



A child's voice in court.

**ALLEGHENY COUNTY
COURT APPOINTED
SPECIAL ADVOCATE
PROGRAM**

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*Mary Jo Meenen, Esq.
Executive Director*

Allegheny County Court Appointed Special Advocates Testimony

CASA is an organization dedicated to achieving timely permanence for children. We believe that each child is entitled to a safe, loving and permanent home in a timely fashion. The national CASA movement began 23 years ago when a Judge in Seattle developed the concept of assigning trained community members to especially complex abuse and neglect cases.

In 1994, the local CASA Program opened its doors, largely in response to a tragic death in foster care that occurred two years prior, in 1992. A panel comprised of community members and child welfare professionals recommended that the Court Appointed Special Advocate Program may be one important addition to the child welfare and court system. The Task Force and the local Judge believed that the case monitoring and frequent contact with children carried out by CASA volunteers would increase the likelihood of child safety. The local professionals applied to the National CASA Association for start up funding.

Today, almost 7 years later, CASA has 100 community volunteers and the capacity to serve over 300 children. CASA volunteers push for quality services to both children and parents. They clarify important issues for the court. They provide the court and parties with an important historical context, and, with thorough fact-gathering, present the current status of the child in detail. Knowing a child's special needs is critically important when making permanence decisions for the child.

The children served by CASA are dependent, or without proper parental care or control. Their lives and decisions regarding their permanent placement rests not only in the hands of their natural parents and extended families, but also in the hands of several systems including medical, legal, judicial and educational. The court's ability to make timely decisions for children has life-long ramifications for CASA's clients. The recent changes to the Juvenile Act, in accordance with the Adoption and Safe Families Act, recognize the importance of timely decisions.

It is based on our experience and our belief in permanence that we support the two principles embodied in the two pending bills.

HB 1533

This bill now defines the time period during which a consent to adoption may be revoked. This clarification in the law may have the effect of expanding the pool of potential adoptive parents.

The current law is extremely liberal, and allows consent to be revoked up to the moment of either a termination or an adoption. This time period can easily be in excess of 12 months from the time a consent is given. The legal system's ability to hear and decide these cases in a timely fashion varies widely from county to county, and the child's welfare does not appear to be the factor guiding the timing of the process.

In Pennsylvania and in many other states across the country, many adoptive parents are reluctant to accept a child into their home if they fear that the adoption is a "legal risk". Many potential adoptive parents do not feel comfortable bringing a child into their home and making a life-time commitment to them, knowing that the child may in fact never be legally freed for adoption and/or that the time period to revoke consent could last for months, maybe longer. Delays in the legal proceedings can sometimes have the impact of lessening the chances of permanence with a potential adoptive family.



417 South Craig Street
Suite 205
Pittsburgh, PA 15213
(412) 682-2324
Fax (412) 682-1344

In any scenario where an adoption is delayed unduly, children may suffer due to a variety of factors. Sometimes they are faced with confusion of having two families, each with "parent figures". We have witnessed other children who are so confused and distressed by not knowing where they will live, that they present with serious mental health disorders including night terrors and fecal smearing. For a very young child faced with a move in a critical time of development, psychologists tell us that each new attachment has the potential for being more fragile than the one preceding it. Local practitioners have trained CASA staff and volunteers on the basics of attachment. In training, we have heard that although a child who has formed a healthy attachment can generally transfer it, there are critical periods in their development where a change in primary caregiver can be detrimental to their well being.

This bill reflects an important recognition by our legislature that while such a consent has enormous impact on the parent, it likewise impacts the child and adoptive parents as well. It makes sense to protect the interests of all involved by the insertion of such a reasonable time period.

HB 1838

This bill acknowledges that relinquishment of parental rights is a life changing decision by a parent. It is one that should be made with the benefit of counseling, for many reasons. It is a good companion piece to HB 1533, which sets fixed time constraints for revoking consent to adoptions. The bills, when read together, constitute a balanced approach that takes into account fundamental rights of both parent and child.

The counseling defined in HB 1838 will ensure that the parent understands the importance of a decision to relinquish, and that the decision will no doubt play a part in their emotional well being for many years to come. Provisions for specific counseling also ensure that such a decision is informed and not in any way coerced. It will also preclude a parent from later making the case that the decision was not arrived at in an ethical manner.

The bill appears to have been carefully thought out and crafted to allow parents many opportunities and forums to request such counseling. Each court having a complete list of such approved agencies is also a necessary safeguard, as courts are often reliant on the litigants before them when determining which agency is most appropriate to provide a given social service to a family.

Stephen R. Kaufman, Esq.
CASA Board Member

Mary Jo Meenen
CASA Executive Director