

CURRICULUM OUTLINE

TITLE 26 GUARDIAN AD LITEM TRAINING

WASHINGTON STATE ADMINISTRATIVE OFFICE OF THE
COURTS

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HOW TO USE THIS CURRICULUM

This curriculum is provided to faculty retained to teach new Guardians ad Litem in the State of Washington pursuant to the Title 26 GAL Training adopted by the Administrative Office of the Courts. This written curriculum is provided to faculty only, and will not be shared with participants at any time. This curriculum is intended to provide a blueprint to faculty, which faculty should use as a guide when developing their own teaching segments. All materials have been created and provided for faculty, and are contained in this written curriculum, the corresponding power point presentation, or the corresponding materials. The curriculum walks through the 3.5 day training, identifying a summary of each segment, the time allotted for each segment, references to the power point slides corresponding to each segment, learning objectives, learning points, and any materials or handouts used throughout. Each of these topics is described in detail below.

TRAINING SEGMENTS:

The first segment of this training is an afternoon half-day intended for non-attorney participants only. This afternoon has been developed as a mini-law school training that introduces non-attorneys to what they need to know about the legal system, while also reminding them that they are not attorneys and should not be practicing law. The remaining three days of the training (days 2-4) will be for all new and continuing GALs (attorneys and non-attorneys), judicial officers, Pro Tem Judges, CASAs, non-GAL attorneys, and court staff.

SEGMENT SUMMARY:

Each segment in this curriculum is divided by topic. At the beginning of each topical segment, the curriculum contains a brief summary of what the segment intends to cover. This summary is meant to provide faculty with an overview of what they should focus on in their segment.

TIME ALLOTTED:

Every segment, lecture, and activity in this curriculum is assigned a certain amount of time. There is a lot of material to cover in this curriculum so it is imperative that faculty stick strictly to their time limits. If faculty are unable to

finish a segment in time, that will detract from another segment, likely instructed by different faculty, and could throw the entire training off. There are fifteen minute breaks inserted each morning and afternoon, and it is very important that faculty finish in time to give these breaks to participants, as they are covering a lot of material and will need that time to process and rest.

POWER POINT PRESENTATION:

This curriculum is meant to be used as a guide to the corresponding power point presentation, also provided to faculty prior to the training. Each segment in the curriculum indicates which power point slides correspond to each segment. Faculty should prepare for the training by sitting down with both the curriculum and the power point to get a strong sense of how their section is intended to be taught. This curriculum and power point have been created with the hope of providing consistent information to GALs across the state of Washington, so faculty will be expected to use the power point and materials provided. Faculty should come prepared to summarize and speak freely, and should not simply read from the power point slides. Rather, the slides are provided as a visual for visual learners and as a prompt for faculty to help guide discussion.

LEARNING OBJECTIVES:

Every segment contains learning objectives, which represent the skills that the segment strives to teach to GALs. As faculty prepare for their sections, they should keep these larger learning objectives in mind, remembering that this encompasses the information that the GALs will ideally walk away with after the training.

LEARNING POINTS:

In addition to overall learning objectives, every segment of this curriculum contains learning points, which represent the information that should be relayed to participants in order to achieve the learning objectives. These learning points are identified by content contained in bullet points in each individual section. Faculty should strive to include all of the learning points in their discussion, even if those points are not specifically contained on a power point slide.

MINI-LECTURES:

Research has shown that adult learners generally stop paying attention after fifteen minutes of lecture. For this reason, this curriculum seeks to limit lectures to no more than fifteen minutes. Although this curriculum does contain a number of fifteen minute mini-lectures, faculty are encouraged to use that time to ask questions or seek participant involvement, share their own experiences, and seek to provide an interactive experience at all times. Faculty should not simply read from the power points, and should use this time to share their own expertise and style with participants.

ACTIVITIES, MATERIALS AND HANDOUTS:

The training is highly interactive and involves a number of different activities, including small and large group discussions, role plays, worksheets, videos, and other participant based activities. These activities (and the time allotted for them) are included in the curriculum, along with any references to materials or handouts required for the activities. All materials and handouts referenced in this section will be provided to participants at the training. Materials not used in any particular activity will be provided to participants through a website containing links and materials, available at <https://rcdvcpc.org/title-26-guardian-ad-litem-training>.

Although different faculty will likely be asked to teach specific sections based on their own expertise, it is important to note that this entire curriculum builds upon itself over the course of a four day period. As such, certain activities may call upon participants to review information learned in previous segments. For this reason, all faculty members should familiarize themselves with the entire curriculum and learning objectives so that they can help provide a holistic training to participants.

VIDEO CLIPS:

There are a number of different video clips used throughout the training. For copyright reasons, the videos are not embedded in the power point. However, links to the videos online are provided both in this curriculum and in the accompanying power point in the location where the video should fall. Faculty should be sure to prepare to embed or access the links at the training itself.

GENERAL TRAINING INFORMATION

ROOM ORGANIZATION:

This training contemplates a number of small group discussions and activities that require participants and faculty to walk around the room. Ideally, the training location will contain tables of no more than eight participants at round tables to facilitate easy small group discussion. If the location does not accommodate this type of seating arrangement, faculty will need to develop a plan to split participants into small groups of no more than eight.

Because the curriculum also follows a power point presentation, it is important that participants are not sitting with their back's to the screen throughout the training, as it would be both uncomfortable and difficult for them to maintain for 3.5 days. The facility should meet ADA compliance regulations and participants and faculty should be able to walk easily between tables to carry microphones or conduct activities.

FACULTY/STAFF SELECTION:

This training is highly interactive and utilizes multiple forms of adult learning theory. It is important to select faculty that is experienced and knowledgeable in the particular area of expertise and open to teaching in an interactive style. Faculty should also be trauma informed in their presentation and style.

Because the curriculum involves a lot of participant interaction, there should always be at least two staff members or additional faculty to help carry microphones around the room to hand to participants when they are speaking. Finally, an attempt should be made to identify and onboard a diverse group of faculty, as different participants may find themselves able to relate to different faculty with differing backgrounds.

AV REQUIREMENTS:

This training uses embedded videos throughout, so the training location will require AV capabilities for this, including microphones for faculty as well as participants to use during interactive sessions and the ability to play videos through a speaker system, not off of the computer itself.

REQUIRED MATERIALS:

Multiple segments of this curriculum contemplate tracking participant answers on flip charts. For this reason, flip charts and markers must be provided for those segments.

ACCESSIBILITY:

Consideration should be given to ensuring that the training is accessible to persons with disabilities. It is best practice to have faculty and participants to use microphones and leave pathways wide enough for a wheelchair to navigate between tables and chairs.

It is also recommended that a minimum of four microphones be available for use in this training. Two microphones should be provided for faculty, since a number of segments contemplate team teaching with two faculty members working together on the same segment.

