

H.U.G.S.

A method for maintaining humility
while doing the job of a CASA/GAL

What is H.U.G.S.?

H – Humility

U – Accepting Uncertainty

G – Having Gratitude for what
you are doing

S – You are providing a
Service

What is H.U.G.S.?

H – Humility

U – Accepting Uncertainty

G – Having Gratitude for what
you are doing

S – You are providing a
Service

Humility

Have and
Express
Humility

Focus on doing your job!

Let others do their jobs without judgment during your investigation and at hearings.

Judge or Magistrate

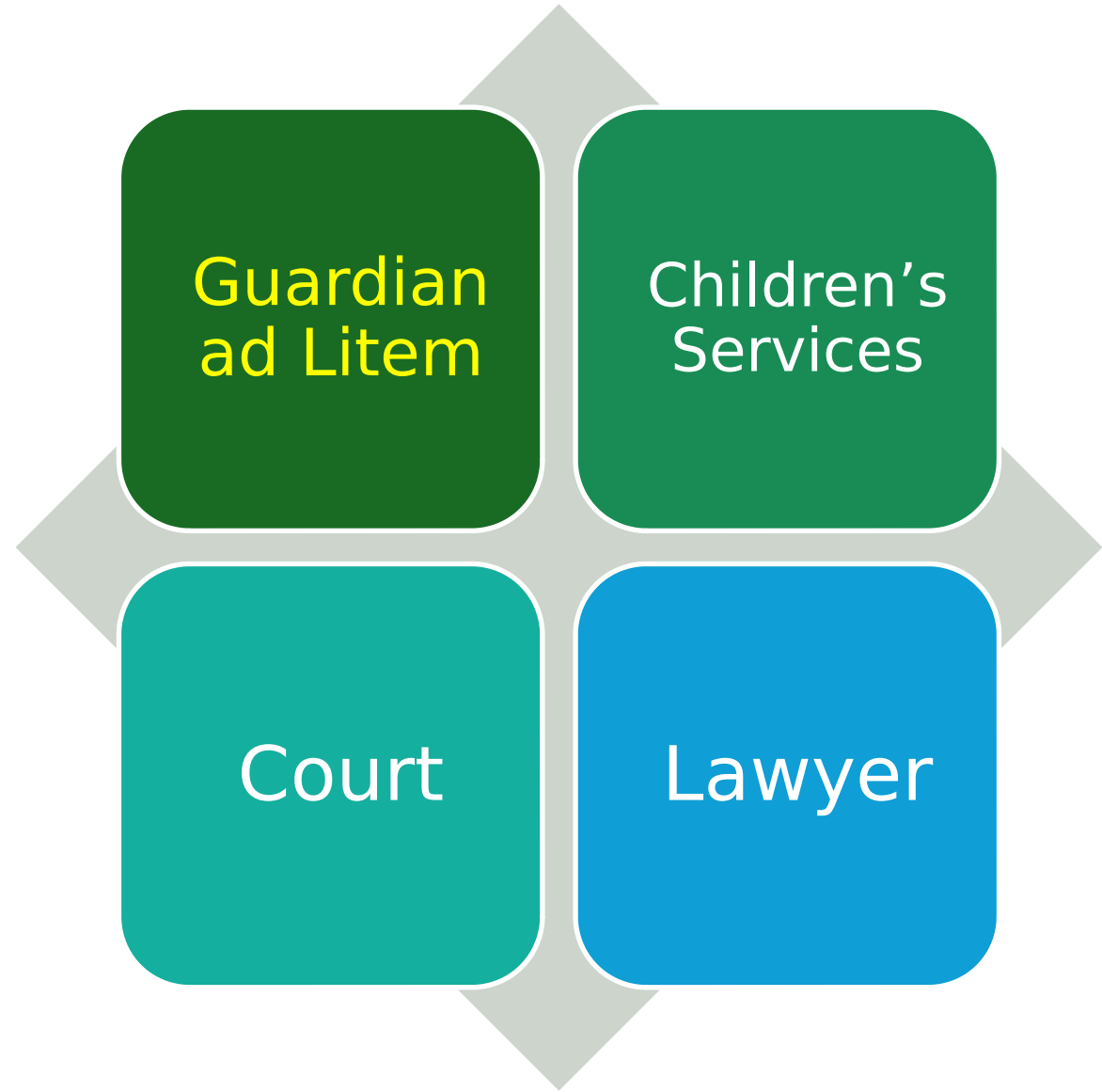
Agency Representatives

Lawyers

Parties

Let others think what they will of you.

