

Section 5: CASA: Court Appointed Special Advocate

In every court case under ORS 419B, the court is required to appoint a court appointed special advocate. The court appointed special advocate (CASA) is a party to the proceeding and has specific duties to perform:

- The CASA is an advocate for the child and ensures all relevant facts are brought before the court.
- The CASA investigates all relevant information about the case.
- The CASA facilitates and negotiates to ensure that the court, DHS/CWP and the child's attorney, if appointed, fulfill their obligations to the child in a timely fashion.
- The CASA monitors all court orders to ensure compliance and brings to the court's attention any change in circumstances that requires a modification of the court's orders.



Each DHS/Child Welfare district has a memorandum of understanding (MOU) with the CASA program in its district. Although some differences may appear in different memorandums, the basic agreements are similar across the state. Each memorandum outlines the roles and responsibilities of the CASA and CASA supervisor as well as the Child Welfare caseworker and supervisor. In each memorandum, there is a protocol for resolving conflicts. There is also a state memorandum of understanding with the CASA program which is found in Chapter IX: Interagency and Intergovernmental Agreements.

Child Welfare must permit the CASA to inspect and copy records related to the child involved in the case. Records related to other persons and not the child may be protected by other laws and may not be disclosed to the CASA. Records reviewed by the CASA are confidential under ORS 419A.255. The CASA appointment remains in effect until the court vacates the appointment or until the petition is dismissed.

Procedure

To work co-operatively with the CASA, the caseworker:

- Reads and follows the memorandum of understanding between the local CASA program and the DHS Child Welfare district office.
- Recognizes the party status of the CASA and provides the CASA with copies of information in the Child Welfare case file relating to the child and any other information in the file the caseworker is legally permitted to disclose to the CASA, including the location of the child, pertinent information about the child, and contact information about the family.

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- Provides the CASA with copies of correspondence to the court and materials subject to disclosure.
- Notifies the CASA of upcoming hearings, family meetings, staffings, changes in the child's placement, and any cancellations or changes to upcoming hearings, meetings or staffings.
- Talks with the parents, guardians and substitute caregivers regarding the CASA's role and responsibilities and the CASA's right to contact the child on a monthly basis. These contacts may occur in the child's home, the substitute caregiver's home or the adoptive placement. The CASA may have private conversations with the child, but the CASA will always be within ear and eyesight of another adult.
- Makes an appointment to meet with the CASA as soon as the CASA is appointed.
- Exchanges contact information with the CASA and preferred modes of communication (i.e., telephone call, e-mail).
- Reviews the case with the CASA, including the case history, the safety plan, the conditions for return and expected outcomes, the permanency plan, and the concurrent plan, making sure not to disclose information that cannot legally be shared with the CASA.



- Discusses how the CASA and caseworker can work together to achieve safety, permanency and well being for the child.

The Memorandum of Understanding outlines ways for the caseworker and CASA to resolve disputes that may arise. This includes the caseworker and CASA first talking openly about the issue. If this discussion does not resolve the issue, then the CASA supervisor and the caseworker's supervisor are contacted for assistance. If an issue remains, the Child Welfare program manager and the CASA executive director are notified and may participate in resolving the problem.

- Returns a communication from a CASA within 48 hours.
- Shares the caseworker's court reports with the CASA and receives the CASA court report prior to the court hearing according to local court practice.
- Notifies the CASA of any report alleging that a child in substitute care may have been subjected to abuse or neglect, within 3 days of the report being received by Child Welfare. The name, address, and identifying information of the person that made the report may not be disclosed with the notification.
- Shares with the CASA Child Welfare's determination of a CPS assessment involving an allegation of abuse or neglect in the foster home of the child within 10 days of the determination.

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- Notifies the CASA of the following: DHS/Child Welfare staffings, provider staffings and family meetings relevant to the child; sibling planning conferences; current caretaker committee meetings; and adoption committee meetings. The CASA has the right to participate in these meetings at differing levels as defined by administrative rule. See Chapter V: Adoption and Guardianship for specifics regarding CASA participation in sibling planning, current caretaker committee and adoption committee meetings.

See Chapter V: Adoption and Guardianship for specifics regarding the procedure for CASA review of adoption home studies.

Role of the Supervisor

- Provides each caseworker with a copy of the district's memorandum of understanding between DHS/Child Welfare and the CASA program and ensures the caseworker has read and understands the memorandum.
- Ensures that the caseworker notifies the CASA of any new allegations of abuse and neglect regarding the child and of Child Welfare's determination of a CPS assessment involving a child's foster home within the required timelines.
- Assists the caseworker in resolving a conflict or dispute between the caseworker and the CASA, including seeking assistance from the program manager when necessary.

Legal References

- ORS 419A.170 Court Appointed Special Advocate
- ORS 419B.015(3)
- DHS Child Welfare Policy I-B.2.2.3: Department Responsibilities During Screening and Assessment of a Child Abuse Report or Neglect Report Involving the Home of a Department Certified Foster Parent or Relative Caregiver
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b223.pdf