For more information on accessibility, visit:

<https://www.vera.org/publications/designing-accessible-events-for-people-with-disabilities-and-deaf-individuals>

DAY ONE

NOVEMBER 5, 2018

1:00 PM – 4:30 PM

For Non-Attorney GALs Only

I. INTRODUCTIONS AND ICE BREAKER

A. WELCOME AND INTRODUCTIONS (SLIDE 1)

1:00 PM – 1:15 PM (15 MINS)

Representatives of the AOC and the person identified as Lead Faculty will welcome participants, provide participants with logistical information (including where to find restrooms and water fountains, WiFi passwords, required use of microphones for accessibility reasons, etc.). It is recommended that the lead faculty use this time each morning to tell participants what National Day it is, as it is a fun and quick way to lighten the mood.

B. ICE BREAKER (SLIDE 2)

1:15 PM – 1:30 PM (15 MINS)

Faculty will ask participants to look back over their careers and take five minutes to think about and identify three events, activities, accomplishments, collaborations, or moments of recognition by others that were shining or important to them. Tell them to think of these touchstones as career highlights. After five minutes, ask participants to each share one of those moments with the other participants at their table. As they do this, ask the entire table to listen closely and try to identify common themes that arise. After five minutes of table discussion, faculty should ask the tables to identify any common themes that arose (e.g., recognition for one's work, feeling like they've made a difference for somebody, etc). It is important to let the participants identify themes and draw conclusions; faculty is only there to guide this discussion.

[If participants are not at round tables and are instead seated in lecture form, have them jot their shining moments down on a piece of paper for approximately five minutes; then faculty can ask for a few volunteers to share what they wrote and help identify any common themes through interactive discussion.]

II. WASHINGTON COURTS – A SURVEY OF THE SYSTEM

This segment introduces non-lawyers to the Washington Court system and the roles people play within it. Participants will be able to identify the roles and responsibilities of people they encounter in the court system. Participants will learn how each branch of the court system might affect a case the GAL is appointed to.

Faculty qualifications:

This segment should be taught by an attorney, GAL, or judicial officer knowledgeable in family law proceedings.

Learning objectives: (slides 3-4)

As a result of this training segment, GALs will be better able to:

- Identify the purpose, responsibility, and basic professional guidelines of each member of the Washington court system
- Understand how each member of the court system will impact the GAL's work
- Articulate the differences between trial courts and appellate courts

A. MINI-LECTURE AND LEARNING POINTS ON WASHINGTON COURTS (SLIDES 5-15)

1:30 PM – 1:50 PM (20 MINS)

Faculty will provide a twenty minute interactive mini-lecture on the members of the court system, their relationship with GALs, and the difference between trial and appellate courts. This discussion should include:

- Members of the court system
 - Judges
 - Video – “My Cousin Vinny” (<https://youtu.be/YLValMc9XjU>)
 - Elections
 - Code of Judicial Conduct (CJC)
 - Decide applicable law (always), decide facts (always in family law)
 - Difference between Judge and Commissioner/Pro Tempore
 - Court Administration
 - Judicial Assistants
 - Division of other roles
 - Court officers/bailiffs
 - Court clerks
 - Funding
 - Attorneys
 - VIDEO – “A Few Good Men” (<https://www.youtube.com/watch?v=VpkJZuxSayo>) (5 min)
 - Law School/Bar Exam
 - WSBA
 - Rules of Professional Conduct (RPCs)
 - Represent interests of the client
 - Costs of counsel
 - Legal Aid/Pro Bono
 - Clerks
 - Elections

- File and make available court pleadings, record court process
 - Courthouse facilitator
 - Funding
- Others
 - Law enforcement
 - Mediators
 - Etc.
- Relationship between GALs and other members of the court system
 - Judges/Commissioners
 - GALs gather and present additional information based on the order of appointment; GALs do not assert opinions—they gather and present information relevant to the best interests of the child.
 - GAL can request additional instruction from judges/commissioners through motions.
 - Judges may agree with GAL but are always bound by law or may simply be inclined to reject GAL recommendations.
 - Court Administration
 - Copy JAs to ensure judges/commissioners consider late pleadings.
 - Request interpreters for interviews with non-English speakers or translation of non-English documents.
 - Semi-regular meetings are held to ensure process is smooth.
 - Attorneys
 - Supposed to provide (formal service of process) GALs notice of hearings and copies of pleadings (but often forget); Advise GAL to consult Court Odyssey, LINX, and other electronic systems that reflect the court schedule to be sure about scheduled hearings.
 - Facilitators and barriers to your investigation—what attorneys tell a GAL is advocacy and, thus, likely to be in their client’s favor.
 - Clerks

- Provide access to court records for GALs to review sealed documents.
 - Accept court filings (reports and motions)
 - Often maintain the GAL list and process change requests.
 - NOTE: Thurston County, court administration maintains the list.
- Trial courts vs. Appellate courts
 - Trial courts hear evidence, assess credibility of witnesses, make factual findings, apply the law to the facts and issue decisions.
 - Appellate courts decide whether the trial courts made any errors in carrying out their function.
 - Appellate courts are generally limited to facts in trial court record (GALs don't go there).
 - Decide controversies of substantive law and/or procedural fairness.
 - Supreme Court – hears argument on only about 135 cases a year. A small number of family law cases go to Supreme Court.

B. SMALL GROUP DISCUSSION REGARDING WASHINGTON COURTS (SLIDE 16)

1:50 PM – 2:10 PM (20 MINS)

Faculty will divide participants into groups by table and instruct them to discuss their personal experiences in courts with one another. The following are some guiding questions:

- How will your past interactions positively or negatively affect your view of other court professionals?
- How do movies or TV affect your view of different members of the court system?
- Facilitator may interact with individual groups to learn more about participants and add to discussions.

Faculty will spend the last five minutes of the activity in a large group debrief, asking a few tables to share some of the themes that came up in their conversations.

C. ACTIVITY ON WASHINGTON COURT SYSTEM: PIN THE QUESTION ON THE COURT PROFESSIONAL (SLIDE 17)

2:10 PM – 2:30 PM (20 MINS)

For this activity, faculty will have to prepare 4 large posters or flip charts to tape to the wall. They should be labeled as follows: (1) Court Clerk; (2) Judge/Court Commissioner; (3) Attorney; and (4) Court Administrator. Faculty should also bring twenty notecards with the following questions written on them:

1. I need contact information for the parties.
2. I need to timely file my GAL report.
3. I have to amend my report.
4. I need to set a review hearing.
5. How do I get a copy of the court file.
6. I need a protection order because one of the parties has threatened and harassed me.
7. I made a report to CPS, and the court may need to take immediate action.
8. One or both of the parties has not responded to my questionnaire.
9. I was not given notice of a hearing.
10. I need to request an interpreter.
11. I have an idea for a GAL training.
12. When and where do GALs meet to discuss general court process, trainings, problems and ideas?
13. I need to request a private space to meet with a party.
14. I need clarification about my GAL duties in this case.
15. I have too many cases. I need to get off the GAL list for a while.
16. I have serious concerns about the actions of another GAL.
17. I want to move a hearing date to review my report because it will not be ready timely.
18. My GAL report is late. I want to make sure the Judge/Commissioner gets a copy of the report before the hearing.
19. I want a party to sign a release.
20. I need to request additional compensation in this case.

Faculty should hand out the twenty cards to twenty random participants. Faculty should explain that the participants should get up and form a line along the side of the room. One by one, participants should take a piece of tape (brought by faculty) to stick the note to one of the four posters/flip charts with the help of the facilitator and other participants in the room. The facilitator will review the results with participants to ensure understanding.

