

Supreme Court of Vermont
Office of State Court Administrator

PATRICIA GABEL, Esq., State Court Administrator
patricia.gabel@vermont.gov
Mailing Address:
Office of Court Administrator
109 State Street
Montpelier, VT 05609-0701
Telephone: (802) 828-3278
FAX: (802) 828-3457



GREGG MOUSLEY, Chief of Finance & Administration
gregg.mousley@vermont.gov
JEFFERY LOEWER, Chief Information Officer
jeffery.loewer@vermont.gov
SCOTT GRIFFITH, Chief of Planning & Court Services
scott.griffith@vermont.gov
TARI SCOTT, Chief of Trial Court Operations
theresa.scott@vermont.gov

www.vermontjudiciary.org

TO: Senator Dick Sears, Chair
Senate Judiciary

FROM: Patricia Gabel, Esq., State Court Administrator

RE: H. 512 – Court-Appointed Special Advocate (CASA)

DATE: March 29, 2019

The Vermont Judiciary supports those provisions of H.512 that would amend Chapters 49, 51, 52, and 53 of Title 33 of the Vermont Statutes Annotated to refer to volunteer advocates for children as “court-appointed special advocates” (CASAs) rather than “guardians ad litem” (GALs).

This proposal brings greater clarity to judges, attorneys, parties and volunteer advocates for the child regarding the role and responsibilities of volunteer advocates assigned in child in need of care or supervision (CHINS) cases.

33 V.S.A. § 5112(b) requires courts to assign an advocate for the child (currently designated a “guardian ad litem”). These volunteers typically:

- Meet with the child at least once a month;
- Gather information from parents, foster parents, and other people close to the child;
- Communicate regularly with the Department for Children and Families (DCF) and the child’s lawyer;
- Promote cooperation between the parties; and
- Ensure that the court has all relevant information about the child.

The Judiciary has trained over 325 volunteers to serve in this capacity using training materials developed and approved by the National Court Appointed Special Advocate (CASA) Association. Moreover, the Judiciary is enhancing its training for new volunteers to align with a recently improved curriculum developed by the National CASA Association.

Courts in non-CHINS cases, such as mental health cases, divorces, and probate cases, may also assign a “guardian ad litem,” but the role and responsibilities of the guardian ad litem in these cases differ from the role and responsibilities of advocates assigned in CHINS cases. Furthermore, assignment of a guardian ad litem in non-CHINS cases is discretionary rather than mandatory.

The Chief Superior Judge has cautioned Superior Judges to refrain from assigning existing volunteer GALs (who serve in CHINS cases) to cases in other dockets, which do not require appointment of a GAL, because doing so constrains the availability of volunteer GALs for assignment to CHINS cases, which by statute *must* include a volunteer advocate for the child.

H.512 will help the Judiciary and our justice partner stakeholders, including the individuals who are assigned to serve as advocates for the child, appreciate the unique role those advocates play in CHINS cases compared with the role guardians ad litem play in other cases. Furthermore, having a different designation for child advocates in CHINS cases will be useful as the Judiciary prepares to offer training for individuals serving as guardians ad litem in non-CHINS cases.

Importantly, this proposed legislation will not alter the duties of volunteers who currently serve as GALs in CHINS cases. Nor does the legislation prohibit a volunteer assigned to a CHINS case from referring to himself or herself as a guardian ad litem.

Instead, this legislation will bring Vermont into alignment with those states, including New Hampshire, Maine, Massachusetts, and New York, that have adopted the label “court-appointed special advocate” for volunteers who provide essential support in CHINS cases.

Thank you for the opportunity to provide this information. I would welcome the opportunity to answer any questions about the Judiciary’s support for these provisions of H.512.

cc: Hon. Brian Grearson, Chief Superior Judge
Gregg Mousley, Judiciary, Chief of Finance and Administration
Peggy Delaney, Committee Assistant