
- ◆ Posters
- ◆ Speaking engagements
- ◆ Newsletter
- ◆ Press release
- ◆ Special events
- ◆ Display booth at powwows
- ◆ Audio visual materials (videos)
- ◆ Billboards

The CASA Program for Indian Children on the Flathead Reservation in Montana has worked with the Salish and Kootenai Tribal College to offer course credit to students for CASA training and volunteer work. By working through the Human Services Department at the college, the students get credit and gain valuable experience, while the program gets a pool of dedicated volunteers. (See appendix for the CASA training class schedule.)

**Determine what audiences you need to reach and place your message accordingly.** Consider approaching the following:

- ◆ Community service groups (Cultural activities groups, elders meetings)
- ◆ Professional organizations (teacher's unions, Tribal government workers)
- ◆ Tribal Colleges and technical schools
- ◆ Churches (bulletins, special project groups)
- ◆ Employers and employees (company newsletters and print and electronic bulletin boards)
- ◆ Television, newspapers and radio (through stories and public service announcements)
- ◆ Tribal bar associations

A good way to reach your preferred audience is to consider your marketing approach early in the planning stages of the program. For example, some CASA programs have invited leaders of

other community service organizations (from which they might like to recruit) to serve on the planning committee. Others ask Tribal elders, Tribal media leaders, council members, and/or leaders of local businesses and corporations to serve on the advisory council or board of directors. These representatives can be valuable salespeople for the program. Their community contacts and influence can not only help you recruit volunteers, they can be extremely valuable in fundraising efforts as well.

Although volunteer recruitment, like fundraising, is an ongoing effort, it is generally helpful to schedule volunteer recruitment efforts in concentrated doses, three or four times a year. Response is generally low in the summer months and during holiday seasons, so those months could be used for planning and media promotion, not for general recruiting.

Remember, your recruiting and marketing efforts may not pay off immediately. Not every inquiry leads to a volunteer. Don't be discouraged. Keep in mind that a potential volunteer may need to hear the message several times before actually picking up the telephone and requesting an application.

Existing Tribal Court CASA Programs have come up with innovative strategies for recruiting volunteers from their communities. The Spokane Tribe has passed a resolution allowing Tribal employees time off from work to perform CASA duties. The Red Cliff CASA Program encouraged each CASA board member to personally invite two people to become volunteers. Other programs have approached elders groups, cultural committees and local school employees to find volunteers.

### **STEP SIX: Screening Volunteers**

Not every applicant will be appropriate for a position as a CASA volunteer. CASA volunteers have a great responsibility because they work with children who have been abused or neglected. All of these children carry emotional scars from their ordeals. They need trust, respect, and the interest of a mature adult who can make objective, well-informed decisions about a child's future without becoming too personally involved. CASA volunteers do not serve the same purpose as a "Big Brother" or "Big Sister." If this is the type of role the applicant desires, then the CASA program is probably not the right choice.

The program should develop a written screening procedure that details the screening methods that will be employed. It is important to ensure that every applicant is screened using the same procedures and that every staff member who conducts screening follows the procedure in every case. Remember that screening of applicants begins with the initial contact between the potential volunteer and the program, and involves several steps. Many inappropriate volunteers will screen themselves out once they understand the role and the commitment required. The self-selection process is an important step in volunteer screening. Applicants should not feel like they have failed if they decide to drop out of the process. CASA is not for everyone, and programs may experience as much as a fifty percent attrition rate as applicants sort through the demands and responsibility of the position. Make it clear from the beginning: "It's OK to drop out if you

decide you do not want the job." Think of other ways to channel the applicant's interest, perhaps on the newsletter or a fundraising event.

### **The Initial Contact**

Your phone rings. The caller has heard something about your new program and might be interested in volunteering. At this point, there are several pieces of information you should give potential volunteers:

- ◆ Go over the CASA job description, explaining exactly what a volunteer does and what the parameters of the job are.
- ◆ Explain the time commitment, making it clear to the potential volunteer that they can expect to spend eighty or more hours investigating and preparing a case for court.
- ◆ Make sure you convey a clear message about the appropriate volunteer/child relationship. The CASA role is very different from a job that encourages a personal relationship with the child—a common impression held by many when they first hear of CASA. CASA volunteers do not become an intrinsic part of the child's life; they do not replace parents, and are not encouraged to take the child on outings, or to their homes.
- ◆ Pass on information about the basic requirements, i.e. age, background, criminal records check. Also make it clear that final acceptance as a volunteer will not be made until after the applicant successfully completes training.
- ◆ Offer to send the inquirer an application, a brochure and a copy of the job description.
- ◆ If the individual is not interested in a CASA volunteer position, consider discussing other volunteer possibilities within the program.
- ◆ Record the inquirer's name, address, and telephone number. Even if nothing materializes from the conversation, you know this person has an interest in your program. Their name could be added to your fundraising list for future solicitation or to your mailing list to receive your newsletter.

### **The Application**

Once you have described the program to a potential volunteer, he or she should then complete the CASA application form. The written application is a very important part of the volunteer screening process, and should be required of every applicant. The information in the written application can prevent surprises or unexpected problems later on. If the applicant is unable to write in English, it is essential that you obtain the information contained in the application. The program will need to decide if the volunteer's other assets outweigh an inability to write a report. The program could assign another volunteer, staff member or translator to work with the volunteer on court reports. Your program could also explore a dictation system. Have the volunteer sign the application, pledging that the information is correct. Be sure to ask applicants to list other names they may have used in the recent past. This is important for central registry and criminal record checks.

CASA programs handle completed applications in several different ways. The process largely depends upon the availability of staff and the program's philosophy. Many programs schedule an

interview with the potential volunteer as soon as the completed application is returned, then do follow up on references and record checks. Others review the application and determine whether the person should be accepted into training based solely on the information contained in the application. They then use the training process to screen the applicant, with the interview being conducted after the training. (see appendix, A-39)

### **Reference checks**

Some programs call references on the phone. Others ask the applicant to distribute a written reference questionnaire to be completed by three employment and/or personal references. Those who provide references should be assured that the information they provide will be held in confidence. (see appendix, A-44)

### **Central Registry and Criminal Records Checks**

Central Registry is the state-run information database that contains the names of convicted child abusers. It is important to see if potential volunteers have a past history of substantiated child abuse/neglect allegations or a past criminal history. Volunteers should be made aware of the policy on these checks at the outset. Let applicants know that everyone is checked routinely, that it is not done on a selective basis. National CASA Association standards require that a CASA program reject applicants if they have been convicted of, or have charges pending for a felony or misdemeanor involving a sex offense, child abuse or neglect, or related acts that would pose risks to children or to the CASA program's credibility.

Be sure to have the applicant fill out an information release form. If your program operates as a part of the Tribal government, you may be able to access both the Central Registry and police records on an inter-agency basis. If your program operates outside the Tribe, you can either obtain record checks on an informal basis or through a formal written agreement. Be aware that, in some areas, there is a charge for obtaining these reports. Check with your state organization or other programs to determine if your state is one of these. There is also a chance you may be denied access altogether. Contact your local law enforcement agency for information on local protocol on conducting these checks.