D. BREAK (SLIDE 18)

2:30 PM – 2:45 PM (15 MINS)

III. OVERVIEW OF COURT PROCEDURE

This segment introduces non-lawyers to civil procedure. Participants will be able to identify the phases of a family law case and the transition points between each phase. Participants will also learn where to access state and local rules of procedure and the ideas underlying the rules.

Learning Objectives (slide 19):

As a result of this training segment, GALs will be better able to do the following:

- Understand the phases of a family law case
- Identify when and why various procedures occur
- Cite and access the rules underlying each procedure
- Recognize the different types of Title 26 cases

A. MINI-LECTURE AND LEARNING POINTS ON CIVIL PROCEDURE (PART 1) (SLIDES 20-25)

2:45 PM – 3:00 PM (15 MINS)

Faculty will spend fifteen minutes explaining civil procedure by analogizing the process to that of building a bridge, as follows:

- Bridge metaphor – Initiation, Planning, Building, Inspecting, Finishing
- Part I – Before You Lay the Foundation
 - Initiation
 - Filing fees
 - GR 34 and waiver of filing fees for persons who are indigent
 - GALs can be appointed at any time in the process
 - Initial Pleadings: Case commences with filing of summons and petition
 - Petition
 - The petition contains allegations that, if proven true, state a claim for relief.
 - Can the court control/does the court have jurisdiction over the person? (personal jurisdiction)
 - Events or persons in the area? (territorial jurisdiction)
 - Can the court control the subject? (subject matter jurisdiction)
 - Children (UCCJEA jurisdiction)
 - Summons
 - Service
 - In-person
 - Must request mail or publication by motion
 - Planning
 - Temporary orders may be put in place at the outset of the case re: parenting time or support
 - Requests
 - Adequate cause
 - Appointment of GAL
 - Adopt temporary parenting plan
 - Set temporary child support/maintenance

- Assign use of assets and/or payment of debts/expenses
- Case schedule
- Emergency (*ex parte*) orders
- Facts to support requests
 - Facts vs. allegations (facts are either undisputed or established, while allegations are facts that are alleged to be true but still need to be proven)
 - Court relies on declarations/documents
 - How to read a motion
 - Statutes
 - Case law (Law/Equity)
- Hearing – date set by moving party or sometimes by the court
- Decision
 - Presentation of orders – moving party usually must author

B. SMALL GROUP DISCUSSION ON PRE-GAL APPOINTMENT COURT PROCESS (SLIDE 26)

3:00PM – 3:15 PM (15 MINS)

Facilitator will provide a copy of preliminary pleadings in a mock court case (this will be handed out as a giant stack of all of the pleadings that can be downloaded from the superior court website). Participants should review the documents as a group and discuss what self-represented parties have managed prior to the GAL appointment. Facilitator may interact with individual groups to learn more about participants and add to discussions.

C. MINI-LECTURE LEARNING POINTS ON CIVIL PROCEDURE (PART 2) (SLIDES 27-32)

3:15 PM – 3:35 PM (20 MINS)

Faculty will continue the discussion of civil procedure in a twenty minute lecture, continuing to analogize to building a bridge, as follows:

- Part II – Erecting a Stable Bridge
 - Building
 - GAL
 - Faculty should tell participants this will be discussed in depth during the rest of the training
 - Key obligation is to timely file report and provide copies to all parties 10 days before hearing and 60 days before trial
 - Discovery
 - Parties to exchange relevant information as requested
 - NOTE: GAL file is discoverable. GAL must provide copies to all parties on request
 - Experts
 - Parties may engage experts in specific fields to provide court with additional information
 - Inspection
 - Settlement
 - Mandatory conference
 - Alternative dispute resolution
 - Settlement offers
 - Pre-Trial
 - Thurston County:
 - Mandatory parenting seminar
 - Mediation (waiver if DV)
 - Motions regarding
 - Temporary orders
 - Review of GAL report
 - Evidence
 - Summary Judgment (rare in family law)

- Trial setting
 - Finishing
 - Trial
 - Petitioner presents case
 - Testimony
 - Documents
 - Experts (if any)
 - Respondent presents case
 - Same
 - GAL testifies (sometimes)
 - Preparing for testimony
 - Parties argue application of facts to the law
 - Court decides
 - Presentation – petitioner usually must author
- Rules of procedure
 - Civil Rules (CR)
 - Guardian ad Litem Rules (GALR)
 - Local Rules (TCLCR)
 - Evidence Rules (ER)

D. ACTIVITY ON CIVIL PROCEDURE: JEOPARDY GAME (SLIDES 33-85)

3:35 PM – 4:10 PM (35 MINS)

Civil Procedure Jeopardy – Participants will affirm their understanding of the preceding lectures through a game designed to be fun. Participants will divide into 3 groups. The facilitator will have, as part of the PowerPoint presentation, a Jeopardy game where procedures and rules are the answers.

E. MINI-LECTURE: INTRODUCTION TO TITLE 26 CASES (SLIDES 86-88)

4:10 PM – 4:25 PM (15 MINS)

Faculty will advise participants that we will not be going through the individual statutes in detail at this training, and that it will be important that they take some time reviewing those statutes on their own, particularly if they are not attorneys and are not used to reading statutes. In so doing, faculty should explain that the mini-lecture here is only an overview of the types of cases that they will see as Title 26 GALs, and that they should take the time to learn more about each of these types of cases on their own time. Faculty should then give an overview of the different types of cases in terms that non-attorneys can understand so that they are prepared to join the attorneys for the following three days of the training with a rudimentary understanding of the types of cases they might be appointed to as GALs.

- Dissolution
- Parentage
- Defacto parentage
- Modification/Adjustment of Child Custody/Visitation
- Relocation
- Non-parental Custody
- Domestic Violence Prevention (DVPO) cases

IV. CLOSING AND EVALUATIONS

4:25 PM – 4:30 PM (5 MINS) – SLIDE 91

As evaluations are being handed out, faculty should close the day by quickly explaining that GALs can improve the decision-making process of a complex family law legal system. GAL rules and process have developed over the years to ensure that GALs will provide relevant information to the court to ensure the court's orders are in the best interest of the children. The training over the next few days will start GALs on the road toward supporting those interests. But like any profession, GALs must seek continuous education and improvement. The process is fair and just when the system expends significant efforts to treat all litigants with respect and dignity and the court views all relevant facts through a legal and equitable lens. GALs are

an essential component to justice, and we appreciate your willingness to serve.

When faculty is finished, participants should be encouraged to take a few minutes to provide helpful feedback, as we are constantly looking to improve the curriculum.

DAY TWO

March 6, 2018

9:00 AM – 5:00 PM

I. INTRODUCTIONS AND ICE BREAKER

9:00 AM - 9:05 AM (5 MINS)

Before the training begins, judicial officers, AOC representatives and faculty/staff will greet participants as they arrive, directing participants to their seats. Participants will be seated at tables of no more than eight per table.

