



# Family Law CASA

## Court Appointed Special Advocates

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## OVERVIEW OF SERVICES

- What is Family Law CASA?
- What Does Family Law CASA Do?
- What Should I Expect?
- Family Law CASA Services
- Your Responsibility
- Frequently Asked Questions

[www.familylawcasa.org](http://www.familylawcasa.org)  
206-748-9700

## ➤ What is Family Law CASA?

CASA stands for “Court Appointed Special Advocate.” Family Law CASA of King County (FL CASA) is a private non-profit 501c3 organization that serves children from low and moderate income homes. We receive no government funding, and we are not a government agency. We are not connected to Child Protective Services, Law Enforcement, or any Social Service entity.

## ➤ What Does Family Law CASA Do?

FL CASA is appointed by the Court in high-conflict child custody cases to gather information for the Court.

FL CASA uses lay-person volunteers from the community to gather information about the child’s/children’s circumstances and to provide written reports to the court, including recommendations about the parenting plan, residential schedule (visitation), and need for services.

Volunteer Advocates come from a variety of backgrounds, education levels, professions, trades, religions and cultures, but they all must be at least 21 years old, must drive a car, must be able to use a computer, must pass a criminal background check, must complete a minimum of 21 hours of intensive training, and must follow the guidance of a staff Advocate Supervisor. Volunteer Advocates should not be confused with counselors, therapists, lawyers or advocates for the parents.

The role of the Volunteer Advocate is to provide **a voice for the child’s/children’s best interests in court**. FL CASA will not represent or advocate for any of the parents/parties in the case. FL CASA will not provide legal advice. You are strongly encouraged to seek free or low cost legal help and guidance. (Call 211 for information about free and low cost legal services, or call 206-267-7070 Tuesday–Thursday from 9:00am–12:00pm to schedule a time at a Neighborhood Legal Clinic).

For those who are familiar with Guardians ad Litem or Parenting Evaluators, please note that Volunteer Advocates fill a more limited role on a voluntary basis as lay-persons. Advocates are not expert witnesses in court.

## ➤ What Should I Expect?

### *1-2 Interviews and Home Visits*

When FL CASA is appointed to a case, a Volunteer Advocate will be assigned and will call you to schedule an interview. Volunteer Advocates are supported by an Advocate Supervisor on staff with FL CASA. You should receive a letter listing the Volunteer Advocate’s name, as well as the Advocate Supervisor’s name. Volunteer Advocates do not work at the FL CASA office, but the staff Advocate Supervisors do work at the FL CASA office. You

may leave a message for your Volunteer Advocate or speak with the Advocate Supervisor by calling 206-748-9700.

Usually, but not always, the Volunteer Advocate will ask to meet you in person at your home and will ask to tour your home to conduct a basic safety check of the environment. The Volunteer Advocate will typically ask to observe the child/children with you and to interview or talk with the child/children separately as well. Usually (not always) a Volunteer Advocate will attempt to see the children at each of the homes 1 or 2 times during a case. Please note that Volunteer Advocates generally do not travel outside King County.

### *Interviews with Friends, Relatives, Significant Others, and Relevant Professionals*

The Volunteer Advocate will ask you to provide names and phone numbers for 1-3 friends, relatives, and/or professionals who will talk with the Volunteer Advocate about the child’s/children’s circumstances.

### *Release of Information Forms*

The Volunteer Advocate will ask you to sign Release of Information forms in order to obtain information from CPS, schools, daycares, counselors, therapists, treatment providers and/or any professional(s) who might have information that will help the Court determine the safest and best parenting plan for the child/children.

### *Cooperation*

FL CASA relies on cooperation from the parties. You may decline an interview, or a home visit/tour and you may decline any request for information. You may also decline requests for Release of Information forms. If you decline an interview or a request, the Volunteer Advocate will note this information for the Court. The Volunteer Advocate will continue to reach out to you periodically until FL CASA is discharged by the Court.

### *Respect*

Because the Volunteer Advocate has been appointed to investigate tough issues, he/she will ask tough, personal questions and will make tough recommendations. While the questions and/or recommendations may be uncomfortable, all parties are entitled to respectful interactions with FL CASA, and your participation in the process is much appreciated by FL CASA and the Court.

### *Confidentiality*

Information gathered by the Volunteer Advocate is not shared with the general public or anyone who is not a party to the case. However, **any information gathered may be included in the Volunteer Advocate’s written report, which is submitted to the Court and distributed to all named parties**. FL CASA does not engage in private, confidential or privileged communications with any

of the parties and does not shuffle information back and forth between the parties.

