

IN THE DISTRICT OF THE FIRST JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF *****
MAGISTRATE DIVISION

In the Matter of:) Case no. *CV- XXXX-XXX*
Name of the child)
DOB 00/00/00)
A Child under 18 years of age) Review Hearing Report of the Guardian *ad Litem*

Insert photo of child(ren)

Referral:

Cut and paste the date and reason for removal from the adjudicatory report:

Guardian *ad Litem* Recommendations:

- Keep the child under protective supervision of the Idaho Department of Health and Welfare
- Continue legal custody in IDHW
- Dismiss the case

Additional Recommendations:

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This section may include recommendations for visitation (i.e. with one parent and not the other, supervised or unsupervised,). If the GAL recommends a protective order, specifics for the protective order must be included. Factual information needs to be included in the report below to have the recommendation considered. Without a factual basis to support the recommendations, they are only an opinion, and the court cannot base decisions about the future of a child on the opinion of the GAL.

The GAL offers the following information since the last written report.

Expressed Wishes for Each Child (required):

16-1633 statute “the GAL shall inquire of ANY child capable of expressing his or her wishes regarding permanency...” While the intent of this statute is to give the child rights the court typically does not give their expressed wishes much weight. The statute is also not intended to be used against a party. The GAL should not put a statement in there that will create more issues (i.e. I don’t love my mom”).

The preferred question is “As I write my court report, is there anything you would like to share with the judge regarding your (living) situation?” Follow-up question... “Tell me why?”

Do not ask leading questions. Do not ask yes or no questions or questions. Do not give them a choice (i.e. Do you want to live with your mom or your grandma?). Ask open ended questions. Try to have the child state their reason WHY to add credibility.

After comments, the GAL may add additional information they have directly heard the child express that can add clarification for the court.

The child may choose to communicate with the court in a number of ways. For example, through a letter or through the Guardian *ad Litem*.

- Child is not capable of expressing wishes.
- Child is capable of expressing wishes.

Question asked: Is there anything you would like to share with the Judge regarding your living situation?” Answer provided:

Comments:

Guardian *ad Litem* Concerns:

(Duties of GAL 16-1633: summarized- “Advocate for best interests of the child; (1) conduct independent factual investigation, without limitation; (2) file written reports stating results of investigation and GALs recommendations and other such information as the court may require; (3) participate fully in the proceedings; entitled to confer with the child, siblings, parents, or other; (4) monitor circumstances of the child and assure that the terms of the courts orders are being fulfilled and remain in the best interest of the child”)

16-1621 defines the guardian ad litem’s role monitor and make recommendations on if the case plan is in the “best interest of the child” and if the “child is served by adopting, rejecting or modifying the case plan proposed by the department.”

To clarify, CASA concerns relate to the best interest of the child- their physical and emotional health, safety, and welfare and minimizing unacceptable risk. CASA is not limited to the Departments concerns of imminent danger or “safety concerns”. Concerns need to be tied to the recommendations and the body of the report must include factual information that supports the concerns.

Concerns to identify in this section: number of placements, departments conditions to return home, departments decision to keep children in protective supervision, parents *overall* lack of progress on a case plan, child’s access to services, child’s emotional well-being, etc.

Include WHY concerned.

Definitions:

CPA Definition of “neglected” means a child: (a) who is without proper parental care and control, or subsistence, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them. (b) whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child and, as a result of such inability, the child lacks the parental care necessary for his health, safety or well-being;

CPA definition of “abandonment” means “the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact...”

CPA definition of “abused” means “any case in which a child (refer to full statute for full definition)....threatening the child’s health and welfare or mental injury to the child.”

Definition of “mental injury” means a substantial impairment in the intellectual or psychological ability of a child to function within a normal range of performance and/or behavior, for short or long terms.

Definition of Aggravated circumstances 6a(1)...Chronic neglect or chronic abuse of a child shall consist of abuse or neglect that is so extreme or repetitious as to indicate that return of the child to the home would result in unacceptable risk...

Definition of “reasonable and prudent parent standard”characterized by careful and sensible parental decision that maintain the health, safety and best interests of the child while simultaneously encouraging the emotional and development growth of the child...”

At all times, the health and safety of the child shall be primary concern.

16-1601

Language suggestions (and some statute references to show where the language strength comes from):

“based on my training and experience...” or “based on my experience as a teacher/law enforcement professional/attorney/therapist” or “based on my training in TBRI...”

Although Mom has made some progress...

CASA is concerned about parents’ cumulative progress...

In the presence of (child)...

Contrary to the welfare of the child...

it is in the child’s best interest

life, health and welfare of the child (CPA16-1601 Policy)

the health and safety of the child shall be the primary concern at all times (CPA 16-1601. Policy)

Continuation in such condition or surroundings would be contrary to the welfare of (child). 16-1611 (4)

CASA is concerned about the extent of the progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care... 16-1622 (1) (a) (i) (4)

Because I am tasked to represent the best interest of the child by the Idaho State Supreme Court and I am the advocate of record for the child’s educational, emotional, physical or developmental needs that (child) may have... 16-1621 (3) (a)

Developmentally appropriate based on the development of cognitive, emotional, physical and behavioral capacities for a typical X year old... 16-1602 (5) (a)

CASA feels ABC is necessary to prevent serious physical or mental injury to (child). 16-1608 (1)(b)

In order to promote continuity and stability in the life of (child)... 16-1619 (12) (f)