A. INTRODUCTIONS AND INFORMATION (SLIDE 1)

9:05 AM – 9:15 AM (10 MINS)

The lead faculty, AOC representative, or a judicial officer should take five minutes to welcome participants to the training. Faculty should explain that non-attorneys attended a half-day mini-law school training the day before, and so this training will not spend three days talking about the law. Faculty will explain that this training is intended to be interactive, and that the goal is to prepare participants to become GALs in the State of Washington. Faculty should share information related to logistics, including location of bathrooms, water fountains, Wi-Fi passwords, mandatory use of microphones by faculty and participants for accessibility reasons, etc.

Faculty can then share with participants what National Day it is, in honor of Judge Hirsch, who did this every morning of the first pilot, and who was instrumental in the development of the curriculum.

B. Ice Breaker (Slides 2-3)

9:15 AM 9:30 AM (15 MINS)

At the tables, participants will be asked to discuss amongst themselves:

- Their names

- Their experience in family law cases
- Why they decided to become a GAL

After the tables have had ten minutes to discuss the topic, faculty should take five minutes and ask them to share a few of the reasons they came up with. After hearing from participants, faculty can pull up the slide and make a joke about how none of us do this to make millions, and really most people want to become GALs because they want to make a difference and help families. Faculty should applaud participants for making this choice, assure them that it can be an incredibly rewarding experience, and tell them that we are hopeful that they will be even more excited about this opportunity after the next three days.

II. HOW DO I BECOME A GAL?

9:30AM – 9:45 AM (15 MINUTES) – SLIDES 4-9

Faculty will begin this section by saying that we know that the first question on many of their minds is how they even become a GAL. Faculty from the AOC will take approximately 15 minutes to describe the process for becoming a GAL in the State of Washington and any variation from county to county.

III. WHAT DOES IT MEAN TO BE A GAL?

9:45 AM – 10:20 PM (35 MINUTES) – SLIDES 10-20

This segment will introduce participants to GAL practice in Title 26 cases. It will focus on the roles and responsibilities of the GAL and how GALs can most effectively assist the court in making sound and safe custody determinations. Participants will learn about the players involved in Title 26 cases, the distinct roles they play, and the aptitudes essential to effective GAL practice, including the passion and commitment that a GAL needs to sustain good practice over the long term.

Faculty qualifications:

Ideally, this segment will be team taught by a judge hearing family law cases, an experienced GAL and/or an attorney in Family Law Cases.

Learning Objectives: (Slide 11)

As a result of this segment, participants will be better able to:

- Demonstrate an understanding of the role of a GAL in the broader context of a Title 26 case
- Articulate the relationship between the scope of a court's appointment order and the GAL's duties in a given case.

A. MINI-LECTURE AND LEARNING POINTS ON WHAT A GAL IS AND DOES (SLIDES 11-20)

9:45 AM – 10:00 AM (15 MINS)

Faculty will provide a fifteen minute lecture on what the rules say a GAL is and what a GAL does, including the GAL's role in Title 26 cases. In this min-lecture, faculty will cover the following learning points:

- What is a GAL? GAL Rule 2: A GAL is a neutral individual appointed by the court to represent the best interest of the child(ren), an adjudicated incapacitated person, or an alleged incapacitated person.
- Authority of GAL: GAL Rule 4 sets forth the authority the court grants a GAL in appointing them to investigate and report information to the court that is relevant to the best interests of the children. Rule 4 addresses access to parties, files and records; notice of hearings, motions and any proposed agreements among the parties; participation in all proceedings, including the right to file documents with the court and respond to discovery, note motions and request hearings, introduce exhibits and examine witnesses, participate in proceedings through written reports and, with court's consent, present oral argument.
- Roles and responsibilities of GAL:
 - Witness vs. advocate

- Not a fact finder (judge)
- Neutral information gatherer (role is to gather information and provide it to the court)
- Not role to teach or counsel
- Should GALs make recommendations? RCW 26.12.175 provides that: "Guardians ad litem under this title may make recommendations based upon his or her investigation, which the court may consider and weigh in conjunction with the recommendations of all of the parties." Faculty will discuss that there is an ongoing and robust debate about whether it is appropriate for GALs to make recommendations and will encourage participants to make recommendations only when asked to do so and when able to do so based on the scope of the order. GALs should resist the urge to micromanage a family's interactions with detailed recommendations.
 - Consider only offering recommendations when asked to do so.
 - Limit recommendations, when made, to the scope of the order and the limits of GAL's training and expertise.
 - Make sure there is a logical nexus between facts and recommendations (organize information according to statutory factors).
 - When making recommendations, consider providing alternatives—one set of recommendations based on one conclusion (e.g., there is a finding of DV) and an alternate set of recommendations based on an alternate conclusion (there was no finding of DV).
- Rule 6 discusses the GAL's role as opposed to other professionals. It is important for GALs to identify limitations in their own expertise. The GAL's role is not to be an expert in the subject areas relevant to child well-

being, but to recognize the limits of their knowledge and skill.

- It is important that GALs understand that even if they are an expert in a particular area (e.g., mental health professional), their role as the GAL is different from that other role (e.g., it is not appropriate for a GAL to diagnose a parent in the role of GAL or for attorney to advise parties in GAL role)
- WA GAL Rule 2:(l) Appear at hearings. The guardian ad litem shall be given notice of all hearings and proceedings. A guardian ad litem shall appear at any hearing for which the duties of a guardian ad litem or any issues substantially within a GAL's duties and scope of appointment are to be addressed. (Important to explain that they may be called to testify on a case, and so it is essential that they do a thorough job)
- Scope of GAL appointment: GAL Rule 2 (j) covers the scope of the GAL's appointment: "Limit duties to those ordered by court. A guardian ad litem shall comply with the court's instructions as set out in the order appointing a guardian ad litem, and shall not provide or require services beyond the scope of the court's instruction unless by motion and on adequate notice to the parties, a guardian ad litem obtains additional instruction, clarification or expansion of the scope of such appointment."

B. STATE FARM COMMERCIAL (SLIDES 21-22)

10:00 – 10:05 AM (5 MINS)

Faculty will show the State Farm Commercial ("Jacked up" <https://www.youtube.com/watch?v=ultPAIkFoRw>), to show how written words alone do not tell the entire story. Faculty will explain that this commercial is a good metaphor for the GAL's role as a "neutral advisor to the court... who can offer a common sense impression to the court," *Rernando v. Nieswandt*, 87 WnApp 103

(1997), when the written words in the pleadings tell complex, incomplete, confusing or conflicting stories that raise questions about the family dynamics.

C. THE GAL'S ROLE IN TITLE 26 CASES (SLIDES 23-31)

10:05 AM – 10:20 AM (15 MINS)

Faculty will provide a fifteen-minute mini-lecture on the GAL's specific role in the different types of Title 26 cases. Faculty should use this opportunity to remind participants that there are materials posted on the website with links to the various laws covering each of these topics, and that we will not be going through the tedious statutes here but that all participants should take the time to familiarize themselves with the various laws before serving as a GAL.