**FL CASA Volunteer Advocates and Staff are mandated reporters of child abuse and/or neglect.** This means that if the Volunteer Advocate or a FL CASA Staff person has a reasonable belief that a child is at risk of imminent harm, a report must be made to CPS.

#### *Limited Time & Availability of Volunteers*

Because the Volunteer Advocates are volunteers, their time is limited and they may not always return calls or emails immediately. Times and dates for interviews, home tours, and child observations will be scheduled at times that work for all involved. Volunteer Advocates do not visit homes weekly or bi-monthly and do not conduct weekly or bi-monthly interviews. Their time and scope is limited.

#### *Written Reports Submitted to the Court*

The Volunteer Advocate will submit 1 or maybe 2 written reports for the court about the information gathered. The report(s) will contain statements and information provided by the other parent/party. The report will also contain information provided by friends, relatives, and/or professionals. And the report will contain the Volunteer Advocate's recommendations to the Court about the parenting plan.

It is common for a party to strongly disagree with information provided by others, but the Volunteer Advocate is obligated to include information from various points of view. You may also disagree with the Volunteer Advocate's recommendations. You will have an opportunity to explain your position to the court. If there is an error in the report that impacts your position or the recommendations, please notify the FL CASA office right away.

### ➤ **FL CASA Services**

#### *Free and Low Cost Services Provided*

FL CASA services include 1-2 interviews with each party; a telephone interview with 1-3 other people identified by each party; review of all records & documents submitted to CASA; 1-2 written reports for the court; and a half-day appearance at court for trial. The Volunteer Advocate is not expected to be in daily or even weekly contact as their gift of time and CASA resources are limited.

Our Program Attorney will be present at Review Hearings often without the Volunteer Advocate, will be available by phone for mediation or settlement conference, will participate in the Pre-Trial Conference without the Volunteer Advocate, and will represent the Volunteer Advocate at trial, generally asking to be excused from the remainder of the trial.

#### *Services That Will Result in Significant Fees*

FL CASA may charge regular market rate fees for attorney time as well as the Volunteer Advocate's time for interrogatories, depositions, additional reports, and/or additional or extended court appearances. You will be notified in advance and will have the option of foregoing any action that might result in fees beyond intake fees (if any intake fees applied upon appointment to the case). FL CASA reserves the right to request sanctions and/or attorney fees as appropriate in litigation without advance notice if/when appropriate.

### ➤ **Your Responsibility**

Be sure to provide any information you want considered for the FL CASA report as soon as possible. (You may mail or deliver documents or letters to the FL CASA Office.) **Do not wait for the Volunteer Advocate to get information that you think is important.** Volunteers have limited time and must use their judgment about which records & documents to obtain, as well as which people to interview. If you think the Volunteer Advocate has skipped an important interview, please have that person send a letter to the CASA office. If you think the Volunteer Advocate failed to obtain important records or documents, please submit those records or documents to the FL CASA office. Furthermore, FL CASA will not file motions at your request or engage in discovery requests for information outside of what is necessary for FL CASA report purposes.

Be sure to keep the FL CASA office updated with any new contact information if you move or acquire a new phone number or email address. Please keep FL CASA updated on any new developments in the case.

Be sure to provide proper notice to FL CASA anytime you schedule a hearing with the Court, and be sure to copy FL CASA as well as the other parent/party on all documents you file with the Court.

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### **Family Law CASA of King County, all rights reserved, 2017.**

This handout for parents/parties/attorneys is a general guide. This guide may not be used or reproduced outside of Family Law CASA of King County for any purpose without written permission. Guides and overviews provided by Family Law CASA of King County are not legally authoritative in any way but are for general information and discussion purposes. **EACH CASE IS UNIQUE.** Each case & report is subject to a wide range of variables, including but not limited to the volunteer's availability, cooperation of the parties, and an Order of Appointment. Volunteers are not contractually or professionally obligated to remain on a case or volunteer a minimum number of hours. Volunteer Advocate recommendations must remain independent from the positions and opinions of the parents/parties. Family Law CASA will only remove a volunteer from a case for good cause such as a violation of law, policy, rule or procedure. All parents/parties are strongly encouraged to seek legal advice. **SERVICES PROVIDED BY FAMILY LAW CASA ARE LIMITED.** FL CASA will require market rate lawyer fees and other compensation for additional services. This handout may be updated at any time without notice. If you have any questions, please call 206-748-9700.