Your program will need to establish a policy stipulating what will be allowed for volunteers accepted into the program and what will not. For instance, you may learn from the Central Registry report that the volunteer applicant was reported for child abuse but the incident was not substantiated. Though unsubstantiated reports are supposed to be deleted from the registry, they nevertheless sometimes show up. A policy regarding such applicants will need to be established.

Records of criminal incidents that took place when the individual was a juvenile also may show up. Though juvenile records can be expunged once the individual becomes an adult, few are aware that this is not automatic, but must be requested by writing the juvenile authorities. You will probably want to eliminate from consideration anyone convicted of any violent crime. Before you set a policy that excludes applicants with any felony conviction, you may want to consider the nature of the crime, how long ago it was, and what the person's history has been



since then. It is best to make this policy ahead of time, rather than waiting until you have an applicant who falls into one of these categories.

### **The Interview**

The purpose of the volunteer screening interview is the same as a job interview: to choose a person who is appropriate for the position.

Although volunteer applicants may not have the kind or amount of experience which would be ideal, it is important to determine if they have the ability to learn about the work, the interest to pursue the position, the commitment to complete the required training, the maturity and ability to perform the duties of the position, and an attitude consistent with the philosophy of the program.

If you structure the interview carefully, you can help to ensure that the necessary information is gathered. Because different people will often have different impressions, consider using a team to conduct the interview. Other helpful suggestions for the interview include:

- ◆ Make sure the applicant understands what CASA is and what the volunteer does and does not do. The applicant must understand the requirements of the job, so a review of the position description is often an effective way to begin the interview. If the applicant seems confused about specific requirements, they should be clarified immediately.
- ◆ Have the applicant elaborate on previous experience. The applicant's philosophy will often emerge during this portion of the interview. By hearing about past experiences, you can often gain insight into the motivation and/or attitudes this individual holds. This does not mean you should automatically reject someone if he or she has been involved with a program whose philosophy is in conflict with CASA's, but it might indicate that this person needs further investigation to determine his or her ability to function successfully in the program.
- ◆ Ask structured questions that will elicit information about personal values and motivation. These are similar to questions you may have asked on the volunteer application, but a personal interview will give the applicant a chance to speak in depth about his or her feelings. The purpose of this portion of the interview is to screen for any biases or strongly held values that may hinder objectivity. You are looking for red flags.

### **Training as a Screening Tool**

Some volunteers who have made it this far in the program will begin the training and determine that this is not the volunteer position they feel suited to or really want. They will screen themselves out. The hours of personal contact in training also give the CASA supervisors the chance to observe applicants closely, both in a group and individual context and spot characteristics that might be inappropriate. Some applicants may need to be screened out. For these reasons, it is strongly recommended that a program not make a final commitment to accept a volunteer into the program until after the pre-service training is completed. Because training is such an important part of screening, it is important that staff be involved. If an outside trainer or trainers are used exclusively, their observations should be shared with the staff.

## **Spotting Red Flags**

Sometimes applicants are drawn to a CASA program because they were victimized as children, and want to prevent another child from going through the same thing. This is an attitude that you need to consider very carefully in your screening process. Most programs have found that volunteers who cite their own personal history as an abused child as their main reason for volunteering may not be able to perform the duties of a CASA volunteer effectively. They are sometimes unable to remain objective for the child they represent. If a volunteer has an unresolved personal history of abuse, he or she sometimes experiences trauma and confusion while attempting to serve the child. Their own need to understand their past history can be a stumbling block.

Some applicants with troubled childhoods will be comfortable describing their own experience, and will have resolved the issues surrounding their own dilemmas through traditional healing, counseling, therapy, and/or self-help groups. These applicants can be empathic advocates for children, but only if they have dealt successfully with their own past.

Conflict of interest is also a consideration in screening for CASA volunteers. Some CASA programs allow foster parents to become volunteers while others do not. If you decide to accept foster parents as volunteers, they should never be assigned to children who are in their care. Assigning board members as CASA volunteers represents another area for possible conflict of interest. For example, if a board member is unable to perform adequately as a CASA volunteer, the program director may find it difficult to tell the board member that he will be unable to continue serving in his capacity as a CASA volunteer. Another problematic situation arises when board members who also serve as CASA volunteers must make policy decisions regarding issues related to CASA staff and volunteers.

Ultimately, it will be up to the director or volunteer coordinator to use professional judgment to decide if an applicant would be an appropriate volunteer. If you are in doubt, it is best to heed these doubts for the interests of the children you are serving. Although it may be hard to turn down a person whose intentions seem good, it is better than taking an unnecessary risk.

The CASA program may also attract applicants with a personal motive, such as searching for a child to adopt or to "save." This is also an inappropriate motivation that could lead to problems in the relationship between the child and the volunteer.

Sometimes applicants are motivated out of hostility or anger at the court over a decision that had an adverse effect in their lives. Others may meet all written criteria, but are unable to grasp the CASA concept or the intricacies of the court and child welfare system. You may encounter applicants who believe the rights and interests of the parents are primary, and are not suited to the position because their interest is contrary to the philosophy of the program.

## **Saying "No"**

One of the most important abilities the program director or volunteer coordinator must have is the ability to say "no." As hard as it may be, turning down an applicant is much better than risking harm to the children the CASA program is designed to serve. You must also consider your liability risks, and the reputation of your program in the community.

Although your planning committee has created very specific criteria for accepting volunteers, sometimes the determination may depend on your "gut feeling." An applicant might meet all written qualifications, and give appropriate answers in the interview. But if you do not feel right about accepting the person, it's best to go with your instincts.

When an applicant is evaluated as not being suitable for the program, it does not necessarily mean he or she cannot be involved in CASA. Many potential volunteers may find they are more suited for clerical or administrative functions in the office. Someone who is not an appropriate volunteer might be an excellent fundraiser. An applicant who may not be right for advocacy in court might be able to edit your newsletter. Think of alternatives for applicants who do not meet the program's volunteer criteria; support can come in many forms.

Don't fail to let the applicant know the results of his or her evaluation. If the person is turned down, notify the applicant by letter or phone. Although the applicant deserves the courtesy of follow-up, be careful when you explain the reasons he or she was turned down. You may not want to release any information regarding why the individual was not accepted, especially when the decision is based on confidential information provided by references. It is a good idea to inform the program's attorney and to seek legal advice about how to proceed.

It is also a good idea to avoid accepting volunteers into the program as a courtesy. As uncomfortable as it may be to "reject" someone, accepting the person—and then just letting her sit by, awaiting assignments that will never come, is rude. Give your applicants the respect of dealing with their situations in an above board and direct manner. To do otherwise may negatively impact the program's image in the community.

## *Volunteer Training*

Training is an important and ongoing function of the CASA program. If a volunteer understands his or her responsibilities and the CASA program's relationship to the system, he or she will become a more effective advocate. Giving volunteers knowledge, skills, cultural sensitivity and self-confidence through thorough training empowers them to become highly skilled at their jobs.

When a volunteer is asked to begin training, he or she is required to make a commitment to attend all classes and complete the course. However, it is important that the volunteer understands that this does not ensure acceptance into the program. That commitment comes only after an applicant has successfully made it through all required training and screening, and a post-training interview.

