

**AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN  
CASA OF THE PIKES PEAK REGION AND THE FOURTH JUDICIAL DISTRICT  
COURT**

The parties in this Memorandum of Understanding agree that the following shall govern the conduct, duties and responsibilities of CASA volunteers in dependency and neglect and truancy cases and supersede the April 2013 Memorandum of Understanding.

In Colorado Revised Statute (C.R.S.) § 19-1-201, the General Assembly declared that, “quality representation for children requires legal expertise and thorough case monitoring.” The Legislature recognized the effectiveness of community volunteers in addressing the needs of children. In response to that declaration, the Legislature authorized the Court-Appointed Special Advocate (“CASA”) program in order to enhance the quality of representation of children.

Since 1989, the purpose of CASA of the Pikes Peak Region is to train volunteers as advocates for victimized and at-risk children and to educate the community about abuse and neglect.

Achieving the goal of this program requires the development of a good working relationship among the Fourth Judicial District Court, participating families, the El Paso County Department of Human Services, Office of the Guardian ad Litem, Respondent Parent Counsel and CASA of the Pikes Peak Region. This Memorandum of Understanding identifies and clarifies that relationship.

**I. CASES TO BE REFERRED TO CASA PROGRAM**

It is agreed that dependency and neglect cases under the jurisdiction of the Fourth Judicial District Courts are appropriate for referral to the CASA program.<sup>1</sup> These cases involve children who are victims of or at risk for emotional, sexual abuse and/or neglect. In this jurisdiction, cases that are most appropriate for referral to CASA meet the following criteria:

- a. New dependency and neglect cases in the Fourth Judicial District;
- b. The children are in out-of-home placement (including kinship care) or in the home but are at risk of continued harm;
- c. The child(ren) have been victims of physical and/or sexual abuse and one *or more* of the following additional risk factors are present:

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<sup>1</sup> The Court and CASA of the Pikes Peak Region have discussed CASA involvement in truancy cases. Although capacity does not exist within CASA for truancy appointments at this time, there may be a time in the future when such referrals can be made. Appropriate criteria for referral in truancy cases will be decided in the future if and when such a program is developed.

- Parental substance abuse
- Domestic violence
- Prior Dependency and Neglect Case
- History of parental non-compliance with the treatment plan
- Children are in need of special services
- Current placement of the child(ren) appears to be temporary or there is a concern about the quality of that care
- History of inappropriate behavior by the parents in supervised visitation
- Children have had multiple placements or are separated from siblings in care
- Neglect
- Parental mental health
- Involvement in multiple systems

## **II. ACCESS TO JUVENILE CASE INFORMATION FOR EARLY SCREENING**

In order to fulfill the Legislative intent of C.R.S. § 19-1-201, it is essential that CASA be given access to filings in the dependency and neglect or truancy cases at the earliest point possible. CASA needs to review the files in order to make recommendations to the court regarding their potential appointment to cases. A CASA volunteer shall be appointed at the earliest stages of an action, preferably by the time of the pretrial conference. With the agreement of the sitting judicial officer, a CASA staff member may attend PPPs and be provided case information in accordance with the attached CASA case assignment protocol marked “Exhibit A”, in order to make an informed decision on whether to request involvement. CASA volunteers are not automatically entitled to privileged information and documents regarding the parties’ or child(ren)’s therapeutic or medical treatment. A release from the holder of the privilege or court order specifically authorizing access must be obtained for these types of records.

- a. Any information and documents obtained by CASA will be used to assist CASA in the process of assignment of volunteers to D&N cases. This information will be used by CASA staff only, and with complete confidentiality.
- b. A CASA staff member or volunteer who has a personal relationship or other conflict of interest with any individuals in a case shall notify their supervisor, and will be denied access to the above state information and documents.

If the Court has not appointed a CASA volunteer by the pre-trial conference, CASA shall double delete all electronic information and shred all paper case information received.

### III. ROLE AND RESPONSIBILITY OF CASA VOLUNTEER

A CASA volunteer is presumed not to be a party to the action, but can be made a party at the discretion of the judge or magistrate, as per C.R.S. § 19-1-206(1)(a).

The role and responsibilities of the CASA volunteer are as follows:

- a. Role. A CASA volunteer is appointed as an officer of the court in the Fourth Judicial District to provide the court and other parties with objective and independent information regarding the status of the children involved in cases filed under Titles 19, 14, 15, or 22 of the Colorado Revised Statutes. Upon appointment, the CASA volunteer independently gathers and assesses information, develops recommendations, and submits written and verbal reports to the court. The CASA volunteer will comply with Colorado law pursuant to C.R.S. § 19-1-201 through § 19-1-212 and with all requirements of CASA of the Pikes Peak Region.
- b. Responsibility. The mandate of the CASA volunteer is to assist the court in assuring that the best interests of the child(ren) are served. The CASA volunteer, in consultation with CASA of the Pikes Peak Region program staff, is responsible for reporting information regarding the child. The CASA volunteer reports to and is directly supervised by CASA of the Pikes Peak Region program staff. The program staff is responsible for the CASA volunteer's performance.
- c. Best Interest. CASA of the Pikes Peak Region D&N program staff understands the importance of the relationship between health and well-being of family and the CASA program will focus on best interest of children.

