

September 22, 2020 – Meet Judge Del Rio

A special thanks to our amazing panel for such an informative meeting. **Judge Del Rio, Haleh Setayesh (GAL Attorney) and Alex Falcon (CAM 2)** -- you were amazing!!

1) **What are the biggest obstacles Zoom hearings present?**

- a. **Judge Del Rio:** lack of computers or smart phones for participants. Many of the participants have lower incomes, or may have lost their jobs/phones, or have no Internet. Even when laptops are provided, many still don't have Internet. A good computer allows for simultaneous interpretation (translation). This cannot be done on a smartphone, which causes hearings to take twice as long since every statement must be translated. An additional problem the closed courthouse presents is that when parties are served, there is no physical address for them to come to, so they must be served by publication.
- b. **Haleh:** The sound quality and background noise. Another issue is the inability to see full-body language. Judges don't have the ability to order spontaneous drops (drug testing). Communication with the GAL is NOT a problem because they text when necessary.
- c. **Alex:** Connectivity

2) **What do you want to hear from the GAL?**

- a. **Judge:** The same as if we were in the courtroom, especially if there is a change of goal of the case plan or TPR. You are the eyes and ears of the court and have no agenda. I want to hear about the bond between the child and parents. What efforts has the parent made during this pandemic to see the child, send support, etc.?
- b. **Haleh:** Everything! How the child is doing, services, how are the parents, what obstacles remain, and are they being addressed by the agency.? The Judge wants GALs to speak with the parents and find out how it's going and what still needs to be addressed. Is there anything else pending? All these factors expedite or impede permanency.
- c. **Alex:** The case manager is a good source of information, but we need to reach out to providers and speak with them freely and directly. Our job is to gather information independently – you, yourself should talk to the teachers, therapists, doctors, etc.

3) **What are your pet peeves?**

- a. **Judge:** Foster parents/caregivers who are not on board with assisting a parent to maintain/strengthen a bond and who use the pandemic as an excuse.
- b. **Haleh:** Being late, unprepared, and chaos.
- c. **Alex:** Don't have any!

- 4) **Reports: When do you want them/what do you look for/and how much detail do you want?**
- a. **Judge:** Depends on what the report is for. If it is an MBI or change of case plan goal, as much information as possible. Not too much detail for routine reports. I want to see the bond between the parent/child -- tell me about visitation -- the frequency, quality, and engagement. What is the child saying about the parents?
 - b. **Haleh:** 10 days prior to the hearing. It gives me time to review and make corrections, follow-up with the GAL, and file the report at least 72 hours before the hearing. If not filed 72 hours prior, the report doesn't make it into the court file. If information has changed from when you wrote your report, let your attorney know, and they can report changes orally to the Court. I want more detail because if it's too much, I can always edit it. Don't want to see the same information in the JR submitted by the case management agency. Try to observe visitation between parent/child and include in your report.
 - c. **Alex:** 15 days prior because the supervisor needs to review it before forwarding to the attorney. I look for your recommendations: school, sibling visits; if asking for therapy, be specific as to what it should be addressing. I always want to see child's wishes. Arrange with the Case Manager to observe visitation -- if it's by Zoom, get the Zoom instructions. Note if the parent is acknowledging the child and focused on the child (not focusing on their phone, etc.).
- 5) **What is your view on children attending court (Zoom and in-person when courthouse opens)?**
- a. **Judge:** Older children can participate by law and with Zoom hearings, they don't lose an entire day of school. A great feature of Zoom is the Breakout Room. If a child wants to speak privately to me, let your attorney know in advance, and I can arrange a Breakout Room with the child/GAL and me.
 - b. **Haleh:** Likes the child to attend if it doesn't interfere with school and won't be harmful. Participation in the process gives them a great sense of empowerment and they learn to self-advocate. I want to know in advance if the child wishes to speak with the judge or will be attending the hearing.
 - c. **Alex:** Children should be heard. Post-quarantine, maybe children can participate through Zoom rather than missing so much school time waiting for hearings to be called and transportation to/from the courthouse.
- 6) **When discussing how the children are doing or "what's going on," do you want to hear from the GAL or program attorney?**
- a. **Judge:** If it's a JR hearing, I want to hear from the GAL. There are many hearings that it's not necessary -- such as routine hearings. The GAL attorneys know when the GAL needs to speak. I like when GALs are present for the hearing.
 - b. **Haleh:** Sometimes GALs find it difficult to know when to speak up. Rest assured -- we (the attorneys) will speak up! We will always let you know if you need to testify. I want you present. If you want to speak, text me and I will let the Judge know that the GAL wishes to speak.

- 7) **How do you feel about foster parents/caregivers attending hearings? Do you ask them to speak?**
- Judge:** They are welcome to attend -- it is an open forum, and they have the right to listen. Speaking depends on whether it is appropriate (a child's needs are not being met, etc.). They need to know when it's appropriate to just listen or speak.
 - Haleh:** They are a great source of information because they are with the children day in/day out. Sometimes their testimony is necessary.
- 8) **What do you do when the GAL/GAL attorney think a service is necessary and the department/agency doesn't?**
- Judge:** Unless it is something that is outside DCF purview -- something that CLS cannot provide, I almost always go with the GAL recommendation because the GAL is in the best position to make the request.
- 9) **Are there any special rules for your courtroom?**
- Judge:** I don't like when attorneys argue among themselves. I want the Court engaged. I find it disrespectful and distracting. I expect courtroom decorum from the participants.
- 10) **How many last chance Case Plans are sufficient? How about changing the goal of the Case Plan?**
- Judge:** During the pandemic, it has been very difficult for so many to obtain employment and housing. If the parents have demonstrated that they are engaged and have done their services, because of these extenuating circumstances, I will make allowances and extend the Case Plan beyond last chance. However, this must be balanced with the need for permanency for the child. They do not get unlimited time to get their act together. At some point, enough is enough. In order to change the goal of the Case Plan, I will hold an evidentiary hearing.
 - Haleh:** On a case-by-case basis. Have there been reasonable efforts, delays in providing services.? I need to know if the parents are motivated and trying. If there is no bond and the parents haven't made any effort, let's not delay. Communication is the key if we disagree with CLS. We will try to staff the case with them. If we still have differing positions after the staffing, then maybe the GAL program will choose to file. To do so, we need to ensure that least restrictive options, MBI, and evidence support our position.
- 11) **Recommendations for us to be great advocates?**
- Judge Del Rio:** Help find creative ways for parents/children to maintain their bond. Think outside the box.
 - Haleh:** Make more contact with the parents on a regular basis. Try to build a rapport with them. (Haleh thanked all the GALs and spoke about how much she appreciates your advocacy.)
 - Alex:** Remember what inspired you to become a GAL. Share your feelings or any obstacles with your team. We are all here for you.

12) **How has your experience been so far?**

a. **Judge:** So much more rewarding than I ever thought it would be.