### **Designing Your Training Program**

#### **Schedules**

In organizing and planning volunteer training, there are a number of things to which you should be sensitive. First, in order to appeal to a broad range of individuals, you will need to schedule training sessions at the time and place that is most convenient for the majority of people. Working people may have difficulty attending during working hours. Single parents may have trouble getting away in the evenings. Weekends may be inconvenient during vacation months. You will not be able to accommodate everyone's needs, but if you offer training more than once a year, you may want to offer one session at night and one during the day. Another variation that some programs have found successful is to hold trainings over several evenings and then a long session over a weekend. (See appendix, A-50, for sample training schedule.)

#### **The Training Curriculum**

*The Comprehensive Training Program for the CASA/GAL* was designed by the National CASA Association for use in volunteer training. Prior to the training, the curriculum should be reviewed by the trainer and adapted to reflect the specific laws of your Tribe regarding child abuse and neglect. Since CASA requires knowledge of a great deal of material, it is necessary to give written information to volunteers that allows them to study issues in depth. National CASA standards require programs to provide a minimum of thirty hours of initial training.

Those programs which have chosen to provide the full forty-hour training offered under the training curriculum, report that the benefits of having very well prepared volunteers are worth

the significant investment in time and energy required by the entire curriculum. They find that volunteers are better prepared to handle their cases.

### ***Training Topics***

National CASA recommends that the following topics be covered in the initial training of volunteers.

- ◆ roles and responsibilities of a CASA volunteer
- ◆ juvenile court process
- ◆ the dynamics of human behavior associated with child abuse and neglect
- ◆ relevant tribal, state and federal laws
- ◆ confidentiality and record keeping practices
- ◆ child development
- ◆ Tribal values regarding children
- ◆ child abuse and neglect
- ◆ historical grief and community healing
- ◆ permanency planning and resources
- ◆ community agencies and resources
- ◆ communication and information gathering
- ◆ advocacy
- ◆ the special needs of the children served, differences in cultural and socio-economic norms, values, and heritage
- ◆ identification of personal and institutional bias or discrimination as it relates to the children and families being served
- ◆ an opportunity for each volunteer to visit the court while it is in session to observe proceedings

### **Speakers**

CASA directors usually conduct the initial training for their program, with help from a variety of trainers and/or experts from the community who will provide quality training without cost to the program. It will serve your program well to tap into Tribal resources. For example, many programs have a representative from Social Services present the training session on the role of Social Services and the services provided to families and children. A psychologist from a local agency or college might be willing to teach the unit on the dynamics of child abuse and a tribal elder or spiritual leader might be willing to talk about historical grief and the impact oppression has had on your community. It is helpful to provide each trainer with a copy of the relevant units from the training manual for preparation purposes. Use your contacts and resources when planning your training, and do not be reluctant to ask for this support. It can be helpful, even comforting, for volunteers to meet some of the professionals with whom they will be working before becoming involved in cases.

### **Frontline Experience: Courtroom Observation**

After the classroom portion of the training is completed, it is recommended that each participant observe a Tribal Court proceeding to see a CASA volunteer at work. This should be followed by a debriefing period that allows volunteers to ask questions about what they have just seen and heard.

The court observation is an important part of training since it offers new volunteers a chance to compare what they have learned in the classroom to the realities of the courtroom. An experienced CASA volunteer can help your training group make that transition and provide invaluable advice.

Setting up opportunities for new volunteers to accompany experienced volunteers on visits and to court is another good training experience. Such a “shadowing” experience can also be done with a social worker or attorney and can be a powerful learning opportunity.

### ***A Question of Balance***

*A Question of Balance* is a handbook available through National CASA. Many people have found it to be an especially valuable resource, helping CASA volunteers utilize what they learn in training. Although this book is not Tribal specific, it may be very useful for your volunteers. The book guides volunteers through the considerations and decision-making processes necessary to arrive at recommendations for the court. Particularly helpful are the decision inventory questionnaires at the end of the book.

### **In-Service Training**

Once accepted into the program, volunteers need continuing educational opportunities. A volunteer’s education does not end when the first training class is over. The Tribal Court and child welfare systems are subject to reorganization and scrutiny, and CASA volunteers must be made aware of statutory changes and new developments in child welfare. The national standards require that a program offer at least twelve hours of in-service training opportunities each year.

It will be the responsibility of the executive director and staff to determine what topics are most appropriate for these sessions. Some directors conduct volunteer surveys to pinpoint training needs. Often directors acquire new information at conferences and want to pass it along to volunteers. The judge or court staff may suggest areas in which they feel CASA volunteers could benefit from further training. Perhaps because there is an increase in a certain type of case coming through the program (i.e. more children who are sexually assaulted, emotionally abused, or have problems with substance abuse), volunteers may need additional training on these issues.

In-service training sessions are also important because they provide volunteers the opportunity to network with each other, to share ideas and resources and to boost morale. The Tribal Court CASA staff comes into contact with a steady stream of people all day long, but the volunteers do their jobs in isolation. It is possible for two people to be active volunteers for the same program and never meet face-to-face. Training not only provides these volunteers with the opportunity to refine their skills, but it also gives them a chance to get to know one another, to feel part of the same “team,” and to talk with people who share common concerns and experiences.

## **Volunteers Mentors**

In addition to the volunteer supervisor, some CASA programs have incorporated a mentoring component to their program in which they match the new volunteer working on his or her first case with an experienced volunteer. This method of on-the-job training offers the new volunteer access to an experienced person who can answer questions and discuss the details of a case. For the first group of volunteers, you might consider assigning volunteers to cases in pairs as “teams” so they may confer about procedure and case planning. Any disagreements over recommendations should be resolved in consultation with the executive director.

The CASA volunteer supervisor needs to be available to volunteers for follow-up consultations and direction throughout the case. It is impossible to anticipate all problems or to wait for a regularly scheduled staff meeting to discuss them. Someone in the CASA office—be it the program director, volunteer coordinator or other staff person—needs to be a phone call away.

One idea the Tribal Court CASA Programs are using is to match an elder in the community with a younger volunteer (often a student). The elder offers wisdom and the historical knowledge of the community, while the younger volunteer may be more proficient at writing court reports. Other programs are audio taping some volunteer’s reports, rather than requiring written reports. This flexibility allows the program to meet volunteers’ needs while still providing powerful advocacy for a child in the Tribal Court system.

# *Volunteer Management*

## **Volunteer Supervision/Consultation**

Tribal Court CASA volunteers do not get paid for their work, but that does not mean program managers should be reluctant to establish guidelines for their behavior. The volunteers are handling sensitive, confidential information in sometimes volatile situations. They must adhere to strict regulations and be accountable for their actions if they are inappropriate.

When a program operates under a set of well-planned guidelines, the Tribal Court is assured of quality control. The judge knows someone who has a thorough knowledge of children, families, Tribal code requirements and the social service delivery system guides the volunteer. The professional staff defines the framework for the volunteer's conduct, and ensures that the volunteer's recommendations reflect realistic expectations that are within the parameters of the court's jurisdiction.