### IV. IMPLEMENTATION OF VOLUNTEER ACTIVITIES

- a. Training and Supervision. CASA of the Pikes Peak Region will be responsible for conducting initial and ongoing in-service training for CASA volunteers and will certify those volunteers completing the training program. The training will be the requirements of C.R.S. § 19-1-204. CASA of the Pikes Peak Region will be responsible for all volunteer management duties, including recruitment, screening, training, assessment and supervision of CASA volunteers.
- b. Appointment. Upon certification pursuant to C.R.S. § 19-1-204 and § 19-1-205, the Fourth Judicial District courts will conduct swearing-in ceremonies and will subsequently appoint the CASA volunteers as officers of the court. This appointment will remain in effect until terminated by the Fourth Judicial District Court.
- c. Assignment and Termination.
  1. The court may appoint a CASA volunteer on any case the court believes is appropriate for a CASA volunteer. The appointment will be made via an order of

appointment which will also include a specific order pursuant to C.R.S § 19-1-206(2) and § 19-1-210.

2. The court may receive a request for a CASA volunteer from the El Paso County Department of Human Services, the Office of County Attorney, a Guardian ad Litem, Respondent Parents' counsel, or any other party in the case. Upon such motion or request, the court shall determine the appropriateness of the case for CASA services. If deemed appropriate by the court, then the appointment will be made via an order of appointment which will also include a specific order pursuant to C.R.S. § 19-1-206(2) and § 19-2-210.
  3. In the event of a non-party community member request for CASA appointment, (child protective team member, foster parent, mental health professional, teacher, medical professional, or relative of a family, etc.) the request should be made directly to CASA who will research the case number and prepare a memo to the court of where the request came from. Upon such request, the court shall determine the appropriateness of the case for CASA services. If deemed appropriate by the court, then the appointment will be made via an order of appointment which will also include a specific order pursuant to C.R.S. § 19-1-206(2) and § 19-1-210.
  4. Contingent upon availability of a volunteer appropriate for the case, CASA of the Pikes Peak Region will assign a CASA volunteer and will notify the court of the assignment. CASA retains the right to accept or deny a case before appointment of a CASA volunteer. Upon acceptance of the case by CASA, CASA of the Pikes Peak Region will be responsible for distribution of the Order of Appointment to other parties in the case.
  5. The CASA volunteer's appointment will remain in effect until the court's jurisdiction over the child terminates, or upon discharge by the court on its own motion, or at the request of the program director of the CASA program.
- d. Confidentiality. All CASA volunteers will be bound by the confidentiality requirements of § 19-1-211, C.R.S. The Order of Appointment shall include a reaffirmation of the confidentiality oath.
  - e. Access to Records. The Order of Appointment shall also include a specific order pursuant to § 19-1-206(2) and § 19-1-210, C.R.S. authorizing the CASA volunteer to review all relevant documents and to have access to such records and other information relating to the child, parent, legal guardian and other parties in interest as the court deems necessary. CASA volunteers are not automatically entitled to privileged information and documents regarding the parties' or child(ren)'s therapeutic or medical treatment. A release from the holder of the privilege or court order specifically authorizing access must be obtained for these types of records.

## V. INFORMATION GATHERING

- a. Pursuant to C.R.S. § 19-1-208(1), upon appointment in a case, the CASA volunteer shall conduct independent fact finding regarding the best interests of the child that will provide information to the court regarding the child and the child's family. The fact finding shall include meeting with, and observations of, the child, review of relevant records and reports, and can include interviews with other appropriate individuals.
- b. The duties of the CASA volunteer shall include:
  1. Interviewing school personnel, Human Services staff, parents, siblings, other relatives, foster parents or other individual or agency regarding the child(ren). The CASA volunteer must make arrangements to meet with the child, as well as observe visits between parents and children when applicable.
  2. Attending and participating in staffings, team decision-making meetings, family care meetings or administrative reviews (ARD) conducted by the Department of Human Services.
  3. Accessing information. The CASA volunteer shall have access to the records and files of the court, of the Department of Human Services (DHS), any school or other individual or agency regarding the child(ren). A release from the holder of the child(ren)'s therapeutic privilege or court order specifically authorizing access must be obtained prior to the CASA volunteer accessing privileged information or records. The CASA volunteer shall comply with the current DHS discovery process to have access to the DHS file.

**VI. REPORTING.** The CASA volunteer will provide the court with both written and oral reports with CASA recommendations, as required.

- a. **Written Reports.** Written reports are to be submitted to the court and the parties five (5) days in advance of the hearing.
- b. **Verbal Reports.** The CASA volunteer may be requested, or may request, to provide verbal reports during court proceedings.
- c. **Testimony.** The CASA volunteer may be called as a witness in an action by any party or by the court and may request of the court the opportunity to appear as a witness as per § 19-1-208(5). No subpoena shall be required.

**VII. ACCEPTANCE.** This Memorandum of Understanding has been reviewed and accepted by the management of governing bodies of the organizations indicated below this day of, 2016.

**FOURTH JUDICIAL DISTRICT**

*Gil Martinez* 3-15-16  
 /s/ Gil Martinez - 16  
 Gilbert Martinez, Chief Judge

*G. D. Miller* 3-18-16  
 /s/ G. D. Miller - 16  
 G. David Miller, Presiding Juvenile Court Judge

CASA OF THE PIKES PEAK REGION

A handwritten signature in black ink, appearing to read "Jenny Bender". The signature is written in a cursive, flowing style. The first letter "J" is large and loops around the first part of the name. The signature is positioned over a horizontal line that is part of the text below.

Jenny Bender, Executive Director