- Dissolution: Parents are divorcing and a parenting plan must be ordered by the court.
 - Role of GAL is to investigate and inform the court on issues relevant to the statutory factors.
- Parentage: Parents are not married and a parenting plan must be ordered by the court.
 - Role of GAL is to investigate and inform the court on issues relevant to the statutory factors.
- De Facto Parentage: Person who does not have status of legal parent seeking parental rights under doctrine of de facto parentage.
 - The role of the GAL is to investigate and inform the court on issues relevant to the common law doctrine of de facto parentage: 1) natural parent consented to and fostered parent-like relationship; 2) petitioner and child lived together in same household; 3) petitioner assumed the obligations of parenthood without expectation of financial compensation; 4) petitioner has been in a parental role for a length of time sufficient to have established with the child a bonded, dependent relationship, parental in nature; and 5) petitioner has fully and completely

undertaken a permanent, unequivocal, committed, and responsible parental role in the child's life.

- Modification/Adjustment of Child Custody/Visitation: A parenting plan was ordered by the court in the past, but one or both parties are seeking to change the parenting plan.
 - Role of the GAL is to investigate and inform court on issues relevant to substantial change of circumstances and statutory grounds for modification.
- Relocation: One of the parents is seeking to move the child to a new location.
 - Role of the GAL is to investigate and inform court on issues relevant to the objection to relocation, including statutory relocation factors and weighing benefit against detrimental effect.
- Non-parental Custody: A person who is not a parent has petitioned the court for custody (i.e., grandparent or other relative).
 - Role of GAL is to investigate and inform the court on the actual detriment of placing with a fit parent NOT best interests (see Custody of Shields; conflict between statute and case law).
- Domestic Violence Prevention (DVPO) cases (RCW 26.50): Victims of domestic violence seek protection in the courts for themselves and/or on behalf of minor children.
 - Note that some counties do not appoint GAL until DVPO matter is made concurrent with the dissolution or other family law case before the court, so both are heard together.
 - Recent Supreme Court decision on DVPO and child exposure to DV: Jun. 29, 2017 - 93645-5 - *Rodriguez v. Zavala*
(<http://www.courts.wa.gov/opinions/?fa=opinions.dispan&filename=936455MAJ>)

Finish with a discussion of the concept of HUMBITION (humility and ambition) and the importance of remembering the limited scope of their role as a GAL, regardless of what other expertise they bring to these cases.

D. BREAK (SLIDE 32) 10:20 AM – 10:35 AM (15 MINS)

E. ACTIVITY: SCOPE OF THE GAL APPOINTMENT (SLIDES 33- 34)

10:35 AM – 10:55 AM (20 MINS)

Faculty will ask participants to open the materials packet and turn to the **Order Appointing GAL** in the **Foster v. Jones** case scenario.

Faculty will instruct participants to spend approximately ten minutes reading through the Order Appointing Guardian ad Litem for a Child. As they do this, participants should be asked to identify the following:

- What type of case is this?
- What is the GAL's role in this type of case?
- What is the scope of the GAL's appointment pursuant to the Order?

After participants finish reviewing the Order, faculty should take approximately five minutes to call on participants to share what they found, ensuring that they identify the following before moving on to the next section:

- case = parentage case
- GAL's role in parentage case = To investigate and inform the court on issues relevant to the statutory factors in RCW 26.26
- scope of the GAL's order = (1) all issues related to making a parenting plan for these children; (2) criminal history of both parties; (3) mental health issues of respondent's paramour; physical health issues of Jacquelyn, (4) sexual abuse allegations against petitioner; (5) criminal background and child

abuse history of respondent's paramour; and (6) any other issues that could affect the safety of the children.

Faculty will then show slide 35, and will spend approximately five minutes discussing what you do after you receive the order of appointment, including:

- seeking clarification of order, if necessary (how)
- obtaining pleadings through Odyssey
- Requesting child protection files

F. MINI-LECTURE: UNDERSTANDING THE PLEADINGS (SLIDES 35-37)

10:55 AM – 11:10 AM (15 MIN)

Faculty will provide a mini-lecture on reading pleadings in Title 26 cases, focusing on the following topics:

- The different types of pleadings in family law cases, including:
 - Motions
 - Summons
 - Petitions
 - Declarations
 - Orders
 - Proof of services
 - And less common ones such as residential schedules, financial declarations, sealed personal health care records, sealed confidential reports, criminal history record, ICWA notices, declarations re: service members relief act, notice re: military dependent
- The difference between facts and allegations: To this point, faculty should explain that just because a fact is alleged in the pleadings, it should not be automatically taken as true. Participants should understand that facts are not the same as allegations, and that allegations require further investigation.

G. ACTIVITY: NAVIGATING THE PLEADINGS (SLIDE 38)

11:10 AM – 11:50 PM (40 MIN)

Faculty will begin this activity by asking participants to return to the materials packet under the **Foster v. Jones** case scenario and take approximately fifteen minutes to read the remainder of the pleadings, including the **Petition for Parenting Plan, Motion for Temporary Order, and Response Declaration**. Participants will be instructed to return to their small groups to discuss the following for ten minutes:

- What are the undisputed facts?
- What allegations have the parties made?
- What does the GAL need to explore further to satisfy his/her obligation to the court?

For the last fifteen minutes, faculty should call upon tables to share their findings with respect to each question and make sure that they are identifying the proper information.

H. EVALUATIONS (SLIDE 39)

11:50 PM – 12:00 (10 MIN)

Faculty should pass out evaluations for participants to fill out and encourage them to share any suggestions for improvement, as we are constantly seeking to improve the training for GALs in the state of Washington.

I. LUNCH (SLIDE 40)

12:00 PM – 1:00 PM (1 HR)

J. WHO WANTS TO BE A GAL? (SLIDE 41)

1:00 AM – 1:30 PM (30 MIN)

Faculty will conduct a simulated version of Who Wants to be a Millionaire that reviews the content learned over the morning. Questions and answers for this activity are included in the power point slides.

IV. ETHICS AND PROFESSIONAL CONDUCT

1:30 PM – 2:00 PM (30 MINS) – SLIDE 42

This segment will take a close look at the rules of conduct for GALs, highlighting its most important provisions. Participants will take part in interactive exercises to better understand their ethical obligations in real life terms as set forth in the power point slides.

Faculty qualifications:

This segment should be taught by an experienced GAL, attorney, and/or judicial officer

Learning Objectives: (slide 43)

As a result of this training segment, GALs will be better able to:

- Articulate their ethical duties under the code of professional conduct for GALs;
- Apply the ethical standards in practical situations likely to arise in their practice; and
- Understand reasons and processes for GAL removal

A. ETHICS ACTIVITY (SLIDES 44-62)

1:30 PM – 1:55 PM (25 MINS)

Faculty will begin this activity by explaining that GALs in Washington can be disciplined both as GALs and under their own profession's ethics rules– e.g., In the *Matter of the Disciplinary Proceeding Against Joseph P. Whitney*, 155 W.2d451 (2005). Faculty will explain that GALs must self-regulate to make sure that they are conducting their interviews and investigations in an unbiased, neutral, and meaningful way and complying with their own professional rules of conduct and the Washington Code of Conduct for GALs. Faculty will then show power point slides identifying individual fact that add to the Jones v. Foster case scenario and raise ethical concerns, asking participants to share how they should respond to the additional facts. After the group discusses what it thinks the proper response is to each individual scenario, faculty will show slides of the relevant rule and go over the proper response under the rules of ethics before moving on to the next fact.