The parent is unable to discharge parental responsibilities and such inability will continue for a prolonged indeterminate period and will be injurious the health, morals or well-being of the child. 16-2005 (1) (d)

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|--|------------------|
| (child) lacks parental care necessary for his/her health and well-being... | 16-1602 (31) (a) |
| Without proper care and control... | 16-1602 (31) (a) |
| Encourages emotional and developmental growth | 16-1602 (37) |
| (child) is suffering emotional and/or psychological harm as a result of an act by (parent) | 18-918 |

Child Well-being:

If no new information since last report, state “No change” under each heading:

Child Contacted:

Start with date, type of visit (Face to face, phone call, televideo) IN BOLD, then name(s) of child(ren), then location of visit. Then describe factual observations while visiting with the child. Children visited as same time can be reported together. Report each visit separately. In person FACE TO FACE visits are required a minimum of monthly. Televideo and phone visits can serve as FACE TO FACE only with prior Supervisor approval. If you have met your child(ren) Face to Face, then these can be additional visits without approval.

(i.e.) **7/1/2020. Televideo.** Ezra. Foster home. OR

(i.e.) **7/6/2020. Face to Face.** Ezra, George, Hanna. City Park.

Ezra appeared....

George seemed...

Hanna spent most her time....

(i.e.) **7/15/2020. Phone.** Hanna. Daycare. Hanna was playing....

Visitation:

Narrative of factual observations of child visits with parents/siblings. Include those in attendance (note who is and who is not appropriate to bring), how often child(ren) is/are visiting their family. Is visit supervised or unsupervised.

Observations:

- Did parents miss visits?
- Were parents on-time, appropriate?
- Did parents say inappropriate things to kids:
 - promises, leading questions, asking where foster home is, burdening child with cps case matters, whispering, swearing, anger, sexual comments/actions
- Were parents sober/not sober?
- Did parents bring toys or snacks?
- Did parents engage with child or on phone during the visit?
- How did the child(ren) respond to the parents?
 - cry, anger, joy, hugs/no hugs, dysregulated, anxious, ignore, hit, won't play -
- How did child(ren) respond to parents at drop off and pick-up?
 - unemotional/emotional, cry, complacent, angry, happy to see foster parents.

Education for Each Child:

- Where is the child attending school.
- Is the child attending the same school as before placement.
- Teachers comments (i.e. child's behavior in school, with peers, attitude towards learning...) - Grades and attendance.
- Child's attitude towards school.
- IEP or 504 in place?

Medical for Each Child:

Enter each child's full name and the Medical/Dental/Vision/Mental health diagnosis, including psychotropic medication and treatment.

Current Services for Each Child:

Services child is *currently* receiving such as...

- Infant Toddler, Head Start, counseling, therapies (OT, PT, ST), Independent Living, CBRS

Current Placement for Each Child:

Placement type options include non-relative foster home, relative foster home, fictive kin foster home, congregate care, non-relative pre-adoptive home, relative pre-adoptive home, detention, department of juvenile corrections, hospital.

Comments: Are siblings placed together? Do they like their placement? What are the challenges placing this child?

If children placed separately, cut and paste section for additional info.

Legal Cases Involving Child:

Any civil or criminal proceedings involving child such as probation, Juvenile Detention, custody disputes/agreement/order between parents, etc. If there are none, insert N/A.

Parents' Situation:

1. Mother:

2. Father:

This is to explain how the parent's situation affects (impacts or changes) or is likely to affect the health and well-being of the child(ren).

Summarize progress or lack of progress on elements of case plan and conditions to return home or conditions to close the case. Information is about all fathers and all mothers involved, even if the father is not a legal father. If there are multiple parents, relate each parent with the specified child.

Do not refer to each task in case plan separately, but rather summarize THEN explain WHY this matters to the child and the goal of reunification and closing of the case.

Provide relevant information that supports your recommendation to either place the child under protective supervision, vest legal custody in or legal custody with extended home visits.

Identify the status of paternity - legal, bio, presumptive, putative.

Identify the status of the parents regarding housing, employment, transportation, legal status, substance use....

Provide a summary of recent changes criminal history that are not identified in adjudicatory report (domestic violence, incarceration, new arrests, etc.). Do not include traffic citations, irrelevant misdemeanors, or very old cases.

Persons Contacted (collateral contacts):

Include all persons contacted to gather information for the review hearing report only. Include the relationship of the person to the child. Contacts may include (1) social worker (2) foster parents (3) child(ren) (4) parents (5) extended family (6) day-care providers/teachers (7) substance abuse/mental health counselors (8) probation officers (9) PSR providers. Example includes:

| | |
|---------------------|---------------------------|
| <i>Jane</i> | <i>Foster Parent</i> |
| <i>Jason Bourne</i> | <i>IDHW Social Worker</i> |
| <i>Joe Blow</i> | <i>Neighbor</i> |

If there is substantive or relevant information around the contact *that is not already included in the report*, include in additional information section for each person starting with their name, such as

Joe Blow noted told me he has been seeing Mr. Smith's car parked outside the home.

Documents Reviewed Since Last Written Report:

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Include all relevant documents reviewed such as: case file to date, police report(s), IDHW reports and cps referral history, mental health records, probation, school and medical records. Include only those documents you have reviewed since the last written report.

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted this ___ day of _____, 20__

Signature of GAL
Name of Advocate
Guardian *ad Litem*