It is critical that the CASA manager establishes guidelines to deal with problems before they arise. These guidelines should be spelled out to the volunteers in recruiting, screening and training, the job description, the policy manual, the confidentiality statement, and during the interview. The guidelines should be reiterated in training, and when a volunteer is assigned a first case.

Volunteers should feel free to express their frustrations, ask for advice or just vent their feelings. Holding regularly scheduled consulting sessions with volunteers can produce positive results by diffusing anger, preventing inappropriate actions, recommending alternatives or heading off burnout. It is also a good idea to supply volunteers with an emergency number where someone from the program can be reached after office hours. While it is not recommended that the staff make a habit of taking off-hour phone calls, someone does need to be available in the event of an emergency.

The CASA supervisor can also support volunteers through non-crisis, positive feedback. If someone is a great fact-finder but writes poor reports, consider giving that volunteer special instruction on preparing written information. If a volunteer is meticulous and responsible but afraid to speak in court, consider visiting the courtroom during a case and giving that person honest feedback and recommendations to improve his or her performance. Each volunteer will bring a unique set of skills and needs to the program. Some will need a great deal of guidance to complete a case, while others will acquire the information and skills they need. Individual differences in volunteers require individual attention.



Because the role of the CASA volunteer is unique and most easily understood by others doing the same work, volunteers can benefit enormously from group meetings. Regularly scheduled volunteer meetings can give volunteers the chance to raise questions, ask for advice, compare progress and identify recurring problems. Regular meetings are also a chance for the supervisor to offer support and encouragement to volunteers. This time can be used to relay program information to volunteers, such as the number of children served, number of volunteer hours contributed, feedback from the judge, and suggestions on ways to improve the program's operations. Volunteers should also be kept up to date on legislative or Tribal code changes affecting the children they serve and the volunteer's ability to serve them, research findings and new community resources. Maintaining ongoing contact with the volunteers allows them to feel a part of the program and share in its successes.

Another effective supervision strategy is to hold regularly scheduled staff meetings for paid employees and volunteers. Having an established time set aside for "debriefing" keeps the lines of communication open.

### **Volunteer Policies and Procedures**

Either as a part of the program's policy manual or as a separate volunteer handbook, policies and procedures detailing all aspects of volunteer management should be documented and communicated. Every volunteer has the right to know what is expected and what he or she has the right to expect in return. The volunteer policies should include:

- ◆ Job description detailing duties, qualifications and expectations
- ◆ Oath of Confidentiality
- ◆ Requirements for pre-service and in-service training
- ◆ Volunteer application
- ◆ Permission/release form for obtaining criminal and employment history
- ◆ Reference forms or letters
- ◆ National CASA's Program Standards
- ◆ Court order/appointment form
- ◆ Case procedures
- ◆ How assignments are made
- ◆ Flow of cases
- ◆ Record keeping expectations
- ◆ Court report format/outline
- ◆ What the volunteer can expect
- ◆ Supervision procedures
- ◆ Evaluation procedures
- ◆ Available support
- ◆ Training procedures
- ◆ Procedures for reimbursement of expenses, if applicable
- ◆ Procedures for handling complaints or grievances
- ◆ Requirements for keeping and reporting volunteer hours

Some CASA programs allow their volunteers to provide transportation to children. In this case, it is necessary that the program carry liability insurance or to be covered under the Tribe's liability insurance. National CASA's program standards discourage programs from allowing volunteers to accept the responsibility of transporting children.

You may think of other issues that should be contained in your program's volunteer policies and procedures. Again, as in all aspects of program planning, the more preparation and attention to detail you expend in the early phases, the less likely you are to have problems in the future. (See appendix, A-54, for sample volunteer policies.)

### **Assigning a Case to a Volunteer**

As you set up your program, you should develop a standard plan of how to assign cases to volunteers. These are a few important things to consider as you work on case assignment:

- ◆ Establish an agreement with the court about case assignment. The judges assigning cases to CASA should be aware that the program is only able to handle a limited number of cases based on the number of available volunteers. It is detrimental to a program to be assigned a large number of cases for which there are no available volunteers. Open communication with your judges is critical in maintaining a balance in the number of cases CASA handles.
- ◆ As you decide which volunteer should take a particular case, it is important to consider conflict of interest issues. You need to determine if you have a volunteer available who can be an objective advocate for the child.
- ◆ Before finalizing the assignment, meet with the volunteer to go over the case and to make sure that they are ready to take on the task. Be sure volunteers know that they are able to decline a particular case and ask them if they have any connection to the case so that issues you were unaware of don't arise later.
- ◆ Once a volunteer has accepted the case, the judge will issue an order for appointment allowing the CASA volunteer access to information about the case. (See appendix, A-49)

### **Retaining Volunteers**

An organizational climate that attracts and retains volunteers does not happen accidentally. Here are some factors that organization researchers have identified as important to today's volunteer:

- ◆ **Structure.** Volunteers like to be a part of an organized group that has structure, but allows for flexibility.
- ◆ **Responsibility.** Volunteers like being their own bosses and not having to double check all decisions.
- ◆ **Reward.** Volunteers like to be rewarded appropriately for a job well done. A good program will emphasize positive rewards rather than punishment.
- ◆ **Risk.** Volunteers like a sense of challenge and permission to take calculated risks.
- ◆ **Warmth.** A feeling of good fellowship in the work group atmosphere is also important. It helps if a program has a friendly and informal mood, without cliques.
- ◆ **Support.** A good program fosters a sense of mutual support and helpfulness on the part of managers and others in the group.

- ◆ **Standards.** The emphasis should be on doing a good job.
- ◆ **Conflict.** A difference in opinion shouldn't be considered a liability. Problems should be aired and resolved, not ignored. Divergent opinions are heard and valued.
- ◆ **Identity.** A volunteer likes the feeling of belonging to a group and being a valuable member of a working team.
- ◆ **Evaluation.** Volunteers want to know where they stand and how they can improve. They deserve honest feedback.
- ◆ **Rest.** After finishing a case a volunteer may need time to rest before taking another case. Honor them for completing their case & allow them time before reassignment.
- ◆ **Flexibility.** A volunteer might not be able to take a case for a variety of reasons. You can still engage them in the program by asking for help with your newsletter, fundraising or some other activity.

Most programs require volunteers to make a commitment to remain with the program for at least one year. Many programs report that their volunteers remain beyond that time period. Programs that conduct exit interviews with volunteers who are leaving the program have found that the most common reasons volunteers leave are:

- ◆ Lack of adequate time to do the job well
- ◆ Insufficient supervision, resulting in feelings of isolation or poor preparation
- ◆ Changes in family or work situations

## **Performance Evaluations**

Like paid staff, CASA volunteers' performances should be evaluated on a regular basis. Feedback and skill development are as important to those who are not paid for their work as they are for those who are paid. Sometimes it is even more significant since volunteers do not receive that universal indicator of satisfaction—a paycheck.

A volunteer is often evaluated after he or she has been with the program six months, and yearly thereafter. If problems arise between the scheduled evaluations, an additional evaluation can be arranged.