B. MINI-LECTURE AND LEARNING POINTS ON REMOVAL OF A GAL (SLIDES 63-64)

1:55 – 2:00 PM (05 MINS)

- GAL can ask to be removed from registry by writing letter to registry manager or appropriate court personnel or by not applying to be on registry at next renewal.
- GAL can be removed from registry if fails to meet education and training requirements, misrepresents qualifications, or for any of the following reasons: (1) not suitable to be a GAL; (2) exhibited inappropriate conduct or (3) exhibited questionable conduct in a case.
- Only parties or lawyers associated with particular cases where a GAL's conduct is questioned or allegedly inappropriate may file a complaint against a GAL. The merits of the complaint will be reviewed and, if they have merit, will be forwarded to a GAL committee. GAL committee may set the matter for hearing, which may then be set for trial. The trial court's decision may be appealed to the court of appeals.

V. PERSONAL AND PROFESSIONAL SAFETY AND WELL-BEING

2:00 – 2:20 PM (20 MINS) – SLIDE 65

This segment is intended to help participants develop an awareness of safety issues that may arise through their work as a GAL. This segment will include instruction on physical, professional and emotional safety issues, as well as things to watch for on home visits. It will inform GAL practice that maximizes personal safety and helps GALs identify when it is appropriate to bring safety concerns to the attention of the court.

Faculty qualifications:

This segment should be taught by an experienced GAL

Learning objectives: (slide 66)

At the conclusion of this training segment, GALs will be able to:

- Identify physical, emotional and professional safety issues that arise through GAL work
- Develop a system of strategies that increase GAL personal health and safety
- Recognize when one's concern for safety compromises the investigation

A. MINI-LECTURE AND LEARNING POINTS (SLIDES 67-85)

2:00 – 2:15 (20 MINS)

Faculty should conduct an interactive lecture on the following learning points, calling on participant input as to each issue before exploring the ideas covered in each topic so that there is participant input and participation throughout.

- Vicarious trauma/compassion fatigue and ways to prevent it
- Staying safe on home visits and during interviews; balancing confidentiality with safety
- How and when to bring safety concerns to the court's attention

B. BREAK (SLIDE 86) 2:15 – 2:30 (15 MINS)

VI. CULTURE, BIAS, HISTORICAL TRAUMA & PROCEDURAL JUSTICE (SLIDES 87-134)

2:30 – 4:50 (2 HRS, 20 MINUTES)

This segment will help participants explore the definitions of culture and subcultural context, discuss the dynamics of difference, and identify ways in which culture is relevant to the effectiveness of GALs in Title 26 cases. Participants will also analyze how culture might influence their perceptions of families in these cases.

Faculty qualifications:

This segment should be taught by a professional experienced both in working with individuals from different cultures and teaching on the subject.

A. INTRODUCTION TO TOPIC

2:30 – 2:35 (5 MINS) – SLIDE 87

Participants will receive the following description of this segment:

Participants will formulate definitions of culture, discuss the dynamics of difference, and identify ways in which culture and biases are relevant to GALs in child custody cases. Participants will also analyze how biases and historical trauma might influence their perceptions of participants in these cases, the quality of their investigation, the report, and recommendations to the Court.

Learning Objectives: (slide 88)

At the conclusion of this training, you will be better able to:

- Understand the role of culture in custody cases.
- Articulate how biases operate within individuals, institutions and systems.
- Recognize the impact of culture and biases on case outcomes.
- Explore the concepts of neutrality and Procedural Justice, and examine how they can help counteract bias in custody cases.

B. SMALL GROUP EXERCISE

2:35 – 2:45 (10 MINS) – SLIDE 89

Participants discuss the following questions at their tables:

- What is your cultural identity?
- What aspects of your life, both today and in your upbringing, set you up for success?

C. LARGE GROUP DISCUSSION

2:45 – 2:55 (10 MINS) – SLIDE 90

Faculty will facilitate a large-group discussion of participants' conversations in the small group discussion.

D. MINI-LECTURE AND LEARNING POINTS ON CULTURE

2:55 – 3:10 (15 MINS) – SLIDES 91-100

- What is Culture?
 - The learned behaviors, values and beliefs exhibited by a group of people who share historical and geographic proximity. Culture is dynamic and changes over time.
 - Culture is the shared experiences or commonalities that have developed – and continue to evolve – as social and political contexts change based on:
 - Race
 - Ethnicity
 - National origin
 - Sexuality
 - Gender
 - Religion/Faith
 - Age
 - Class
 - Disability
 - Immigration status
 - Education
 - Literacy
 - Language
 - Geographic location
 - Rural/Urban
 - Culture shapes an individual’s experience.
 - Culture shapes the responses to intervention and affects acceptance of responsibility.
 - Culture does impact custody case outcomes.
- Cultural and Subcultural Context is the intersection and application of culture (race, ethnicity, religion or faith) and subculture (poverty, language, mental and physical disability, literacy, gender, sexual orientation, age, immigration status, religion or faith) to improve the effectiveness of decisions to meet the needs of children and families.
- Privilege and access are created by certain norms against which all other sub-groups are compared.

- In the U.S., attributes of the dominant culture include English as a primary language, “whiteness,” Christianity, physically able, being young, male, economic resources, and heterosexuality.
- Let’s take a look at the culture of the U.S. Court system. When courts were created, what were common assumptions about the litigants who would be using the courts? [**Participants shout out answers for a few minutes.** *Answers: White, male, legal status, able-bodied, educated, English proficient, and affluent..*]
- Laws are developed to meet the needs of the dominant group as defined at the time. [*Allow participants to provide a few examples.*]
- “Cultural Humility” – A three step process:
 - Step 1 has two elements:
 - Awareness of one’s own culture and how it affects others; and
 - Identification of explicit and implicit biases
 - Step 2 has two dimensions:
 - Empathic understanding of oppression and intersectionality (including a power imbalance analysis); and
 - Critical assessment of one's own privilege
 - Step 3 is Institutional Accountability
- Practicing Cultural Humility in the context of custody cases, GALs must remember:
 - Each family is unique.
 - Each family is different in key aspects of each family member’s life.
- Cultural and subcultural context must be explored through respectful but methodical questioning in all cases with a style of questioning that may be less controlling and structured based on the cultural context of each family member.
- The facts of each custody case must be balanced against the law with a constant eye on the impact of culture and subculture.

- The solutions needed to ensure the best interests of children must be based on a clear and careful examination of and respect for family differences and family uniqueness.
- The principles when applying Cultural and Subcultural Context as GALs:
 - *Cultural and subcultural context encompasses more than race and ethnicity.*
 - *Learning a few generalizations about the characteristics of African-Americans, Hispanics, Asians, Native Americans, or the poor does not meet the requirements for working within cultural context.*
 - Rather, learning to question why parents or children respond the way they do will lead to an effective application of cultural and subcultural context.
 - *Culture does shape the law. And the law is ever evolving.*
 - Indeed, cultural and subcultural context provide a backdrop on which judges, attorneys, GALs, custody evaluators and service providers can determine the levels of service, the types of services, and the anticipated impact of those services on the outcome of each custody case.
 - *Cultural and subcultural context requires an understanding of when and how cultural factors affect the way families function.*
 - Examine each family with the assumption that each is a unique entity working within its own environment, which is affected by race, economics, language, disabilities and more.
 - *Cultural and subcultural context must be explored through respectful but methodical questioning in all cases.*
 - The facts of each custody case must be balanced against the law with a constant eye on the impact of culture and subculture in shaping the outcome of each case.

