

CASA/CJA Advisory Committee Meeting

July 30, 2021 10 a.m. – 12 p.m.

REPORT: *Court Appointed Special Advocate (CASA) Programs*

Prepared by: Melissa O’Neill, CASA Coordinator - DCJS

I. State Leadership Team Updates

The State Leadership Team (SLT) met in May and July to continue to further goals of the Strategic Plan. The SLT is focused this next year on development and implementation of a CASA Network survey to assist in updating the strategic plan. The following is a highlight of accomplishments of the SLT efforts during this reporting period.

1. Data Committee

DCJS continued to facilitate a CASA Manager Workgroup to develop a Virginia CASA Manager Practice Guide. The Workgroup met once during the reporting period and completed its review of the first draft of the Practice Guide. A second revised draft will be developed next month to be distributed to the CASA Manager User Group for feedback and input. This work is anticipated to continue throughout 2021.

2. Training Committee

DCJS continued to facilitate meetings for the Training Committee to update the Pre-Service Training to adapt to the Virginia Case Studies Curriculum. The Training committee divided into subcommittees to accomplish required tasks. Committee members met a total of five times during this reporting period. This work is anticipated to continue throughout 2021.

The CASA College continued during this reporting period. DCJS held two sessions this reporting period for staff members. The first focused on volunteer recruitment and marketing strategies and was held on May 14 and 21, 2021 in a two part series. The second offered CASA program directors training on leadership through and beyond the COVID pandemic; it was also held in a two part series, on June 4 and 11, 2021.

II. FY22 CASA Grants

DCJS awarded all 27 CASA programs grant funding including state general funds and federal Victims of Crime Act (VOCA) funds.

III. Network Support Meetings

DCJS facilitated four CASA Network Support meetings using virtual technology during this past quarter. Meeting agendas include topics to assist programs with navigating program operations and management. These meetings were originally held to provide CASA programs with support during the COVID pandemic crisis and were held weekly. They have transformed recently to become a time for information sharing, and are now held monthly.

IV. Highly Effective Standards Review Process

DCJS completed the NCASA/GAL Highly Effective Standards Review Process (HESRP) in April and May, 2021. Local programs, key stakeholders and DCJS staff members participated in the review process. A report will be developed by NCASA/GAL with the findings of the review.



**Advisory Committee to the
Court Appointed Special Advocate
and Children's Justice Act Programs**

AGENDA

Libbie Mill Library

2100 Libbie Lake E St, Richmond, VA 23230

(804) 501-1940

July 30, 2021

- 1. Welcome, Call to Order and Roll Call**
- 2. Approval of Past Minutes**
- 3. Set Meeting Dates for FY22**
- 4. CASA Program Update – Melissa O'Neill**
 - a. Confidentiality and Information Sharing Guidance Policy Revision Discussion**
- 5. CJA Program Update – Jenna Foster**
 - a. Discussion Regarding MDT Needs**
 - b. Other Specialized Training for Child Welfare**
- 6. Citizen Review Panel – Shannon Hartung- Virginia Department of Social Services**
- 7. New Business**
- 8. Adjournment**

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III. Confidentiality and Information Sharing – *DRAFT Revision July 2021* 7-15-21

1. CASA volunteers have access to records and information related to the child upon presentation of a valid court order of appointment. Va. Code §9.1-156(A).
2. CASA volunteers may share with the Guardian ad litem information gathered on the child. Va. Code § 9.1-153 (A)(4).
3. In order to have access to any records or information related to a child's parent or guardian or any other individual, the CASA volunteer must obtain an authorization for the release of information signed by that parent or guardian or other individual. Further, if the CASA volunteer intends to share that information outside of the official court report, the release of information form must specifically state with whom this information may be shared. Authorizations for the disclosure of health records and information, including mental health records, must comply with the provisions of 45 C.F.R. § 164.508, under the Health Insurance Portability and Accountability Act ("HIPAA").

CASA volunteers must encourage the parent or guardian to consult with counsel prior to signing releases of information.

4. CASA volunteers may attend and participate in collaborative meetings as defined in the *Code of Virginia* in § [9.1-153\(C\)](#). Further, in § [9.1-156\(B\)](#), the *Code of Virginia* states the following:

An advocate shall not disclose the contents of any document or record to which he becomes privy, which is otherwise confidential pursuant to the provisions of this Code, except (i) upon order of a court of competent jurisdiction or (ii) if the advocate has been assigned pursuant to subsection C of § [9.1-153](#) to attend and participate in family partnership meetings as defined by the Department of Social Services or in meetings of family assessment and planning teams established pursuant to § [2.2-5208](#), multidisciplinary child sexual abuse response teams established pursuant to § [15.2-1627.5](#), individualized education program teams established pursuant to Article 2 (§ [22.1-213](#) et seq.) of Chapter 13 of Title 22.1, or multidisciplinary teams established pursuant to §§ [63.2-1503](#) and [63.2-1505](#), the advocate may verbally disclose any information contained in such document or record related to the child to which he is assigned at such meetings, provided that such information shall not be disclosed further.