The purpose of evaluation is to give feedback and offer input to help the volunteer improve on the job. It is not a punitive process. Avoid using “performance evaluation” as jargon for criticism by the supervisor. The evaluation process should be a positive and helpful experience for the volunteer. Allow the volunteer to participate by offering an opportunity for self-evaluation. Ask what areas he would like to improve, or special topics she would like to learn more about. Include the volunteer's goals, along with the supervisor's goals, in the performance evaluation.

Performance evaluations can also serve a variety of other functions. They can be excellent opportunities to solicit feedback on supervision. They can also be:

- ◆ A natural time for volunteers to review whether or not they wish to remain with the program
- ◆ An opportunity for the supervisor to encourage alternative or additional program functions
- ◆ A time for soliciting general suggestions about the program

To evaluate a volunteer performance, begin with the position description, and rate the volunteer's performance in each area. Then proceed to the volunteer's individual goals, and determine, with the volunteer, whether those goals were met completely, in part, or not at all. If the volunteer falls short of the goals, explain why. Next, review the volunteer's self-evaluation, and discuss any areas of concern. Finally, the performance evaluation should include a plan of action to address any training needed or desired during the next year. (See appendix, A-63)

## **Disciplinary Action**

There are times when a supervisor must be very clear and firm in directing a volunteer. This can be difficult because there is a tendency to worry about appearing ungrateful for the volunteer's contribution and commitment. However, it is important to remember that the volunteer has agreed to perform the duties of the position as outlined in the program policy manual. Anytime the volunteer violates these standards, he or she must be told what behavior was inappropriate and why.

Some violations of conduct may be so serious that a volunteer should be terminated immediately. Some of these include appearing in court or making contacts while under the influence of drugs and/or alcohol, offering drugs or alcohol to a child, any form of child abuse, breach of confidentiality, or an intentional violation of a court order. This is not an all-inclusive list, and it is up to each program to determine its own parameters. If termination becomes necessary, the supervisor should document the reason in a letter to the volunteer, keeping a copy for the volunteer's file. These files should be maintained permanently.

A separate file should be maintained on each volunteer. The file includes, but is not limited to:

- ◆ Completed application form and references
- ◆ Dates the volunteer completed pre-service training
- ◆ Signed agreement regarding confidentiality and adherence to program policy
- ◆ Record of any stated preference for types of cases or restrictions on case assignment
- ◆ Correspondence
- ◆ Volunteer's learning and training goals
- ◆ Performance evaluations
- ◆ Record of any disciplinary action taken by staff regarding the individual's conduct
- ◆ Cases assigned

## **Volunteer Recognition**

Never assume that volunteers know they are appreciated. Recognition of volunteers' contributions should be part of the formal and informal operations of the program. Volunteers who do not receive frequent feedback and recognition begin to wonder if they are doing a good job and if anyone cares about the work they do. This often creates a lack of motivation and can result in high volunteer attrition.

The CASA staff should always be aware of these factors and acknowledge when a volunteer has done a good job. Try to pass on praise from other parties, such as the judge, caseworker, child, parent, relatives, attorney or others involved in the case. Mention accomplishments in the CASA

newsletter or at staff meetings. Submit photographs or news items to National CASA to be included in the national newsletter, *The Connection*. A sincere and spontaneous thank you note to a volunteer for a job well done is also a welcome bit of positive feedback.

Many CASA programs hold special recognition events to formally thank volunteers for their work. Each year during National Volunteer Week (in April), many human service agencies hold dinners or parties for their volunteers. April is also Child Abuse Prevention Month, which offers the CASA program an opportunity to recognize volunteers and highlight the program's commitment to children, as well as to gain media attention. These events are also excellent opportunities to give volunteers some momento of service, such as a certificate, flower, or pin. Many Tribal Court CASA programs present Tribal specific items to their volunteers. Items bearing the CASA logo are available for purchase through National CASA.

The Okmulgee County/ Creek Nation CASA Program hosts an annual summer picnic to show appreciation for their volunteers. The board members and program director barbecue while the volunteers swim and play in the sun. The program also sends a birthday card to each volunteer, letting him or her know that they are remembered and appreciated on their special day.

***SECTION III:  
MANAGING THE  
PROGRAM***

## *Financial Management*

If your program is a project of the Tribe you will most likely have the Tribal financial department handle your financial management. It is critical that you educate yourself about the Tribal financial policies and that you follow the guidelines established by the Tribe. A comprehensive understanding of the system will allow you to present yourself well to funders and will allow you to accurately maintain grant reports. Even if you do not need to set up a financial system as described in this chapter, you may find the information helpful as you learn the system that the Tribe has established for you.

If yours is a non-profit program you should read this chapter carefully and be sure that your financial management is held to high standards. Regardless of its size or type of organization, every nonprofit, from a university hospital to a local CASA program, needs to maintain accurate financial books and records. In the initial stages of program development and operation, financial management can be very simple. As the organization grows and receives income from multiple sources and has more than one or two staff, accounting procedures and controls will necessarily become more complex. If you begin at the program's outset by establishing a financial management system that is in compliance with generally accepted accounting principles (GAAP), few changes will need to be made in the future. It is a good idea to seek the advice and services of an accountant or someone with extensive knowledge of financial management when you are developing your system.

The information offered here is intended to be basic guidance. It is not intended as a thorough discussion of all the issues that must be considered to ensure adequate financial accountability.

### **What is the Accounting Process?**

The accounting process encompasses the recording and reporting of transactions affecting the financial status of an organization. Processes and procedures must be implemented to generate useful financial statements and to secure the assets of the organization. Meaningful financial data cannot be produced without a mechanism to capture, record, review, summarize and report information. This entire process is called accounting.

Bookkeeping is simply the recording of transactions. While accounting and bookkeeping are often used interchangeably, their difference is significant. Bookkeeping is just one facet of

CASA programs that are established under a Tribe or an umbrella organization have the benefit of a finance department to assist them in financial management. Nevertheless, it is critical for the new program director to be familiar with the financial aspect of her program and for the program to develop written financial policies.

accounting and financial management. Accounting refers to the entire process of recording and reporting, and requires that systems (automated or manual) be in place to facilitate bookkeeping and to produce accurate, meaningful financial statements and management reports.

The accounting process can be described as an ongoing, monthly cycle consisting of:

- ◆ Cash receipts and disbursements
- ◆ Journal entries
- ◆ Closing procedures
- ◆ Financial statement preparation
- ◆ Review and analysis

### **Establishing an Accounting System**

Establishing an accounting system, while not directly fulfilling the program's mission, is nevertheless a critical administrative task. A well-designed system, even if it consists solely of manual ledgers, can mean the difference between timely financial information and incomplete, unsupported records.

Usually, the number of transactions (deposits, checks, and journal entries) will determine whether or not it is cost-effective to automate the accounting process. A new program that has only one or two funding sources and limited assets may simply "keep the books" in a checkbook supplied by the local bank or a check register accounting system in which checks are manually recorded in a ledger at the same time they are prepared. This combination of checkbook and expense distribution journal provides a simple way of recording receipts and disbursements while maintaining your checkbook balance.

