

| RHODE ISLAND  | Legal Authority  |
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| <p><b>1. General Duties:</b><br/> <i>Timely appointment, mandatory or discretionary, attorney or lay person, represent child's interests, undertake basic obligations, address conflict situations, address special needs and disabilities, and accommodate client preferences.</i></p> | <p align="center"><b>GENERAL DUTIES AND ACTIVITIES OF THE CHILD'S LEGAL REPRESENTATIVE</b></p> <p>- <b>Right to representation in court proceedings.</b> – Any child who, is alleged to be abused or neglected as a subject of a petition filed in family court under this chapter, shall have a guardian ad litem and/or a court-appointed special advocate appointed by the court to represent this child, all in the discretion of the court. <a href="#">R.I. GEN. LAWS § 40-11-14.</a></p> <p>- <b>Family court proceedings.</b> – (a) The family court shall, upon the filing of an ex parte petition, hereunder, immediately take any action it deems necessary or appropriate for the protection of the child, or children, suspected of being abused or neglected, including the removal of the child, or children, from the custody of the parent or parents, or other person suspected of the abuse or neglect.</p> <p>    (b) A hearing on the petition shall be held within seven (7) days from the filing thereof, for the court to:<br/> ...<br/> (3) Assure that a guardian ad litem and/or a court appointed special advocate has been appointed to represent the child... <a href="#">R.I. GEN. LAWS § 40-11-7.1, R.I. CT. R. OF JUV. PROC., R. 15(b), 18.</a></p> <p>- A. A Guardian Ad Litem (GAL) or Court Appointed Special Advocate (CASA) is assigned to represent the interests of a child who is the subject of a Dependent/Neglected/Abused Petition. A GAL is an attorney who usually is experienced in juvenile law.</p> <p>1. A GAL is appointed in situations when there may be a conflict with the CASA office, such as, the when a minor represented by CASA has a child also who has legal involvement with the Department.</p> <p>B. The Office of the Court Appointed Special Advocate, an arm of the Family Court, consists of attorneys knowledgeable in juvenile law, social workers and volunteers from the community.</p> <p>1. A volunteer, who is trained by the Office of CASA, may be appointed to assess the situation of a child. The Court allows the volunteer to contact all parties and to have access to Department and Family Court records.</p> <p>2. An attorney from the Office of CASA, in conjunction with the volunteer, is also appointed to each case. The attorney provides supervision and assistance to the volunteer in his/her efforts to make an accurate assessment and appropriate recommendations. <a href="#">R.I. ADMIN. CODE 14-1-1100.0000, Role of Guardian ad Litem/ Court-Appointed Special Advocate.</a></p> |
| <p><b>2. Out of Court - Actions to be Taken:</b> <i>Meet with child, undertake an investigation, provide advice and counseling,</i></p>   | <p>- (c) Each child placed in a secure facility under the supervision of the department shall be permitted to communicate with any individual, group, or agency consistent with the child's treatment objectives; shall be provided writing materials and postage; and shall be permitted to make or receive telephone calls to or from his or her attorneys, guardians ad litem, special advocates, or child advocate at any reasonable time.</p> <p>...</p>  |