Everybody's got their job



CASA/Guardian ad Litem – Main Responsibilities

You are an officer of the court appointed to provide recommendations as to the child's best interest.

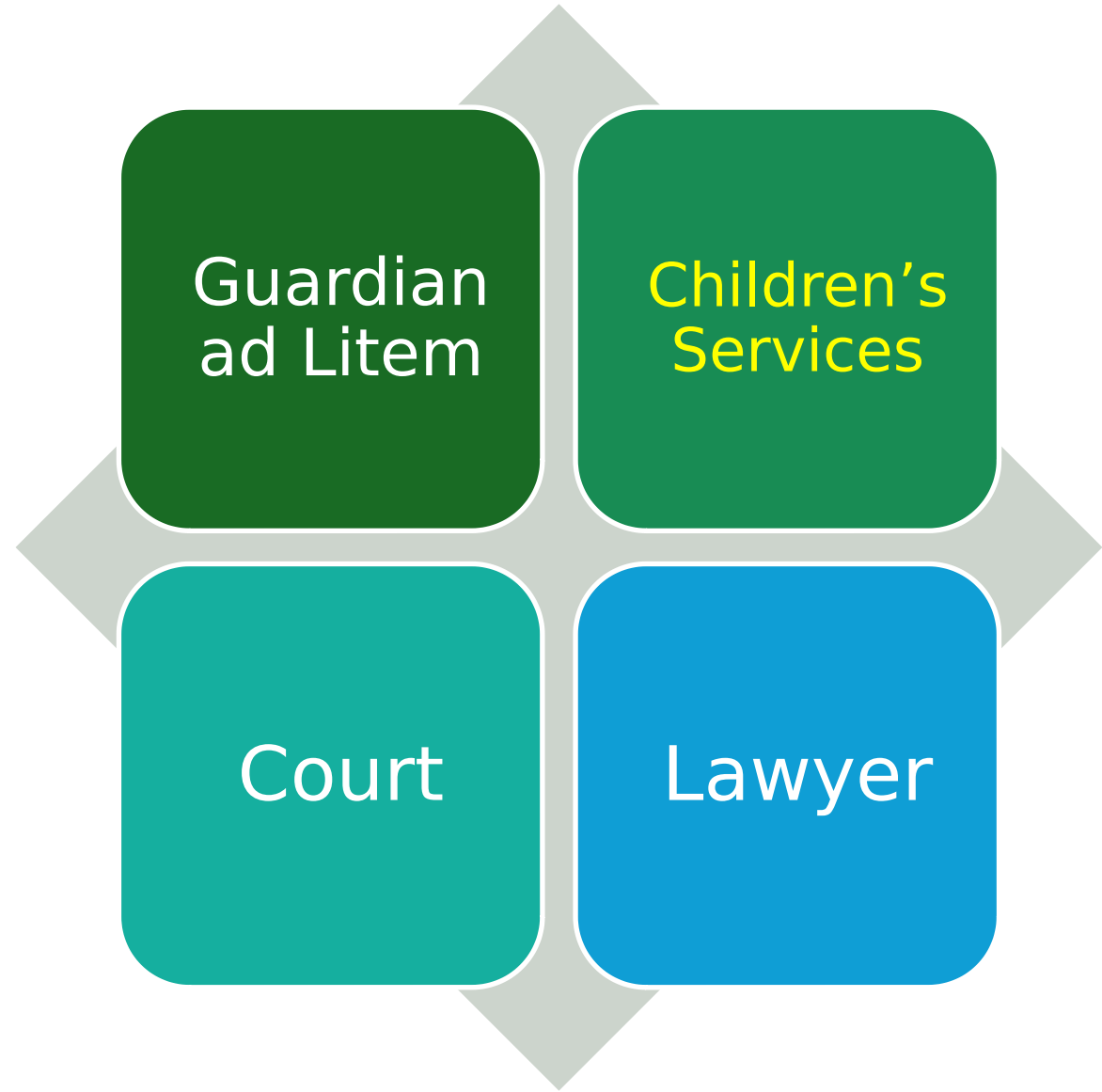
You are to maintain independence, objectivity and fairness, this includes no ex parte contacts with the Court.