It is strongly advised that the organization move to an automated accounting system as soon as funds are available. An automated system does not have to be complicated. There are numerous software applications available that do not require any previous accounting or bookkeeping experience. Most accounting programs will run on the most basic computers and are easily installed and maintained. The factors to consider in determining which software will meet your program's needs include:

- ◆ Does it do what you need it to?
- ◆ How easy is it to use?
- ◆ Is it easy to install?
- ◆ What reports can be produced?
- ◆ Can data be uploaded and downloaded to diskettes for use in other applications?
- ◆ Is the cost reasonable?
- ◆ Is training and support available?

Check with other CASA programs to see what programs they have found effective.

### **Establishing a Bank Account**

If you have not already done so, you must open a bank account so funds can be deposited and vendors paid. Most new CASA programs have relatively simple banking needs. This does not mean that the decision to use a particular bank should be taken lightly. First, you must decide the program's basic service needs. They usually encompass deposits, withdrawals and obtaining



bank balances. More extensive banking services could include direct deposit for payroll, debit and credit transactions processed through the Automated Clearing House, lockbox services, credit card accounts, lines of credit and online access to bank account information via your personal computer.

Most banks can provide all of these services. Assuming that all banks appear to be the same, how can you find the bank that is right for the program? One good way to start is to contact other groups of a similar size that might have the same service needs as CASA. Using references from other nonprofits is an excellent way of identifying a bank that offers services that meet your needs. The bank you use personally or that serves for-profit firms may not be the best for serving nonprofits. Visit the bank and discuss your expected needs with a bank officer.

## **Internal Controls**

The objectives of internal financial controls are to safeguard the organization's assets, to ensure the reliability of financial records and reports, to promote operational efficiency, and to encourage adherence to policy. A good financial control system should have written policies that describe:

- ◆ Clear lines of authority and responsibility
- ◆ Separation of duties
- ◆ Procedures for authorization
- ◆ Procedures for record keeping
- ◆ Physical control over assets and records
- ◆ Accurate documentation and sufficient audit trail
- ◆ Independent review and audit of finances

## **Financial Statements**

There are many possible kinds of financial statements that can be prepared, but the ones that are most commonly required include the following:

- ◆ **Balance Sheet.** The balance sheet summarizes the assets, liabilities and fund balances of the organization. It is a snapshot taken at a specific point in time, presenting the financial position of an organization on a specific date.
- ◆ **Statement of Activity.** This report measures, in fiscal terms only, the effectiveness of your program's ability to carry out its mission. It reports the actual revenues and expenses and compares the results to the current budget.
- ◆ **Statement of Functional Expenses.** This report, reported for the same period as the statement of activity, shows expenses by category such as salaries, rent, postage, etc.
- ◆ **Statement of Cash Flow.** Also prepared for the same period, this report shows the cash receipts and cash payments during that time frame.

It is generally not necessary to provide the board with a full set of financial statements each month. At a minimum, however, they should receive a statement of activity each month which follows the same format as the approved budget, calculating variances, explaining the reason for the variances, and offering suggestions for corrective action if needed. Other reports may be requested by the board on a quarterly basis, and a full set of financial statements must be prepared at the end of the program's fiscal year.

Financial information should be provided to the board as soon as possible after the designated reporting period ends so that necessary corrective action can be made in a timely manner. Of course, it takes some time to prepare a statement, but most programs should be able to produce a monthly report within two weeks after the end of the month. A full set of financial statements for the year should be available within five or six weeks after the end of the year. If your accounting system cannot meet these deadlines, something is wrong and should be corrected.

## **Audits**

Although your organization may not be required to have an audit, it is generally recommended that an audit be performed. An audit opinion stating that the financial statements accurately present the balances and results of operations is critical for fundraising and receiving grants. Internally, an audit provides assurances that the financial statements are accurate and complete.

An auditor will perform tests of your accounting system, review the internal accounting controls, examine your documentation, perform analytical review procedures and confirm cash accounts and other balances in order to render an opinion on the financial statements taken as a whole. The audit will also include a review of your accounting principles and financial statement format to determine whether or not they comply with generally accepted accounting principles.

An accountant can perform several different levels of auditing. A full audit includes an opinion, a statement of financial position, a statement of activities, a statement of cash flows, and footnotes. The footnotes disclose the nature of the operations, a summary of significant accounting policies, a description of significant events, and detailed information on the organization's commitments and contingencies. For a full audit, the auditors will require a management representation letter addressed to them that acknowledges management's responsibility for the fair presentation of the financial statements. Usually, the executive director and a member of the board are asked to sign the letter. In addition to the audited financial statements, the auditors should provide you with a management or internal control letter which provides any suggestions they have for improving your financial policies and procedures.

A review of financial statements is a lower level of audit. The resulting review report indicates that the testing performed is less than that of a full audit, and that only analytical review procedures were applied. A review provides only limited assurances that the financial statements are complete. This type of audit may be appropriate when the program is new and cannot afford a full audit.

The lowest level of service that auditors can perform is a compilation. This type of report states that the account balances presented are those provided by management. The auditor takes no responsibility for the accuracy of the numbers. This type of audit is appropriate only for programs that have a Certified Public Accountant prepare their monthly financial statements.

The cost of a full audit can be several thousand dollars, a real burden on programs that have minimal funding. You may be able to negotiate a lower than normal fee, particularly if you are able to have the work performed in off-season. Another possibility for a lower fee is to obtain the services through the local chapter of the Association of Certified Public Accountants.

## **Tax Returns**

There are various reporting requirements for nonprofit organizations at the local, state and federal levels. Filing IRS Form 990, Return of Organization Exempt from Income Tax, is required if the organization has gross revenues in excess of \$25,000 per year. Non-profit 501(c)(3) organizations are also required to file the 990-Schedule A. The filing must be done by the fifteenth day of the fifth month after the end of the year. A penalty of \$10 per day is assessed for late filing or incomplete forms.

If the program has raised more than \$1000 from an unrelated business, such as some types of product sales, Form 990-T must be filed. Some types of income derived from unrelated business are subject to federal tax (and possibly state tax). The filing and payment of any taxes due must be paid by the fifteenth day of the fifth month after year-end.

If an extension is needed, IRS Form 2758 may be used to request it. The program is required to maintain a copy of Form 990 tax return on file, available for the public's inspection.

Once the program employs paid personnel, it is required to file federal payroll reports, including a W-4 for each employee to claim exemptions for federal withholding, and a W-2 for each employee at the end of the year to report income and deductions.

The director may want to ask auditors to complete the annual tax return and request extensions when necessary. Auditors can also advise you on other state tax filings that are required.

# *Risk Management*

## **Fear of Legal Liability**

Fear of legal liability has become an increasing worry for volunteer programs in the past few years. Although there is very little hard data about the actual number of lawsuits, two things are clear: 1. the possibility of a CASA program being involved in an incident that results in legal action is increasing, and 2. the fear of such involvement is affecting the behavior of those who manage volunteer programs.

It is important not to get carried away with concern about liability when managing volunteers. The risk of liability operating a volunteer program is not much different from that of operating one with paid employees.

