

Writing Effective Court Report Recommendations

Session 4 Amarillo Case



MAKING EFFECTIVE RECOMMENDATIONS TO THE COURT

Recommendations to the court in the child’s best interest are the culmination of the court report and the final result of the CASA/GAL volunteer’s work. The judge is the decision maker who will or will not order the CASA/GAL volunteer’s recommendations. Clearly, recommendations should be written to be powerful and effective.

1. Recommendations Should Be Child-Focused

Child-focused recommendations tell not only what we want to have the judge order but also why we want it in terms of the child’s needs and best interests.

NOT CHILD-FOCUSED	CHILD-FOCUSED
Mother must have substance abuse evaluation, follow recommendations from same and remain drug-free for 6 month before court will consider reunification.	Jamilla needs a safe environment with a parent who isn’t abusing drugs. Mother must have substance use evaluation, follow recommendations, and remain drug-free for 6 month before court will consider reunification.
Parents must attend parenting class and demonstrate that they have learned effective parenting skills.	Marcus needs to feel safe and stay safe and should not be physically hurt by his parents in the name of discipline. Parents must attend parenting class and demonstrate that they have learned effective parenting skills.
Father must obtain housing appropriate for his	Susan needs housing stability in a safe

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family and stay in the same place for at least 6 months for the court to consider his housing to be stable.	and secure environment. Father must obtain housing appropriate for his family and stay in the same place for at least 6 months for the court to consider his housing to be stable.
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- What difference does it make if recommendations are child-focused?
- Are the child-focused recommendations superior? Why or why not?

Some further examples of child-focused recommendations:

- [Child’s name] needs a therapeutic foster home near a specialized outpatient treatment facility, as stated in the attached evaluation by [Psychologist]. CPS must arrange such a placement as soon as possible.
- [Child] and her mother should continue to have bi-weekly visitation, supervised by CPS, provided that such visitation continues to be supported by [child’s] therapist.
- [Child] should be placed in the home of relatives when safe to do so and this placement should over ride placement in the home of strangers.

2. Outcomes Should Be Specific and Measurable

Outcome measures add specific parameters that define a successful execution of the recommendation. They clarify the expected outcome and set observable goals.

NOT CHILD-FOCUSED	CHILD-FOCUSED
Jamilla deserves the safety of living with a parent who isn’t abusing drugs. Mother must have substance abuse evaluation and follow recommendations from same.	Jamilla needs a safe environment with a parent who isn’t abusing drugs. Mother must have substance use evaluation, follow recommendations, and remain drug-free for 6 months before court will consider reunification.
Marcus should not be physically hurt by his parents in the name of discipline. Parents must attend parenting classes.	Marcus needs to feel safe and stay safe and should not be physically hurt by his parents in the name of discipline. Parents must attend all parenting classes and demonstrate that they have learned effective parenting skills.

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Susan needs stability. Father must have stable housing.	Susan needs housing stability in a safe and secure environment. Father must obtain housing appropriate for his family and stay in the same place for at least 6 months for the court to consider his housing to be stable.
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- How will we know if the court-ordered recommendations have been met?
- If those recommendations are met, will the children’s needs necessarily also have been met? Why or why not?
- In which case are we more assured that the children’s needs will be met?

3. Recommendations Should Cover All the Child's Needs

Perhaps it seems obvious to say that the recommendations should cover the child’s needs, but...

- What if the child has a need that has not been met over multiple hearings? Do you still ask for it?
- What if the child has a need that child welfare doesn’t provide services for? Do you still ask for it?
- If the child’s needs are great in one area, for instance mental health, should his educational needs still be listed, even though he can’t address them at this time?
- If the child is placed with extended family members who can’t meet some of her needs, do you still press for all needs to be met even though it may cause the child to be moved?

4. Minimum Sufficient Level of Care

One of the central dilemmas for CASA/GAL volunteers is the fact that children do best when they live with their parents or other family members who can provide a minimum sufficient level of care, yet these adults may seem marginal to us. Parents and caregivers in our cases are usually struggling or limited in significant ways. CASA/GAL volunteers must advocate for the child’s safety and at the same time keep in mind that the only standard a family should have to meet is the minimum sufficient level of care.

Poverty in and of itself should not be a factor when deciding if a family will be allowed to raise its own children. However, it is easy to set the parents or guardians up for failure if we make cost-associated recommendations that they cannot afford. Additionally, a long laundry list of court orders can be so discouraging that a parent who

could in fact succeed may give up. If that occurs, have we served our child-client’s best interests?

- What other ways might we set a parent up for failure?
- How have we fallen short in our advocacy for the child’s best interest if we do set the parent up for failure? (Who else is failing here?)

5. All Recommendations Should Be Supported in the Body of Report

Imagine you are the judge reading a CASA/GAL volunteer court report and you come across the following recommendations. In each case, the issue addressed by the recommendation was not mentioned in the body of the report. What would you think?

“Kerri should have therapy to help her with her self-injurious behaviors.” “Father will continue counseling until released by therapist.”
“Joseph will be evaluated by a licensed speech therapist”

- Why is it important to support each recommendation in the report body?
- How does writing a recommendation to address an issue not discussed in the report put that recommendation at risk?
- If the case is appealed and all reports in the file are read again, what are the implications for court reports that don’t support their own recommendations?

Example Recommendations:

1. Counseling (individual or family)
2. Current custody of child or physical placement
3. Visitation (supervised or unsupervised, length of time)
4. Drug screening and or substance abuse treatment
5. Parenting classes, domestic violence classes or anger management classes
6. Psychological testing for parents and/or child
7. School assessment to check for disability
8. Programs offered by state or county or school system
9. Community youth programs such as Big Brother, Big Sister or Boy’s and Girl’s clubs
10. CASA/GAL volunteer’s continued advocacy for youth