You are to act with respect and courtesy to all parties at all times.

Request court reviews or judicial intervention, where necessary.

Be available to testify at hearings and file reports before dispositional hearings.

Everybody's got their job



Children's Services Job

General rule

- The agency must work to ensure the safety of children and work to reunify a child with their parents.

Admin Rule 5101:2-37-01- 04

- Completion of safety assessment, safety plan, family assessment and reunification assessment.

Admin Rule 5101-38-01

- (B) Family case plan shall be based on the completion of the family assessment.
- (G) Family case plan shall be completed within 30 days after a case decision indicates the need for services.
- (K) The agency shall monitor progress on the family case plan objectives with at least one contact every other month in the child's home.

Children's Services Job (continued)

Admin Rule 5101:2-40-02

- The agency shall make available supportive services to the child, parents, guardian or custodian through a number of different methods (commonly known as reasonable efforts):
 - (1) To support the integrity of the family;
 - (2) To prevent placement of a child away from his or her home; and,
 - (3) To enable the child to return home or to an alternative permanent placement.

Guardian ad Litem Working with the Agency

- Use Agency as a resource.
- Don't bow down to Agency, the Court appointed you to do job.
- Going around the Agency – filing motions.
 - Ask the Court to appoint an attorney for you.
 - If you believe Agency has confirmation bias.
- Situations where Agency has temporary custody.
- Where court orders that Agency and CASA can agree to change visitation.

H.U.G.S.

H – Humility

U – Accepting **Uncertainty**

G – Having **Gratitude** for what you are doing

S – You are providing a **Service**

Accept Uncertainty

Uncertainty can
be painful!

- Living with expectations/hopes of the parties.
- Living with expectations and hopes of the children.
- Concerns for the children.
 - Agency is responsible for safety of the children.
- Secondary trauma.
- Mid-investigation recommendations- e.g. visitation issues, services.

Coping with Uncertainty

- Live with the uncertainty – step back and allow it to be there.
- Use curiosity and kindness to embrace it.
- Remind yourself that you are human, as is everyone else.
- Watch for how it is impacting you and your investigation.
- Do not fill in the gaps prematurely.
- Watch for Confirmation Bias.

Confirmation Bias

A long history, Frances Bacon in 1620 wrote:

Once a (person's) understanding has settled on something, it draws everything else also to support and agree with it. And if it encounters a larger number of more powerful countervailing examples, it either fails to notice them, disregards them or makes fine distinctions to dismiss and reject them, all of this with much dangerous prudence, to preserve the authority of its first conceptions.

Confirmation Bias

Occurs when we look for and use information to support our ideas, beliefs and hypotheses.

We disregard information that does not support our ideas, beliefs and hypotheses.

Dealing with Confirmation Bias

- Focus on doing your job - the best interest of children.
- Be alert to the feeling of confirmation bias.
 - At hearings.
 - Listening to people and the reaction that you have.
- Stay open to all outcomes, opinions and expressed hopes as long as you can.
- Be curious and continue to search for relevant information.
- Try to consciously view parents, children and others with love.
- **Follow the investigation checklist in Rule 8.03(D)!**

CASA/ GAL Duties

Rule 8.03(D) The investigation checklist:

- (1) Become aware about the facts of the case and contact all relevant persons;
- (2) Observe the child with each parent, foster parent, custodian;
- (3) Interview the child, if age appropriate, out of presence of others;
- (4) Visit child at his/her residence or proposed residence;
- (5) If possible, ascertain the wishes of the child;

CASA/ GAL Duties (continued)

Rule 8.03(D) The investigation checklist:

- (6) Interview all family members who have relevant knowledge
- (7) Interview relevant school personnel, service providers, Agency and workers and obtain their records;
- (8) Obtain all relevant criminal, civil, educational, mental health, medical, and administrative records pertaining to the case;
- (9) Review all pleadings in case file;
- (10) Request that the court order evaluations and assessments.

Conduct Tests Like a Doctor Would

If a doctor is uncertain about a diagnosis, they will suggest that certain tests to be done. **A Guardian ad Litem can do the same.**

- 1) Expand visitation, change location of visitation.
- 2) Visitations with multiple children together.
- 3) Mental health/medical evaluations of children or parent
- 4) Additional services be provided.
- 5) Batterer's intervention.
- 6) Independent living training for older child.