The kinds of risks inherent in a CASA program generally fall into three categories: liability of the individual volunteer, liability of the organization to the volunteer and liability of the program because of the actions of its volunteers.

### **Liability of the Individual Volunteer**

In most states volunteers are somewhat protected by immunity clauses in state law. However, they can still be personally responsible if someone is harmed as the result of their willful failure to follow program rules, abuse of a child, misuse of an automobile, negligence or exercise of poor judgment.

Tribal Court CASA Programs established under a Tribe should discuss risk management issues with the Tribal government. It is important that a new CASA program be familiar with issues of sovereign immunity, exceptions to sovereign immunity and Tribal liability insurance.

### **Liability of the Organization to the Volunteer**

When an individual joins an organization as an unpaid employee, the organization assumes certain obligations to that volunteer. These fall into two general categories: protection from harm and personnel rules.

In protection from harm, an organization has an obligation to not recklessly endanger its volunteers. Basically this means either eliminating dangers or adequately alerting and preparing volunteers to deal with dangers. Volunteers, like paid staff, are owed this obligation to be adequately prepared and trained for their volunteer duties.

In personnel rules, volunteers are provided the right to fair treatment by the agency in hiring, firing and other supervisory actions. Although this area of law is rapidly developing at present, current interpretation of the law prevents the organization from taking non-job-related actions

against volunteers. This does not mean that you can not turn down a volunteer applicant, but it prohibits turning them down based on their membership in a certain class of individuals defined by age, sex, race, disability or religion.

### **Liability of the Organization Because of the Actions of Volunteers**

If a CASA volunteer injures someone while performing CASA related duties, the volunteer might be sued and the program might be sued as well. This could occur under one of two legal approaches:

- ◆ A volunteer acting within the scope of her duties can make the agency responsible because they are considered an agent of the organization, carrying out work on its behalf. The actions of the volunteer are, in essence, the actions of the program.
- ◆ Volunteers who commit actions that are clearly outside the scope of their work (such as theft or child abuse) may also open the organization to suit. This is possible if the agency is itself guilty of negligent hiring, training or supervision of the volunteer. In this case the agency may be held responsible because of its own failure to prevent the volunteer from injuring the injured party.

### **Minimizing the Risk**

Developing management policies and procedures with an eye toward preventing or minimizing potential risks, is a good way for a new program to reduce the chance of legal involvement. By taking steps to identify potential risks associated with the CASA program and evaluating how they can be controlled, the board can develop appropriate protective measures early, thus avoiding many of the small mistakes that can turn into big disasters.

Most risks can be controlled by carefully screening volunteer applicants, providing thorough training to both volunteers and staff, ensuring that there is adequate supervision of volunteers, and periodically reviewing the organization's policies and procedures to make sure that they are understood.

The next step is ensuring that everyone involved adheres to the policies and procedures consistently. That means never skipping a criminal background check or allowing a volunteer to take a child home "just this once." If anyone in the program fails to adhere to the program standards and harm occurs as a result, the program's potential liability is increased.

### **Liability Insurance**

The board will want to consider three types of insurance: liability for board members, liability for the program volunteers and staff, and theft and fire insurance for the office and its contents. The types and amounts of coverage will vary based on your program's unique characteristics. Consulting local insurance agents who are familiar with nonprofit organizations will provide helpful information. It is also a good idea to consult with your state organization and with other local programs about their coverage.

National CASA has worked with an insurance company that can offer advice and coverage anywhere in the country. Call the national office to obtain their material.

One final note. Many CASA programs have chosen not to purchase liability insurance because they assume the court will dismiss any suit filed against the program. While this may be true, the dismissal of a suit does not preclude the necessity of hiring legal counsel to prepare court documents regarding the action. It may be difficult to find pro bono legal assistance in such incidents and it is probably not possible for an attorney who sits on the board to also serve as the program's attorney, since he or she is also a party to the action as a board member. An insurance policy that covers legal fees may be worth considering.

## *Program Operations*

### Policy Considerations

Good program management requires the development of formal rules and procedures. Policies can be done in phases corresponding to the developmental phase of the program. For example, you will want to have at least basic personnel policies before the director is hired, and volunteer policies before the first class of volunteers is trained. It is impossible to develop policies to cover every potential issue and you may not want to restrict your options by having written rules for every situation. Sometimes the flexibility to use good judgment is the best way to handle a difficult situation. The National *CASA Standards for Local Programs* is good guide to the fundamental policies that should be established initially. The process of developing policies should be a joint effort of the board and the executive director.

Because of the nature of the work done by CASA volunteers, their involvement in the courts, and the potential risks this work poses, there are some practice issues that a program should carefully analyze from every perspective before committing to a policy.

National CASA recommends that a policies and procedures manual include the following:

- ◆ Mission Statement
- ◆ Goals of the Program Charter and/or Bylaws
- ◆ Listing of Board of Directors
- ◆ Program Structure
- ◆ Statement of Understanding with the Court
- ◆ Statement of Understanding with Other Agencies
- ◆ Job Descriptions for Board Members, Staff, and Volunteers
- ◆ National CASA's Code of Ethics
- ◆ National CASA's Program Standards
- ◆ State or Local Program Standards
- ◆ Procedure for Handling Complaints or Grievances

### **Confidentiality**

Preserving the privacy rights of citizens and maintaining the confidentiality of personal information is a major concern in many segments of society. Because of the sensitive nature of CASA work, these concerns are even more critical for CASA programs. A

breach in confidentiality can cause irreparable harm to the child and family involved. It can poison working relationships between CASA and the professional community and cast doubt on the value of the program. In the worst cases, it could even result in litigation.

For these reasons, it is important that staff and volunteers are clear about what is meant by confidentiality in this context. Something as simple as discussing a case in the hall, the elevator, or the bathroom, or leaving information on the coffee table at home can have unforeseen consequences.

To minimize risk, most programs have a volunteer sign a confidentiality agreement at the time of acceptance to the program. Some reinforce its importance by executing a separate document each time a new case is assigned. How confidentiality is to be handled in staffing or team meetings of volunteers should also be specifically addressed.

In virtually all programs, violation of confidentiality is cause for immediate dismissal for a volunteer. This is appropriate given its potentially devastating consequences to individuals and to the program.

Equal importance should be placed on the confidentiality of personal information about volunteer applicants, both those who are accepted to the program and those who are not. If information of a confidential nature is kept in files, it should be kept in locked files with limited access.

### **Procedures for Handling Complaints and Grievances**

CASA is involved in sensitive work that evokes a wide range of emotions. It is, therefore, to be expected that criticism will arise from many of the players involved, especially when a CASA volunteer makes recommendations that are not in agreement with the opinion of others. If volunteers are doing their jobs well, there will often be someone angry with them. Volunteers should be trained to expect this, and given support in learning how to accept it. One supportive technique is having a written procedure in place for handling complaints, should they arise.