E. SMALL GROUP EXERCISE

3:10 – 3:20 (10 MINS) – SLIDE 101

Participants discuss the following questions at their tables followed by a rapid report back:

- How does your cultural identity and court culture help you in your role as a GAL?
- How can your cultural identity and court culture compromise your work as a GAL?
- What is the culture of the Family Court (Rituals, beliefs, practices and traditions)?

VII. BIAS

3:20 – 4:25 (1 HR 5 MINS)

Faculty qualifications:

Ideally, this morning segment will be instructed by the faculty that instructed the segment on bias the previous day. It is not necessary, however, and any faculty can facilitate this discussion so long as they understand what was taught in the bias segment.

A. VIDEO: “CRACKING THE CODES”

3:20 – 3:25 (5 MINS) – SLIDES 102-103

<https://www.youtube.com/watch?v=Wf9QBnPK6Yg>

B. LARGE GROUP DISCUSSION

3:25 – 3:35 (10 MINS) – SLIDE 104

Faculty will facilitate a large group discussion of the following:

- What was the explicit bias in this video? What was the implicit bias?
- Is there any significance to the child’s response to the interaction? Was the child traumatized to some extent?
- What significance if any is there to the fact that the speaker had to think about what her reaction should be?

- What are your thoughts about the video? Is it applicable to your experience? Why or why not?
- How do people confer a sense of privilege?
- How can you check privilege when serving as a GAL in custody cases?

C. MINI-LECTURE ON IMPLICIT AND EXPLICIT BIAS

3:35 – 3:55 (20 MINS) – SLIDES 105-112

What is Bias?

Begin with a large group shout out: What do you think when you hear the word “bias”? *Faculty scribes on flip chart.*

- Bias can be hard to define. It can be systemic where entire systems engage in historical and current discriminatory policies against certain groups with a resultant negative impact. Implicit bias can operate in conjunction with structural and institutional culture and biases. Meanwhile, institutional or systemic biases run deep. [Use an example here from a court experience.]
 - Implicit and explicit biases are related but they are distinct mental constructs.
 - Explicit bias is conscious.
 - Implicit bias is unconscious.
 - They are not mutually exclusive and may even reinforce each other.

Implicit Bias

- Implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.
- The implicit associations we harbor in our subconscious cause us to have feelings and attitudes about other people based on characteristics such as race, ethnicity, age, and appearance, intellectual and physical disabilities, mental illness, poverty,

regional differences, sexual orientation and much more. These associations develop over the course of a lifetime.

- Implicit biases are **pervasive**. Everyone has them.
 - Consider: Does your communication style change with people who are different than you?
 - Is it a positive or negative change?
 - Could it be a sign of implicit bias?
- The implicit associations we hold **do not necessarily align with our declared beliefs** or even reflect stances we would explicitly endorse.
 - Remember, implicit bias is unconscious.
- A few things to consider when examining bias within a system or institution:
 - What is the demographic profile of the service providers engaged with the family? Are staff members required to undergo meaningful cultural training that is not focused on cultural competency?
 - Is the staff composition inclusive of members from diverse ages, cultural, racial, ethnic, and sexual orientation backgrounds?
 - Are staff members required to undergo meaningful training to address Cultural and Subcultural Context?
 - Does the institutional ethos support inclusion and respectful, substantive discussions of the implications of difference?
- How might biases impact the work of GALs in custody cases?
 - Since implicit bias is unconscious it is often hidden.

- Biases can create barriers for the parties to resolve their issues.
- Biases can impact your decision making.

Large group exercise: Identifying Stereotypes – slide 113

3:55 – 4:15 (20 minutes)

a. Faculty should affix poster board or flip charts to the walls with the following titles before the activity begins:

- American Indian/Alaska Native
- African American
- People with Disabilities
- Muslim
- Immigrants
- Caucasian
- Gay and Lesbian
- Poor
- Asian

a. Faculty should hand post it notes to each table and ask participants to take a look at the various groups that are identified on the charts posted on the walls. Participants will then be asked to write on the post-its provided at their tables the common stereotypes or misinformation for each of the groups identified on the charts as they pertain to males and females. Once the participants have written the stereotypes on the post-its, they will place the post-its on the appropriate poster. Faculty should remind participants that they are being asked to think about misinformation that is “out there in the world” and awareness of stereotypes does not mean that they believe in them. Participants are asked not to judge themselves or their colleagues; they are only writing what they have seen or heard.

b. After approximately ten minutes, faculty should review some of the themes that emerged on each of the posters, asking the large group the follow discussion questions for approximately ten minutes of discussion:

- Where do these stereotypes come from?
- How did you feel in attempting to identify these stereotypes?
- How do our stereotypes about affect our perceptions of children and families?

**D. MINI-LECTURE ON BIAS AND HISTORICAL TRAUMA/
NEUTRALITY & PROCEDURAL JUSTICE**

4:15 – 4:30 (15 MIN) – SLIDES 116-124

Faculty will give a mini-lecture on historical trauma and how a history of power, privilege and oppression involving native peoples, slavery, and women, immigrants creates an environment that impacts the health of families.

- Dr. Maria Yellow Horse Braveheart (1999) conceptualized historical trauma as a “constellation of characteristics associated with massive cumulative group trauma across generations.”
- A phenomenon labelled intergenerational trauma (or historic trauma, collective trauma, transgenerational grief, historic grief) has been seen in descendants of trauma. “A collective complex trauma inflicted on a group of people who share a specific group identity or affiliation – ethnicity, nationality, religious affiliation. It is the legacy of numerous traumatic events a community experiences over generations and encompasses the psychological and social responses to such events.”
- The effects on individuals of trauma coupled with ongoing oppression can result in behaviors that can cause challenges for parents and children in terms of coping.
- Historical/Intergenerational trauma has real life consequences on Native and African American children NOW. TODAY. This is not just an historical issue.

So when historical trauma and bias collide, the result could lead us to:

- **Confirmation Bias:** This form of bias allows a person to hold on to information that confirms a view that the person might have while ignoring or rejecting information that would challenge that view. This form of bias equals lost objectivity. For GALs in custody cases, this form of bias is easy to employ and literally stops effective decision making and slows information processing.
- **Racial or Cultural Anxiety:** Biases may trigger behaviors in the person you are working that leads to heightened levels of stress

and emotion when interacting with persons of a different race or culture. Consider if everyone in a conversation anticipates hostility, it often will appear.

- **Stereotype Threat:** Biases may also trigger a fear that you will judge the person based on stereotypes. This dynamic is often seen in education circles. Remember “Cracking the Code.” She said she knew she could not say anything because she would be viewed as another “angry black woman.”