Hearings in Children's Services Cases

Initial

Adjudication

Disposition

Disposition
Review

Final
Custody



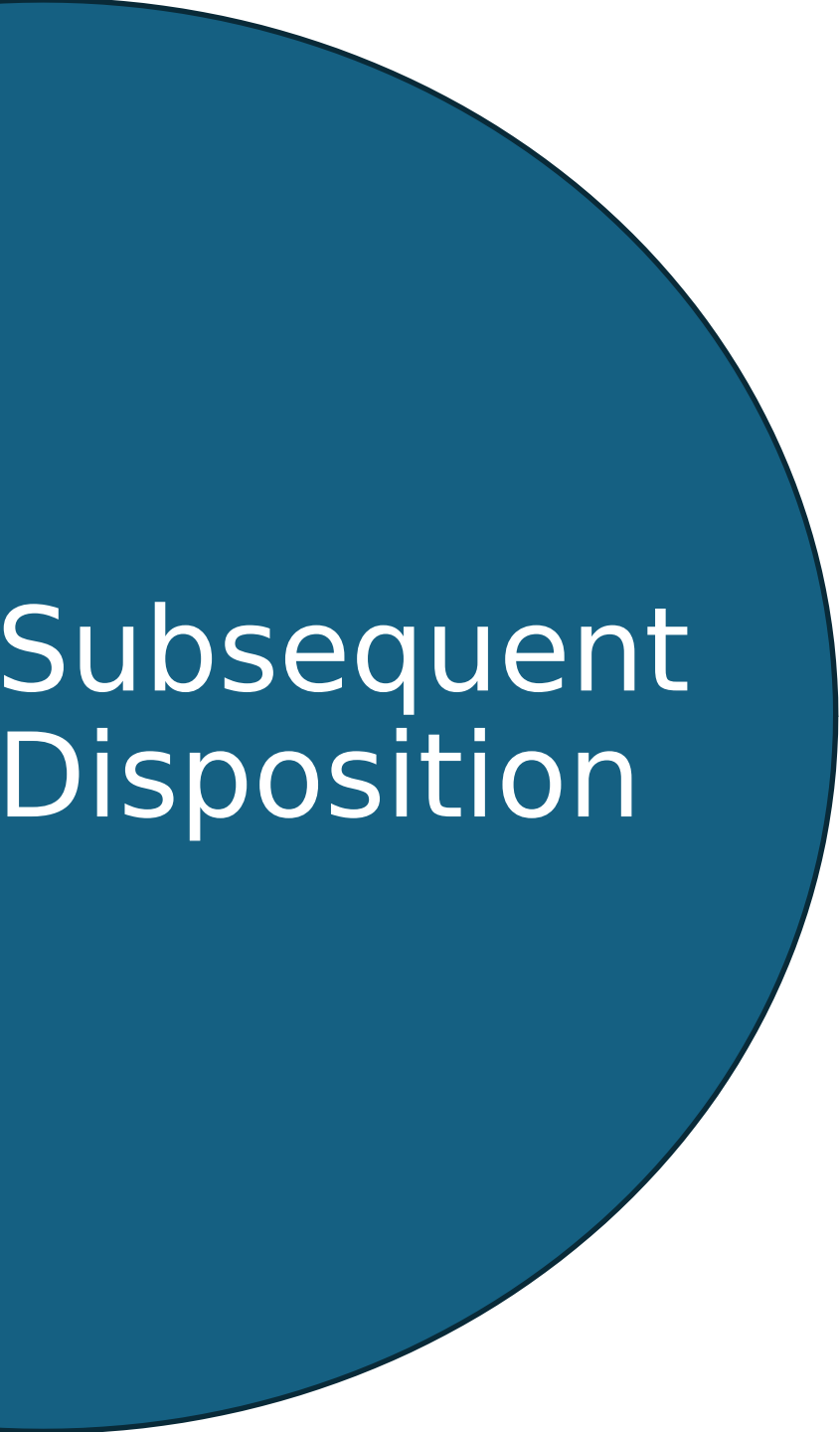
Adjudication

- a) Strict compliance with Ohio Rules of Evidence.
 - a) Hearsay
 - b) Foundation for documents, photos
 - c) “Expert” opinion
 - d) Relevancy
- (b) Agency has burden of proof, *clear and convincing evidence*.
- (c) Must prove that child is abused, neglected or dependent.
- (d) Agency must prove reasonable efforts were made to prevent removal, eliminate continued removal and reunify child in home.



