CASA GAL
Court Appointed Special Advocates
Guardians ad Litem
FOR CHILDREN

February 20, 2023

Honorable Jane Bloomingdale, State Representative
Chair, State Government Committee
State Capitol
1007 Grand Avenue
Des Moines, Iowa 50319

Re: HSB126 - Proposed realignment of the Iowa Child Advocacy Board (ICAB), which operates the Iowa Citizen Foster Care Review Board (ICFCRB) and Iowa Court Appointed Special Advocate (CASA) programs, with the Iowa Department of Health and Human Services (HHS)

Dear Representative Bloomingdale:

The National Court Appointed Special Advocate/Guardian ad Litem Association (National CASA/GAL) is the membership organization of 939 state and local programs operating in 49 states and the District of Columbia. Iowa CASA is a member of the National CASA/GAL Association. Our mission is, together with our state and local member programs, to support and promote court-appointed volunteer advocacy for children and youth who have experienced abuse or neglect. We believe that every child should be given the opportunity to thrive in a safe and loving home.

As the national organization serving all state and local CASA/GAL entities nationwide, the National CASA/GAL Association is writing to you today in regard to the discussions around moving the Iowa Child Advocacy Board (ICAB) and the Iowa CASA Program to the Iowa Department of Health and Human Services (HHS). We wanted to share some concerns and additional information for your consideration.

As a national organization we have a broad and well-informed perspective of the optimal workings of CASA/GAL organizations dedicated to advancing the best interests of children who have experienced abuse and neglect. National CASA/GAL serves a very diverse network of local programs and state organizations operating under different statutes and court rules, in varying structures and governance models and in urban, rural, suburban and tribal areas across the country.

CASA/GAL state organizations and local programs across the country operate as either publicly administered or non-profit organizations. As you know, the Iowa CASA Program operates as a publicly administered state organization providing direct service. An organization structured in this way operates within a branch of government and oversees local CASA offices within the state that provide direct service to children using community volunteer advocates.

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Iowa CASA is one of 15 publicly administered state organizations in the country. Of the publicly administered state organizations, 11 operate out of the state Supreme Court or Administrative Office of the Courts while others operate within the Office of Public Advocacy, Justice Administrative Commission, Department for Criminal Justice Services and Executive/Administrative Branch. None operate under the child state welfare agency.

These models have served well to ensure independence and to avoid any conflict of interest, real or perceived. The effectiveness of the CASA/GAL model is the volunteer having the independence free of influence to offer the judge recommendations that the volunteer feels are in the best interest of a child. There are times when the opinion of the volunteer is different than that of other parties involved in the proceedings. This is what makes the CASA/GAL advocate role unique. The current operating model in Iowa has allowed for this necessary independence.

We are concerned that if the Iowa CASA program is moved under HHS, a child welfare agency, a conflict would exist, real or perceived. There should be no possibility, or even the perception, that the governing agency could influence the independence of volunteers or the program in any way.

The Iowa CASA program was established to provide volunteers, appointed by local juvenile court judges, to advocate for a child's best interest. These volunteers are carefully screened and thoroughly trained independent advocates who provide objective information to judges to help them make the most well-informed decisions on behalf of children and their families. It is the autonomous nature of the volunteers that makes their role so valuable to courts in their decision making. CASA volunteers' best-interest advocacy is driven by the guiding principle that a child grows and develops best with their family of origin, if that can be safely achieved.

The governing agency for the CASA or GAL program is of great importance. It needs to have the capacity to support the governance and operation of the program and ensure effective and successful execution of the mission. One necessary element of the placement of the program is in an agency where the program can act as independently as possible from the other agencies with whom it interfaces. In order to provide recommendations regarding the best interest of children to the court, CASA/GAL volunteers must be independent.

There are some governmental agencies that should not administer the CASA/GAL program because of an inherent conflict. The agency responsible for child protection is an example. Though their mandate is to protect the child, their role is to balance the interests of the state and the parents with those of the child while the CASA/GAL volunteer is focused on the best interests of the child. The office of the public prosecutor and the attorney general's office are two other obviously inappropriate entities for administering the CASA/GAL program.

In the proposal to reorganize the ICAB, including the CASA program, the program would be governed by the Iowa HHS. The Iowa administrative rules are clear on the inherent conflict between the role of a CASA volunteer and Iowa's child welfare agency. IAC 489-4.2(3)(g) provides that a CASA volunteer not be a person employed by the ICA board, the department of human services, the district court, or an agency with which the department of human services contracts for services for children.

ICAB and the CASA program are designed to be autonomous from HHS as they are charged by statute to evaluate and report on the child welfare agency. A move of ICAB and the CASA program to HHS compromises the ability of ICAB to evaluate the child welfare system and to make objective recommendations to the Governor's office and the legislature as required by law.

If you have questions please feel free to contact me. Thank you for your time in reading our concerns and for your consideration as you make this decision. We appreciate your continued support of the Iowa CASA program as an entity independent of HHS.

Sincerely,

Sally W. Erny

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cc: House State Government Subcommittee Members