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| <p><i>file pleadings, request services, address special needs, negotiate settlements</i></p>  | <p>(g) Each child may receive his or her clergyman, attorney, guardian ad litem, special advocate, or child advocate at any reasonable time.<br/> <a href="#">R.I. GEN. LAWS § 42-72-15.</a></p> <p>- <b>Confidentiality of records.</b> – (a) Any records of the department pertaining to children and their families in need of service pursuant to the provisions of this chapter; or for whom an application for services has been made, shall be confidential and only disclosed as provided by law.<br/> (b) Records may be disclosed when necessary:<br/> ...<br/> (4) To the family court including periodic reports regarding the care and treatment of children; provided, that if a child is represented by a guardian ad litem or attorney, a copy of the family court report will be made available to the guardian ad litem or attorney prior to its submission... <a href="#">R.I. GEN. LAWS § 42-72-8.</a></p> <p>- (a) Availability. Every petition alleging abuse, neglect, or dependency of a child or for termination of parental rights shall be available to all parties or their attorneys of record for inspection and copying...<br/> (b) Continuing Duty to Disclose. If, subsequent to compliance with a request for discovery or with an order issued pursuant to this Rule, and prior to or during trial, a party discovers additional material previously request which is subject to discovery or inspection under this Rule, the party shall promptly notify the other party of the existence thereof. <a href="#">R.I. CT. R. OF JUV. PROC., R. 20.</a></p> <p>- CASA Duties<br/> <input type="checkbox"/> Gather facts, including review of all records related to an assigned case.<br/> <input type="checkbox"/> Interview the parties.<br/> <input type="checkbox"/> Establish and maintain contact with the child, family, foster parents, social workers, attorneys, and other individuals involved in planning for the child when appropriate.<br/> <input type="checkbox"/> Submit written reports to the court summarizing relevant information and making specific recommendations in the child’s best interest. <a href="#">Volunteer Position Description, Court-Appointed Special Advocate.</a></p> |
| <p><b>3. In Court - Active Participation in Hearings:</b> <i>Appear in court, explain proceedings to client, present evidence, ensure child is present, expand scope of representation into other needed areas,</i></p> | <p>- CASA Duties<br/> ...<br/> <input type="checkbox"/> Appear at scheduled court hearings whenever possible. <a href="#">Volunteer Position Description, Court-Appointed Special Advocate.</a></p>   |

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| <p><i>and undertake certain obligations post-disposition.</i></p>   |   |
| <p>4. <b>Post-Hearing:</b> Review courts order, communicate order to child, and monitor implementation of orders.</p> | <p>- A. A motion may be filed to change placement of a child, visitation, custody status, to compel parental compliance, for contempt, for review, or for other purposes. When a motion is filed, the question before the Court is "Has there been a change of circumstances which would warrant the granting of the motion?"</p> <p>B. Standard of Proof in Motion Hearings:</p> <ol style="list-style-type: none"> <li>1. Motions require evidentiary hearings if the parties cannot agree on a resolution. Sworn testimony is usually taken.</li> <li>2. The Rules of Evidence apply in motion hearings. Hearsay is not as freely admissible as it would be in a probable cause hearing. First hand witnesses may have to testify in support of the motion.</li> <li>3. The party who filed the motion must present proof by a fair preponderance of the evidence and must show a substantial change of circumstances from prior relevant court orders.</li> </ol> <p>C. One of the following outcomes may occur at the Motion Hearing:</p> <ol style="list-style-type: none"> <li>1. Custody, placement or visitation modified</li> <li>2. Other orders modified or amended</li> <li>3. Status quo maintained</li> </ol> <p>D. The question before the Court in a Review Hearing is, "What is the status of this case?" The review gives the Court insight into the current situation and to monitor the progress that the family and the Department have achieved in reaching the case plan goal.</p> <p>E. A court review is scheduled by the presiding Judge at the conclusion of the trial. The review is usually scheduled six months after this time. There may be circumstances which would warrant a hearing prior or subsequent to this interval:</p> <ol style="list-style-type: none"> <li>1. At each subsequent review, the presiding Judge schedules the next review.</li> <li>2. The Court also schedules a hearing upon the filing of a motion by any of the parties (DCYF Legal, Guardian Ad Litem [GAL], Court Appointed Special Advocate [CASA], or parent's attorney). The Review or Motion Hearing can be used by any party to inform the Court that another party is not performing agreed upon tasks or to request changes.</li> </ol> <p>F. Standard of Proof in Reviews:</p> <ol style="list-style-type: none"> <li>1. The review is usually not an evidentiary hearing, so there usually is no formal taking of sworn testimony.</li> <li>2. Hearsay and opinion are admissible. The Court hears all statements which may have bearing on the disposition even if it would be inadmissible at trial.</li> <li>3. If the review is an evidentiary hearing, the standard of proof is fair preponderance of the evidence. <a href="#">R.I. ADMIN. CODE 14-1-1100.0000, Review and Motion Hearings.</a></li> </ol> |

