

Does CASA Have Something to Add?

At each court hearing a somewhat consistent pattern is followed by the judge in obtaining input from all the court attendees who are eligible to speak. You are one of those individuals. Often the commissioner will ask CASA if they have something to add after the parties (attorneys) have had their say. You may be followed by foster parents and family members and sometimes other interested community members. Judges rotate in and out of the Family Law system and have their own pattern. Your case supervisor can tell you what to expect from the current judge. The judge is mandated by law to state on the record that they have received and considered your report. Sometimes, if they have a question about something in your report they will ask you. Other times your report will have been filed, the hearing will have been continued and you and your case supervisor will have determined that the best course of action for the new events that have taken place in the child's life is to file an addendum. Though it is not crystal clear in law, many court officers view the written CASA report as evidence which has more bearing than courtroom conversation. It is okay to bring up that you would like the court to consider a specific recommendation of yours and why. At the worst the court will politely dismiss it and at best it may result in a strong directive from the judge / commissioner about the importance of everybody getting together to make it work. The conversation will be recorded in the minutes.

Being prepared to speak in court takes a few simple steps. First, you must speak with your case supervisor to learn what the focus and possible additional focus of the hearing is. You don't want to go off on some irrelevant tangent. For example, if your child is on meds and between the time of the filing of your report and the hearing, a new medical declaration has been filed to change medication, you would need to know this. Or if the visitation agreement can be brought up that day, it would be good to know ahead

of time that the social worker is going to recommend additional time with grandma possibly effecting after school activities that you feel are very important. Secondly, you want to discuss with your case supervisor comments that you believe the court needs to hear. Your case supervisor will help clarify if you have already expressed those thoughts in your written report and help you determine if they need to be repeated. Your case supervisor can guide and assist you if it seems appropriate to speak with the minor's attorney to strategize your comments. Thirdly, you will want to write your comments down so that you can review them and be prepared to read them or speak from memory.

If you are at a contested hearing you will not be asked to question a witness or make any comments in opening statements or closing statements. The recommendation in your written report and support of that recommendation provides the judge / commissioner your opinion of how the outcome of the hearing should be determined. If you believe that one of the attorneys whose position you are allied with is missing something with a witness or an argument you can provide this input before or on breaks from the hearing or give them a note in the courtroom.

Remember the court wants to hear from you, you are the public in this confidential process, and your insight is invaluable. Some days the court is overwhelmed with cases and the judge/ commissioner may seem a bit rushed so prepare your comments appropriately. If you will not be able to be present in court you can follow the above steps and instruct your case supervisor on what you want them to say on your behalf. Do not hesitate to make an appointment with the Executive Director to discuss your report and courtroom strategies at any time.