Original Disposition

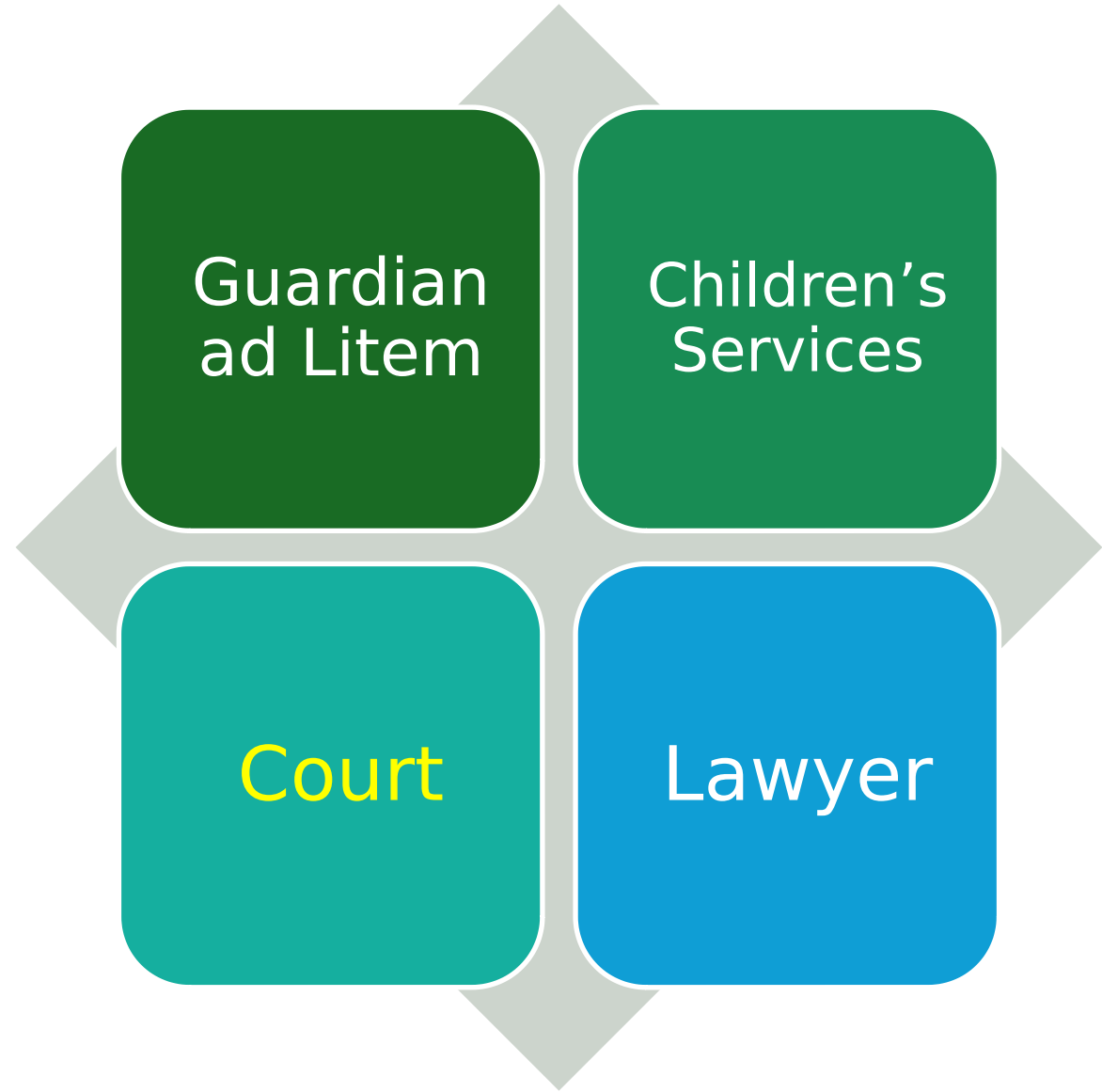
- (a) Relaxed compliance with Ohio Rules of Evidence.
- (b) Agency has burden of proof, preponderance of evidence as to need for dispositional orders.
- (c) Types of dispositional orders:
 - * Temporary custody
 - * Protective supervision
 - * Drug treatment and/or testing
 - * Visitation
- (d) Agency must prove reasonable efforts were made to prevent removal, eliminate continued removal and reunify child in home.
- (e) Approval of case plan.



