



Memorandum of Understanding

Between

Superior Court of the State of Georgia for the County of Clayton

And

Clayton County CASA

MISSION STATEMENT

The Clayton County CASA program provides advocacy and intervention to abused and neglected children in foster care and relative care custody, as well as, Guardian Ad Litem services to children involved in custody disputes through commitment to the following program values:

- Competent professional staff
- Supportive environment for recruitment, training and retention of volunteers
- Opportunities for volunteers to form caring, committed, relationships with children and their families
- Provision of concise meaningful reports containing thoughtful well-reasoned recommendations that assist the Court in meeting the needs of the child

THE GOAL OF CLAYTON COUNTY CASA

To be an effective response to a growing need for children to have a voice in deprivation and custody dispute proceedings by recruiting, training and supporting CASA volunteers who advocate for the best interest of the child.

The Clayton County CASA program is organized as a division of the Clayton County Juvenile Court and is given authority to recruit, train, support, and supervise CASA volunteers who serve as advocates for children under both a Clayton County Superior Court Order and a Clayton County Juvenile Court Order.

Achieving the goal of the CASA/Guardian Ad Litem service to children involved in custody dispute proceedings requires the development of a working relationship between the Clayton County Superior Court and the Clayton County CASA program. This Memorandum of Understanding identifies and clarifies that relationship.

**Section I. Cases to be Referred to a CASA Program**

Custody dispute cases under the jurisdiction of the Clayton County Superior Court where the judge requests CASA involvement are proper for referral to the Clayton County CASA program.

**Section II. Administrative Fee**

Clayton County CASA will charge a flat \$500 administrative fee. All monies must be received by CASA prior to commencement of investigation by CASA. If the \$500 administrative is not paid the CASA investigation will not commence until the administrative fee is received.

Order for payment of costs of Guardian Ad Litem services will be sent to the respective parties by the Clayton County Superior Court and shall include the following statement: "Cash and money order are acceptable means of payment. No personal checks will be accepted; however, a check drawn on the respective attorney's firm will be accepted for payment. All fees shall be paid to Friends of Clayton County CASA, Inc., Care of Gerald Bostock, Program Coordinator of CASA; Clayton County Juvenile Court; 121 S. McDonough St. Courthouse Annex 3; Jonesboro, GA. 30236."

The Clayton County CASA Advisory Board is the recipient of the administrative fee and will use the fees to fund volunteer recruitment, training, and retention.

**Section III. Role and Responsibility of a CASA Volunteer**

The roles and responsibilities of the CASA/Guardian Ad Litem (GAL) are as follows:

- A. The CASA/GAL's Role: The CASA/GAL is a volunteer of at least 21 years of age from the local community who has been screened and completed the 40 hour state-certified CASA training program, as well as, has received 8 hours of investigative training related to Superior Court custody cases. A CASA/GAL is appointed by the judge as an officer of the Court to advocate for children who are involved in custody dispute proceedings. The role of the CASA/GAL is to provide the Superior Court with independent and objective information regarding the status of children involved in custody dispute matters. Upon appointment, the CASA/GAL independently gathers and evaluates information which the judge will take into consideration in making a decision to protect the best interests of the child.
- B. The CASA/GAL responsibilities under the Court include:
- Independently gathers pertinent information to determine what is in the best interest of the child/children involved in the custody dispute; by reviewing all relevant records and interviewing interested parties to ascertain the facts and circumstances as related to the present case.
  - Develops and submits written and verbal reports to the Court and to the respective attorneys for review
  - Reports to and is supervised by Clayton County CASA Special Assistant for Judicial Investigations

C. A CASA/GAL MAY NOT:

- Become inappropriately involved in a case by engaging in activities which endangers the wellbeing of the child, the integrity of the program, or the objectivity of the volunteer
- Be involved in activities that are likely to result in a conflict of interest
- Give legal advice
- Provide therapeutic counseling
- Make placement arrangements for a child
- Be related to any parties involved in the case

**Section IV. Implementation of Volunteer Activities**

A. **Appointment:** Appointment of a CASA/GAL will begin with an Order of Appointment from Superior Court and will remain in effect until the CASA/GAL's service is terminated.