## Frequently Asked Questions

**Will the Court follow the Volunteer Advocate's report and recommendations?** The judge/commissioner will read the Volunteer Advocate's report, but the Court will NOT rubber-stamp it. The judge/commissioner will consider ALL information properly submitted and will listen to all parents/parties and then issue an Order. Only the Court can require or order the parties to do anything. The Court makes all decisions in the case.

**Who are the Volunteer Advocates and What Do They Do?** Volunteer Advocates will conduct 1-2 interviews with each party; a telephone interview with 1-3 other people identified by each party; review all records & documents submitted to CASA; write 1-2 reports for the court; and make a half-day appearance at court for trial. Volunteer Advocates are lay person witnesses for court; they are not expert witnesses. They do not serve as counselors, therapists, lawyers, parent coaches, professional GALs or professional Parenting Evaluators. Volunteer Advocates gather and accept information only for the purposes of completing a written report for the court. Acting as a go-between to share information back & forth between the parties is not permitted.

**How Often Should I Hear From or Communicate with the Volunteer Advocate?** Each case is unique. Frequency of contact varies. Generally the Volunteer Advocate will conduct 1-2 in-person interviews during a case and follow up with phone calls once or twice monthly as needed. Volunteer Advocates are not in daily or even weekly contact. However, you may submit any information you think is important to the CASA office at any time. CASA cannot and will not provide legal advice. Only the court can require or order a party to do anything. CASA makes written recommendations and releases those recommendations to all parties at the same time as part of a written report for court.

**What if I disagree with the Volunteer Advocate's Report?** You can write a letter and send it to the CASA office explaining the specific issues you disagree with. You are encouraged to also make a list of the recommendations or issues you disagree with and talk with a lawyer and explain your position to the judge/commissioner. While FL CASA respects the opinions of all parties, the CASA recommendations must remain independent from the parents/parties.

**What if there is a mistake in the Volunteer Advocate's Report?** If you find a mistake that is important to the case, please notify the CASA office in writing with the page number of the report where you identified the error, explain the correct information and how that information impacts the recommendations or outcome of the case.

**What if I don't understand the Court Order or I have a question about the Court Order?** You should talk with a lawyer if at all possible. FL CASA cannot and will not interpret Court Orders for you or provide legal advice.

**What if the other parent doesn't follow the Court's Order? What if I don't follow the Order?** You should talk to a lawyer if at all possible. Both parents/parties are obligated to read, understand and follow all Court Orders. Failing to follow the Court's Orders may impact the current parenting schedule, may impact the outcome of the case, or may result in Contempt findings or a variety of other consequences depending on your specific case. **FL CASA may not and will not advise parties about withholding visitation or enforcing visitation.**

**What if I don't want to work with FL CASA?** FL CASA relies on cooperation of the parents/parties. We are not a government agency and we are not affiliated with law enforcement. Because FL CASA is appointed by the Court, we are obligated to make attempts to communicate with you, schedule interviews, and gather information. If you choose not to work with FL CASA, the Volunteer Advocate will note that information for the court.

**What if I don't want to sign a Release of Information form?** You may choose not to sign a Release of Information form and the Volunteer Advocate will note that information in the report to the Court.

**What if I live outside King County or outside of Washington?** FL CASA does not generally conduct home visits outside of King County. If a Volunteer Advocate agrees to conduct a home visit outside of King County, it may be limited in time and/or scope depending on the Volunteer Advocate's time and resources.

**What if we have come to an agreement and want to settle our case or we are close to an agreement?** You can schedule a mediation with Early Resolution Case Managers (ERCMS) at the Court by contacting Family Court Services <http://www.kingcounty.gov/courts/FamilyCourt/facilitator.aspx>. If you have an attorney, he/she can schedule a mediation/settlement conference or propose an Agreed Parenting Plan for all parties, including FL CASA, to review.

**Free & Low Cost Legal Assistance:** In King County, Dial 211 for the CLEAR hotline. You will also find resources on the Court's website at <http://www.kingcounty.gov/courts/FamilyCourt.aspx>. King County Bar Association resources at [www.kcba.org](http://www.kcba.org). Remember, FL CASA will not file motions at your request and will not engage in discovery or request information from the other party unless FL CASA deems the information necessary for the FL CASA report.

**Emergencies:** If you experience a true emergency (ie life threatening emergency or risk of imminent harm) call 911. If you witness child abuse/neglect or have a reasonable belief that a child is at risk of harm, report child abuse to DSHS by calling 1-866-ENDHARM (1-866-363-4276), See <http://www.dshs.wa.gov/ca/safety/abuserreport.asp> for more information.