Subsequent Disposition

- (a) Occurs when a party has filed motion to modify original disposition order.
- (b) Court must have hearing as if it were an original disposition hearing.
- (c) Relaxed compliance with Ohio Rules of Evidence.
- (d) Moving party has burden of proof, preponderance of evidence to modify dispositional orders.
- (e) This type of hearing is often the final hearing in a case.
- (f) Requires that Guardian ad Litem file a report.

Everybody's got their job



Judges & Magistrates Job

Rule 1.1

- A judge shall comply with the law.

Rule 2.2

- A judge shall uphold and apply the law and shall perform all duties of the judicial office fairly and impartially.

Rule 2.6

- A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

Rule. 2.7

- A judge shall hear and decide matters assigned to the judge.

Judges & Magistrates Job

General Rule

- A judge shall make decision from evidence at hearing.

Rule 2.9

- A judge shall not have ex parte communications .

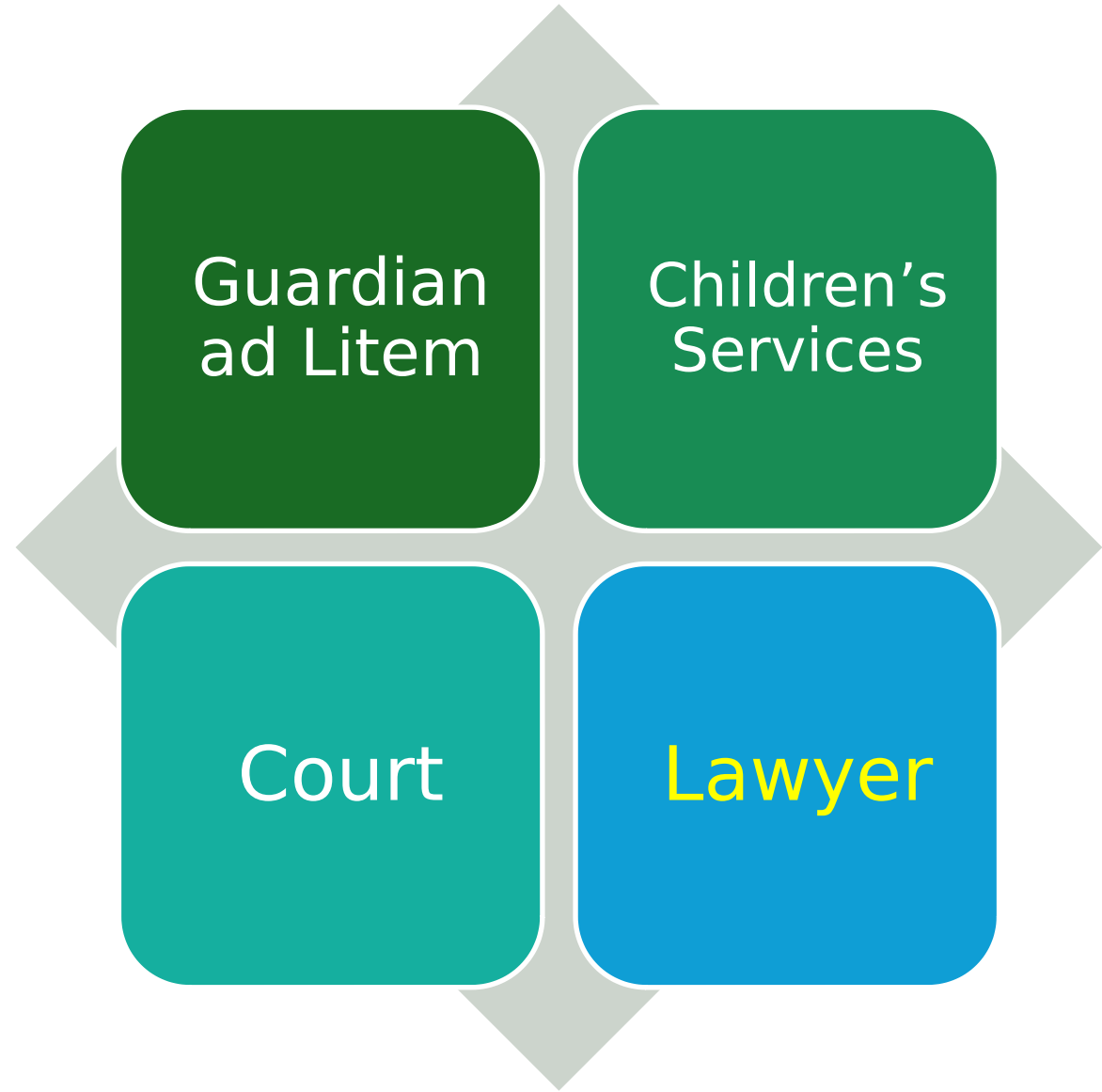
Rule 2.9

- A judge shall not do an independent investigation or use information not presented in the hearing.

Rule. 2.10

- A judge shall not make a statement that could impact the outcome of the case.

Everybody's got their job



Lawyers' Job

Rule 1.3

- A lawyer should pursue a matter on behalf of the client despite opposition, obstruction, or personal convenience.
- A lawyer also must act with commitment and dedication to the interests of the client.

Rule 2.1

- In representing a client, a lawyer shall exercise professional judgment and render candid advice.
- In rendering advice, a lawyer may refer not only to the law, but to other considerations, such as moral, economic, social, and other political factors, that may be relevant to the client situation.

Rule 3.1

- A lawyer shall not... insert controversy and issue in a proceeding, unless there is a basis in law and fact for doing so that is not frivolous.

Final Custody Hearing

- (a) The case will be closed as a result of the hearing.
- (b) Typically, custody of child will be given to a parent, relative or third party; parents retain basic parental rights.
- (c) May be for permanent custody to the Agency where parents lose all parental rights.
- (d) Is a treated a subsequent disposition.
- (e) Requires that Guardian ad Litem file a report.
- (f) Decision made from evidence at hearing.