B. **Assignment:**

1. Once a determination is made that a Superior Court case requires a CASA/GAL, the following is requested:
  - a) A copy of the initiating complaint and any other pertinent information shall be forwarded to the Special Assistant in order to determine the CASA/GAL who will be assigned to the case for investigation
2. The Special Assistant or his/her designee assigns an available CASA/GAL as soon as possible
3. After assignment of the CASA/GAL is determined, the name will be forwarded to the Superior Court and an Order of Appointment will be processed
4. After the judge signs the CASA Appointment Court Order, the Order is returned to the Special Assistant or his/her designee at Clayton County Juvenile Court (121 S. McDonough St. Courthouse Annex 3, Jonesboro, GA. 30236)
5. The Special Assistant receives the Appointment Order and notifies the assigned CASA/GAL of appointment
6. The CASA/GAL receives the certified copy of the Appointment Order and should be prepared to review all pertinent records and/or documents once the administrative fee has been received from each party
7. The Special Assistant will forward a letter to the attorneys, of each party, requesting:
  - a) A list of witnesses that will be interviewed on their client's behalf (the list of witnesses shall be limited to ten names). This list shall include the names; addresses and telephone numbers of the witnesses
  - b) An appointment will be scheduled with the attorney and his/her client to be conducted at the Clayton County Juvenile Court and fees may be submitted for services at this time

8. Through the CASA/GAL Order of Appointment, The CASA/GAL becomes a party to the case
9. This assignment process may be revised and updated as necessary to meet the needs of the Superior Court and the Clayton County CASA program

**C. Procedure of Information Gathering:** Once the CASA/GAL has been assigned, the Special Assistant will review the case file and will discuss with the CASA/GAL his/her duties in the case. The CASA/GAL shall conduct an independent and objective investigation in order to gather pertinent factual information to present to the judge to determine the best interest for the child/children. The investigation shall include interviews with and observations of the child, interviews with other individuals that may help in determining what is in the child's best interest, and a review of the relevant records and reports of the case.

The duties the CASA/GAL will perform include:

**Interviews:**

1. The CASA/GAL or Special Assistant will obtain a copy of all petitions filed within the Superior Court by the respective parties and any interlocutory or other orders (TPO or other restraining orders) issued in the case. These documents will be maintained by the Clerk of the Superior Court. In the event of a modification of a divorce decree, a copy of the divorce order, agreement and any other documents pertinent to the case should be retrieved and made a part of the CASA/GAL's findings.
2. The CASA/GAL will begin the investigation by scheduling appointments via telephone or letter with the plaintiff and the defendant in the case. This interview is conducted primarily to obtain the plaintiff's and defendant's perspective (as a point of reference, these interviews are independent of one another). During this interview, the investigator will have each party sign Releases of Information in order to check criminal backgrounds, mental health records, school records and medical records for all parties including children.
3. The CASA/GAL shall obtain background information on the plaintiff and the defendant. This information should include the parties' dates of birth, social security numbers, marital status, number of marriages, dates of marriages and or divorces, number of children, employment information, monthly income and expenses, and criminal history.
4. The CASA/GAL shall interview all witnesses provided by the plaintiff and the defendant, as well as, attempt to locate additional witnesses (i.e., neighbors, employers, and any other persons that could offer information that would be helpful to the CASA/GAL in deciding what is in the best interest of the child/children). The first interview of a witness should be done in person.
5. The CASA/GAL shall not involve the child/children anymore than necessary. The CASA/GAL should not question a child/children unless they appear to be mature and/or old enough.

6. Home visits will be made to the plaintiff's and the defendant's residence. If circumstances allow, an evaluation of the home should include at least one unannounced visit.
7. The CASA/GAL will conduct a second interview with the plaintiff and the defendant at the unannounced home visit to clarify or verify inconsistencies and conflicting information that has been found during interviews with witnesses.

**Reporting:**

Written Reports: Written reports are required for all investigations. The CASA/GAL will prepare written reports under the supervision of the Special Assistant in a format and manner approved by the CASA program. Written reports are to be submitted to the Clayton County Superior Court Judge and to each attorney representing a party to the case in accordance with the Court rules prior to any hearing.

Written reports shall include information in the following areas:

- *Background Information:* information will detail the reason for the investigation (i.e. information pertaining to determining the most suitable custodial parent or a modification of the divorce decree).
- *Biographical Data:* information will include data on the plaintiff and the defendant (i.e., Date of Birth, Social Security Number, marriages, divorces, employment history, etc).
- *Financial Information:* information will include monthly income and monthly expenditures.
- *Findings:* information will reflect the witnesses' statements and other applicable information.
- *Comments and Recommendations:* the comments and recommendations section will reflect the investigator's depiction of the factual information, as well as, concerns received during the investigative process. In writing the findings and the recommendations, the CASA/GAL should be aware of the legal standards for determining the custody of the child/children. The legal standard is the "best interest" of the child/children.
- Attachments should be used whenever practical. For example, details of a lengthy police report should be paraphrased with reference to an attachment that contains the actual police report. All attachments should be tabbed at the end of the investigative report.
- All investigative reports shall be typed and submitted to the Special Assistant for review before being dispersed to the Superior Court and the respective attorneys.