CASA volunteers may attend and participate in Family Partnership Meetings, Family Assessment and Planning Team (FAPT) meetings, Individualized Education Program (IEP) team meetings, or Multidisciplinary Child Sexual Abuse Response team meetings.

The following guidance is offered when CASA volunteers attend and participate in these specified meetings.

Applies to all meetings:

- CASA volunteers shall follow the guidance and policies provided by the entity convening the meeting.
- The *Code of Virginia* allows CASA volunteers to share information regarding the child only.
 - If a release of information is signed to permit the CASA volunteer to share information on a parent or guardian, then the CASA volunteer may share that information (see #5).
- Confidentiality must be maintained and CASA volunteers must not share information learned in one meeting at another meeting (i.e., information learned at a MDT is not shared at an IEP meeting).
- CASA volunteers may orally disclose information from direct observations and information learned through the course of CASA appointment.
- CASA volunteers may not share or distribute records.
- CASA volunteers should proactively share information that is in the best interest of the child at meetings.
 - CASA volunteers should consider sharing information that is additive, exceptional and necessary, taking care to remain within the duties outlined within the *Code of Virginia* for CASA volunteers.
- CASA volunteers should include the following information from meetings attended in CASA court reports:
 - Date of the meeting
 - Participants
 - Decisions made and outcomes of the meeting.

Family Partnership Meetings (FPM)

- CASA volunteers should become familiar with [10 Tips for CASA and GALs attending FPMs](#).

Family Assessment and Planning Team (FAPT)

- When a child assigned to a CASA volunteer is referred to a FAPT, the CASA volunteer may attend and participate in the meeting.
- CASA volunteers should adhere to the confidentiality requirements for FAPT meetings found in the [Code of Virginia](#).

Multidisciplinary Child Sexual Abuse Response Teams (MDT)

- CASA programs should evaluate the purpose of CASA participation in MDTs. CASA volunteers are prohibited by regulation (6VAC20-160-60(C)) from inquiring about any precipitating incident of abuse or neglect. Therefore, CASA volunteers should not be involved in any aspect of the investigatory phase of a child abuse case.

Individualized Education Program (IEP)

- The *Code of Virginia* allows volunteers to access student records without parental consent. They may also fully participate in IEP team meetings.
- The *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* and the Individuals with Disabilities Education Act state that, at the discretion of the parent(s) or local education agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel can be invited to an IEP team meeting. This determination can be made by the parent or the local school division as defined by 8VAC20-81-10. Thus, in order for CASA volunteers to participate in an IEP team meeting, they must be invited by either the parent or the school division.
- School divisions must comply with the Family Educational Records Protection Act (FERPA) in the protection of disclosure of personally identifying information including in an IEP meeting. If a CASA volunteer is not invited, it may be that the school division was not able to obtain parental consent or was not able to identify an appropriate exception to FERPA.

5. CASA programs are encouraged to obtain release of information forms to allow for the sharing of information with the Department of Social Services. A sample release of information form is distributed with this guidance policy. Programs are also advised to address specific needs of local agencies related to information sharing as they arise.

6. Programs are advised to not disclose documents and records obtained during the investigation except as provided in paragraph #2 and #3 above.

7. CASA programs must adhere to the Code when distributing CASA Court Reports. The Code of Virginia states the following regarding the distribution of CASA Reports:

§ 16.1-274. Time for filing of reports; copies furnished to attorneys; amended reports; fees.

A. Whenever any court directs an investigation pursuant to subsection A of § [16.1-237](#), § [16.1-273](#), or § [9.1-153](#), or an evaluation pursuant to § [16.1-278.5](#), the probation officer, court-appointed special advocate, or other agency conducting such investigation shall file such report with the clerk of the court directing the investigation. The clerk shall furnish a copy of such report to all attorneys representing parties in the matter before the court no later than seventy-two hours, and in cases of child custody, 15 days, prior to the time set by

the court for hearing the matter. If such probation officer or other agency discovers additional information or a change in circumstance after the filing of the report, an amended report shall be filed forthwith and a copy sent to each person who received a copy of the original report. Whenever such a report is not filed or an amended report is filed, the court shall grant such continuance of the proceedings as justice requires. All attorneys receiving such report or amended report shall return such to the clerk upon the conclusion of the hearing and shall not make copies of such report or amended report or any portion thereof. However, the chief judge of each juvenile and domestic relations district court may provide for an alternative means of copying and distributing reports or amended reports filed pursuant to § [9.1-153](#).

This particular Code section allows the chief judge to provide for an alternate means of distribution of court reports. If a CASA program is going to engage in an alternate means of distribution of CASA reports, CASA programs should obtain approval for this distribution policy in writing from the Chief Judge of the Juvenile and Domestic Relations District Court. Further, as this subsection of the Code indicates, copies of the reports can only be distributed to attorneys and any alternative distribution plan should be inclusive of all parties involved in the case.

Reviewed and Approved July