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| <p>5. <b>Appellate Advocacy:</b><br/> <i>Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.</i></p>  | <p>The appointment of a GAL lasts through a direct appeal. <i>Zinni v. Zinni</i>, 103 R.I. 417, 421 (1968).</p>  |
| <p>6. <b>Cessation of Representation:</b><br/> <i>Contacts post representation, if any.</i></p>  | <p>Court-appointed guardians ad litem or CASA attorneys represent a minor throughout the course of the family court proceedings in which they are appointed; a family court appointment allows the guardian to represent her ward on appeal. <i>Sam M. ex rel. Elliott v. Carcieri</i>, 608 F.3d 77, 86 (1<sup>st</sup> Cir. 2010).</p>  |
|  | <p><b>Organizational and Administrative Supports for the Child Representative</b></p>  |
| <p>7. <b>General Representation Rules:</b><br/> <i>Administrative structure is clear for appointment, support and accountability of the CR. The child's representative is independent from the court</i></p> | <p>- <b>Right to representation in court proceedings.</b> – Any child who, is alleged to be abused or neglected as a subject of a petition filed in family court under this chapter, shall have a guardian ad litem and/or a court-appointed special advocate appointed by the court to represent this child, all in the discretion of the court. <a href="#">R.I. GEN. LAWS § 40-11-14.</a></p> <p>- The court offers training for CASAs. See <a href="#">Court-Appointed Special Advocate Volunteer Training Program and Schedule</a> for more information.</p>  |
| <p>8. <b>Lawyer Training:</b><br/> <i>Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</i></p>   | <p>- A. A Guardian Ad Litem (GAL) or Court Appointed Special Advocate (CASA) is assigned to represent the interests of a child who is the subject of a Dependent/Neglected/Abused Petition. A GAL is an attorney who usually is experienced in juvenile law.</p> <ol style="list-style-type: none"> <li>1. A GAL is appointed in situations when there may be a conflict with the CASA office, such as, the when a minor represented by CASA has a child also who has legal involvement with the Department.</li> <li>2. A GAL can be appointed to represent the interests of a parent who the Court believes may have physical, emotional, or mental limitations which impair his/her abilities to make decisions regarding the best interests of the child and assist counsel in the presentation of the case.</li> </ol> <p>B. The Office of the Court Appointed Special Advocate, an arm of the Family Court, consists of attorneys knowledgeable in juvenile law, social workers and volunteers from the community.</p> <ol style="list-style-type: none"> <li>1. A volunteer, who is trained by the Office of CASA, may be appointed to assess the situation of a child. The Court allows the volunteer to contact all parties and to have access to Department and Family Court records.</li> <li>2. An attorney from the Office of CASA, in conjunction with the volunteer, is also appointed to each case. The</li> </ol> |

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|  | <p>attorney provides supervision and assistance to the volunteer in his/her efforts to make an accurate assessment and appropriate recommendations. <a href="#">R.I. ADMIN. CODE 14-1-1100.0000, Role of Guardian ad Litem/ Court-Appointed Special Advocate.</a></p> <p>- <b>Duties of advocate.</b> – The child advocate shall perform the following duties:</p> <p>...</p> <p>(7) Provide training and technical assistance to guardians ad litem and special advocates appointed by the family court to represent children in proceedings before that court... <a href="#">R.I. GEN. LAWS § 42-73-7.</a></p> <p>- CASA Qualifications</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Desire to help abused and neglected children maintain stability and permanency.</li> <li><input type="checkbox"/> Ability to maintain objectivity when gathering information.</li> <li><input type="checkbox"/> Effective communication and writing skills essential for the preparation of court reports.</li> <li><input type="checkbox"/> Ability to work independently.</li> <li><input type="checkbox"/> Must be twenty-one (21) years of age, have a valid driver’s license, and a willingness to travel throughout the state on CASA-related business. <a href="#">Volunteer Position Description, Court-Appointed Special Advocate.</a></li> </ul> |
| <p>9. <b>Lawyer Compensation:</b><br/>Adequate and timely compensation, reimbursement provided expenses.</p> | <p><i>No explicit legal authority or requirement.</i></p>  |
| <p>10. <b>Caseload Levels:</b><br/>Caseloads are of a manageable size.</p>                                   | <p>Staff attorneys in the CASA program carry an average caseload of 300. <a href="#">About the Family Court</a> at 4.</p>  |