Complaints can come from many sources, including parents or other parties to a case, social workers, other agencies, attorneys, or people in the community. They can also be directed at various people, including a volunteer, staff person or board member. The program's procedure should address the following:

- ◆ what constitutes a formal complaint (must it be in writing, etc.)
- ◆ with whom a complaint must be filed
- ◆ when complaints shall be handled by staff and when they shall be handled by the board
- ◆ when the board handles a complaint, should the whole board, a committee, or one individual be responsible



The complaint procedures listed above apply to both internal and external complaints. In other words, it applies to outside parties filing grievances against a CASA employee or volunteer, as well as to a CASA employee or volunteer filing a grievance against another person affiliated with CASA.

Knowing in advance how such problems will be addressed will help alleviate the anxiety and discomfort that naturally accompanies these situations. Most complaints are not serious and should not be threatening to those involved. However, because of the sensitive nature of CASA's work, all complaints are cause for concern and should be given adequate consideration.

### **Personnel Policies**

Perhaps no policies are more important than the policies governing the hiring and management of personnel. No matter how new or how small, organizations should have at least minimal policies in writing. No area exposes programs to greater potential for liability than the mishandling of personnel matters. Because the legal ramifications are significant, you should have personnel policies reviewed by an attorney knowledgeable about employment law before the board adopts them and distributes them to staff. At a minimum, policies should be developed that address the following:

- ◆ Hiring procedures
- ◆ Work Schedule
- ◆ Compensation
- ◆ Employee benefits
- ◆ Code of conduct
- ◆ Performance evaluations
- ◆ Workplace safety and security
- ◆ Termination

All personnel-related policies should be developed with full knowledge of the implications of the following:

- ◆ Federal minimum wage
- ◆ Equal employment opportunity
- ◆ Job safety and health
- ◆ The Americans with Disabilities Act of 1992

### **Keeping Records**

One of the primary operational tasks is the maintenance of accurate records. In addition to financial records which were discussed in the previous chapter, the program must at all times, be aware of the status of every case assigned by the court. The following discussion provides guidance on the types of records to maintain good case management.

### **Master File and Working File**

When CASA is appointed to a child via court order, the program will obtain or receive a packet of information from the clerk or court administrator containing all pertinent legal documents and notices. This includes copies of all pleadings filed with the court, a copy of the court order appointing CASA, and the date and type of the next hearing scheduled.

These documents are the heart of your master and working case files. They should be placed in your master filing system under the child's name, or under the docket number, thereby helping to ensure confidentiality. Many programs, which use manual systems, keep these records filed in chronological order. Any subsequent information about the case will be added to this file, resulting in a comprehensive record of the case throughout its lifetime. This is also a logical place to keep a record of communication between the CASA office and the volunteer.

The volunteer who is assigned to the case will also need a working case file. Make copies of your original documents, and give them to the volunteer at the time he is assigned to the case. As the volunteer works on the case, he can use this file as a place to also keep the dates and notes from interviews, information on how to contact various parties, and copies of reports provided by the caseworker or parents.

It is critical for volunteers to realize that the materials contained in these files are confidential. Volunteers must take precautions to safeguard working files in their possession. A procedure for destroying or returning working files to the program should be established. A time frame for keeping office files and procedures for destroying them should be agreed upon by the program and the court. National CASA recommends establishing an agreement with the court in which the records no longer needed by the CASA office are returned to the court, where they will be disposed of in the manner in which the court is accustomed.

### **Schedule of Hearings (Docket)**

It is also necessary to keep a complete record of court hearings for each case. Your docket form should include:

- ◆ Juvenile court case number
- ◆ Date and type of hearing
- ◆ Child's name
- ◆ CASA volunteer's name
- ◆ Caseworker
- ◆ Changes in dates (i.e. continuances)

This information can be gleaned from the court docket, court orders, or verbal orders from the attorney general's office or the administrative office of the court. When you develop a system for keeping track of case's hearing schedule, keep in mind that information will change frequently. Parties often ask for continuances or the judge may determine additional information is needed before the hearing can be effectively concluded. The schedule of upcoming hearings should be a working document, able to

accommodate change. It should also verify notification of the appropriate people regarding the change.

Sometimes the volunteer will be the first to know of a change in the schedule and will notify the CASA office. The staff should then try to confirm that information by contacting the juvenile court office or the attorney general's office.

The CASA program must follow written policies and procedures regarding access to, use of, and release of information about the children it serves to ensure that children's confidentiality is maintained at all times. To help ensure that records maintained in the CASA office are secure, physical security measures should include locked filing cabinets and access codes for office computers.

### **Gathering Statistical Data**

Although the primary goal of record keeping is to facilitate efficient program management, there are other reasons why CASA programs should pay close attention to gathering accurate and timely statistics. While CASA's benefits are often obvious to people within the court system who have firsthand experience with the program, the general public can sometimes be a harder audience to convince, particularly funders and the media.

When choosing projects to fund, most foundations and/or community service organizations want evidence that a cause is worthy and that it effectively serves a community need. Testimonials alone are not enough to convince these potential funders to offer financial support. They need to see solid data that illustrates the program's accomplishments.

Likewise, statistics can help to solidify your public image and credibility. Funders like facts that show why the program is needed (abuse and foster care statistics), what it is doing (numbers of volunteers, the hours they spend on the job), and the results/outcomes (number of children served, cost savings to the court).

This information is also a powerful motivator in other public awareness projects. If you can quote positive figures in speeches, informational materials, or for fundraising projects, your program will be perceived as valuable and effective.

One of the most effective statistics the CASA program can cite is the amount of volunteer time contributed to the program and the children it serves. By documenting the time contributed, you can make a credible argument for the value of volunteers. This information can help in your public relations efforts and in seeking support from funders.

If you decide you need only an accounting of the total number of hours each volunteer contributes each month, you can obtain the information by polling your volunteers when you prepare a monthly report. If you wish to know how much time a volunteer has spent on a particular case, have the volunteer include the figure in his or her final report to the

program or on the expense report forms. Some programs have the volunteers break down their hours even further into different categories, such as hours spent in court, fact-finding, writing reports, in conferences with supervisors at the program, and in case or treatment team consultation.

## COMET

Keeping all of the statistics up to date can be a full time job in itself, leaving you with less time to dedicate to your volunteers and the children they represent. To remedy this situation while meeting its own needs for reporting, National CASA has provided a simplified child-centered database to compile and update important program information on children and volunteers. COMET (CASA Outcomes, Management and Evaluation Tool) can help programs keep and manage vital case information, produce activity reports, evaluate their effectiveness and measure outcomes for the children they serve. COMET can, and should, be modified to fit local program needs, terminology and reporting requirements. This database is free to National CASA member programs.

Other uses for COMET data include:

- ◆ Reviewing the history of placements
- ◆ Tracking the changes in attorneys, case workers, and others involved in the case
- ◆ Compiling data needed to determine outcomes for each child
- ◆ Maintaining monthly and annual child and volunteer demographics and numbers, making it simple to complete the National CASA annual program survey
- ◆ Evaluating program effectiveness and performance

Each program must determine what information is necessary to serve its needs and purposes. Privately funded programs can use the data in grant applications and to justify spending to funders. Up-to-date information can also improve the program's position with local media.

Other resources to assist in your data collection are the *Achieving Our Mission* manual and a technology guide, *Computers and the Internet*, both of which are available through National CASA.

# *Appendix*