The Final Custody Hearing

- By rights you should be thanked for a year or more of work.
 - You have spent months talking with the children and parents.
 - You have prepared a comprehensive final report.
 - You're ready to support your concerns and recommendations.
- Everyone in the courtroom is going to listen patiently to what you have to say on the witness stand.
- All parties involved will thank you for all of your hard work, the concern you've had for the children, and the trauma you have felt during your investigation.

The Final Custody Hearing

- Either
 - One of the parents is mad at you, and thinks that you have not given them a fair shake, or
 - Both parents are mad at you and think that you have not given them a fair shake, or
 - Everyone in the courtroom, except the Agency representatives and the Magistrate/Judge, is mad at you for various reasons.

It is Win or Lose for the Parties

- Cross examination.
 - Make points with the Court.
 - Discredit what is perceived as an adverse witness.
 - Has not done an adequate investigation, Rule 8.03(D)
 - Bias in investigation.
 - Best interest of the child is replaced with a win.
- Final argument.
 - Purpose is to tell a winning story using evidence.

What is H.U.G.S.?

H – Humility

U – Accepting Uncertainty

G – Having Gratitude for what
you are doing

S – You are providing a
Service

Gratitude

Cultivate
having
gratitude for
your work

- We are helping children that need it.
- We can ignore everything else and focus on their best interest!
- Being grateful can help you do our job as a Guardian ad Litem with more curiosity, optimism, empathy, dedication and love.
- Gratitude can be learned when practiced.
 - Think about intention with gratitude when preparing for a task.
 - Gratitude journal.
 - Gratitude conversations.
 - Remembering to use H.U.G.S. when the going gets tough.

What is H.U.G.S.?

H – Humility

U – Accepting Uncertainty

G – Having Gratitude for what
you are doing

S – You are providing a
Service

Service

Having a
sense of
purpose in
your life.

- You are providing a much needed service that will benefit a family, a child and your community.
- Research showing impact on child that one caring person can have.
- Health benefits:
 - Live longer.
 - Sleep better.
 - More robust immune system.
 - Lower stress level.
 - Better cognitive function.

H.U.G.S.

THANK YOU

Jim Ellis at jellis@elo-law.com