Verbal Reports: The CASA/GAL shall also provide verbal reports on his/her findings when requested by the judge.

**Mandatory Reporting:** Clayton County CASA/GALs are mandated reporters. The CASA/GAL has a mandatory obligation to immediately report any suspicion of child abuse or neglect to the Department of Family and Children Services.

**Testimony:** The CASA/GAL may be called as a witness in an action by the Court or by a party to the case and address questions concerning the investigative report.

**Access to Information:** The Special Assistant shall assist the CASA/GAL in obtaining criminal record checks on all parties to the case. By order of the Superior Court, the CASA/GAL has the authority to obtain pertinent information related to the assigned case. To include but not limited to information and documentation from respective parties and attorneys.

- D. **Resignation:** When a CASA/GAL finds it necessary to resign from a case, he/she shall take the following actions:
- a) He/she should immediately notify the Special Assistant
  - b) The CASA/GAL shall provide a written resignation to facilitate the Court Appointment of a new CASA/GAL to the case
  - c) Upon a CASA/GAL's resignation all case files and court related materials shall be returned to the CASA Program offices

The Special Assistant will be responsible for removing the out-going CASA/GAL from the court order and seeking a replacement if needed. The Special Assistant will follow the appointment and assignment process (discussed above) in the event that a new CASA/GAL is needed for the case.

- E. **Termination Policy:** A CASA/GAL who does not adhere to the rules and procedure of the CASA program or who fails to perform his/her CASA/GAL assignments satisfactorily is subject to dismissal. A CASA/GAL may be terminated for taking action which:
- Could endanger the child or parties to a case
  - Is not within the scope of duties and responsibilities of a CASA/GAL
  - Violates approved guidelines or Clayton County Superior Court procedure and law
  - Breaches confidentiality
  - Could adversely affect the confidence of the public in the integrity of the program
  - Is considered gross misconduct or insubordination
  - Is performed, while acting as a CASA/GAL under the influence of alcohol or drugs
  - Includes theft of property or misuse of program equipment or materials

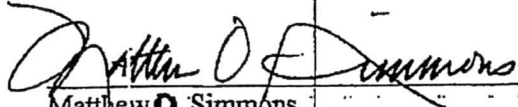
**Section V. Working Relationships**

- A. The Special Assistant will supervise the CASA/GAL and facilitate the interaction of the CASA/GAL with the Superior Court and other named parties involved in the case.
- B. The CASA/GAL will maintain and keep up to date notes for each assigned case and will seek guidance and assistance from the Special Assistant in the performance of CASA duties.
- C. The Clayton County Superior Court and the Special Assistant shall communicate on an as-needed basis to facilitate an effective operation of the Clayton County CASA custody dispute GAL service. There can be no ex parte communication.
- D. A Clayton County CASA staff member shall accompany the CASA volunteer in Court proceedings and settlement conferences.
- E. Clayton County CASA and the Clayton County Superior Court will maintain communication regarding the management, implementation, and operation of the CASA/GAL custody dispute service, as well as, provide information on CASA volunteer performance.
- F. The CASA/GAL caseload may vary depending on volunteer availability. Clayton County Superior Court and Clayton County CASA should correspond with one another regarding the number of available volunteers and the number of cases the CASA/GAL service is able to accept.

**Section VI. Acceptance**

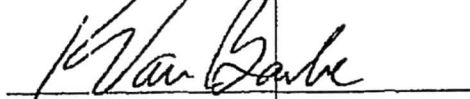
This Memorandum of Understanding has been reviewed and accepted by the management of governing bodies of the organizations indicated below.

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Matthew O. Simmons  
Chief Judge  
Superior Court  
Clayton Judicial Circuit


Date: 11-20-07

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K. Van Banke  
Chief Judge  
Juvenile Court  
Clayton Judicial Circuit

Date: 12/17/07

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Gerald Bostock  
CASA Program Coordinator  
Juvenile Court of Clayton County

Date: 12/13/07