Large Group Discussion: Participant responses will be recorded on a flip chart. – **Slide 124**

- Why do you think it is important to understand various forms of trauma, particularly historical trauma, in the context of culture and bias?

Following the large group discussion, the following points should be made:

- Communities of people are still dealing with the effects of historical trauma.
- Historical trauma can lead to increased vulnerability in some populations.
- In fact, historical trauma is not historical – it is here now.
- Historical trauma may play a role in the way litigants, including children, view you.

Final Point: “We do not see things as they are; we see things as we are.”- Anais Nin - slide 125

VIII. NEUTRALITY AND PROCEDURAL JUSTICE

4:30 – 4:45PM (15 MINS)

A. LARGE GROUP DISCUSSION (SLIDES 126-128)

4:30–4:40 (10 MINS)

- Faculty facilitates a large group discussion as faculty records responses on the flip chart. The participants first respond to the following questions:

Can you think of a time when you had to wait in a long line?

Can you think of a time when someone cut in front of you in line because they knew someone ahead of you?

What about a time when someone skipped the line all together?

Can you think of a time when you were involved with a person in a position of authority who did not seem concerned with explaining something important to you?

How did you feel when you were put in these situations?

How do you wish you were treated?

B. MINI-LECTURE/FINAL POINTS ON NEUTRALITY AND PROCEDURAL JUSTICE

(Slides 129-138)

4:40-4:50 (10 MINS)

Procedural Justice has four principles or pillars and. The four principles or pillars are:

- Fairness in the process
- Transparency in actions
- Opportunities for voice
- Neutrality or impartiality in decision making

And today you can add:

- Practicing Cultural Humility
 - Everyone has a cultural identity – including the judge, the parties, attorneys, court staff, service providers and you as GAL.

- Remember, it takes time for people to accept new systems and ideas especially in times of conflict.
- Remember that feelings **fuel** bias. That is why it is important to examine our feelings about groups.
- Remember that explanation ≠ justification.
- Identify your own biases as you consider cultural and subcultural context to avoid cultural misinformation or stereotypes. How?
 - Audit yourself.
 - Question your own objectivity.
 - Reflect on the people you serve and their responses to you.
 - Take action to reduce anxiety for the litigants and resist bias in concrete ways.
- Understanding the cultural and subcultural context of parents and children can help shape appropriate responses in custody cases that will promote procedural justice.
- This is what you do every day as a GAL: Consider each case based on the individual facts and circumstances, not on generalizations or assumptions.

IX. CLOSING & EVALUATIONS

4:50 – 5:00 (10 MINS) – SLIDE 139

Lead faculty will come back to conduct the day’s closing, providing a quick recap of the topics covered, including What it means to be a GAL, the importance of always following the rules of ethics and ensuring self-care that keeps the GAL safe, whether physically, professionally, or emotionally. Faculty should also talk about the importance of understanding culture and bias, and how those impact the role of the GAL and all professionals.

Faculty should thank participants for their hard work and patience over the course of the day and pass out evaluations for participants to fill out. Faculty should encourage participants to take a few minutes

to share any suggestions for improvement, as we are constantly seeking to improve the training for GALs in the state of Washington.

DAY THREE

NOVEMBER 7, 2018

9:00 AM – 5:00 PM

I. WELCOME, INTRODUCTIONS, VIDEO: UNDER THE SURFACE

9:00 – 9:10 (10 MINS) – SLIDES 1-4

Lead faculty should welcome participants back and remind them about Wi-Fi passwords, bathrooms, and any other logistics. Faculty should also share what the national day is that day.

Faculty will show the video, Under the Surface, available at <https://www.youtube.com/watch?v=AZ-pU7ozt3g>

After the video, faculty should ask participants to remember that everybody has challenges that lie under the surface, including themselves, and that they should keep this in mind to keep their own biases in check, but also to remember to be compassionate to the families that they encounter, as they will undoubtedly find them at some of the hardest times of their lives. Faculty should remind participants about the previous day's conversations about bias and talk about the importance that they not jump to conclusions or make assumptions based on incomplete information. Faculty should explain to them that they will rarely have full information about what is going on in their lives, just as others rarely have full information about what is going on in participants' lives.

Faculty will explain that this day will cover some of the common challenges facing families involving in Title 26 cases, including domestic violence, mental illness, and substance abuse. Faculty should explain that the day will also cover trauma and resiliency, and will explore ways that parents can help improve outcomes for children despite these hardships. Faculty will then introduce the faculty for the Domestic Violence segment.

II. DOMESTIC VIOLENCE

9:10 AM – 11:50 PM (2 HRS, 40 MINS) - SLIDES 5-52

This segment is intended to raise awareness of domestic violence and its relationship to children and parenting. In this segment, GALs will be introduced to the SAFeR approach to domestic violence decision-making in child custody cases, with a specific focus on the nature, context, and potential effects of domestic violence. GALs will develop practical skills to recognize and respond to real life experiences of domestic violence, which vary from case-to-case and among family members within the same case.

Faculty qualifications:

This segment should be taught by an expert in domestic violence.

Handouts:

- SAFeR Framework
- Blue Worksheet on Screening for IPV
- Basic IPV Screening Guide
- Green Worksheets on Assessing IPV
- Orange Worksheets on the Effects of IPV

Learning Objectives: (Slide 6)

As a result of this training segment, GALs will be better able to:

- Apply a systematic, behaviorally-specific method of recognizing and understanding the nature, context, and potential effects of domestic violence on children and parenting;
- Analyze the impact of domestic violence on children, parenting, and the best interests of the child; and
- Develop concrete recommendations about parenting plans that account for the context and implications of abuse.

A. MINI-LECTURE ON THE SAFER APPROACH TO DV-INFORMED DECISION MAKING

9:10 AM – 9:20 AM (10 MINS)

Faculty will distribute handouts of the SAFeR model and discuss its basic features.

- Elements of SAFeR
 - Screening for IPV
 - Assessing the Nature and Context of IPV
 - Focusing on the Effects of IPV
 - Responding to IPV
- Basic features of SAFeR
 - No assumptions
 - Color coding
 - Useful to all practitioners in all family court settings
 - Different disciplines implement the approach differently
- Cautions
 - Deceptively simple – it’s harder than it looks.
 - People tend to skip the intermediate steps – they are most important.
 - Effects of IPV may or may not include trauma, and often extend beyond trauma.
- Explain that this segment will focus on the two intermediate elements of SAFeR (nature/context and effects of IPV) – and that we will return to screening for IPV and responding to IPV later. That’s because:
 - It’s easier to practice screening when you know what you’re looking for and why.
 - It’s important to consider the entire case – which can include DV in the context of other important issues – when fashioning appropriate responses. So, we want to cover some more ground before we discuss potential outcomes and interventions.

B. LARGE GROUP ACTIVITY: NATURE AND CONTEXT OF IPV

9:20 AM – 9:25 AM (5 MINS)

Faculty will ask participants the following question: “What does the term domestic violence mean to you?” Flipchart responses in five columns (or on five separate sheets):

- Column 1: Behaviors (hitting, punching, isolating, controlling)
- Column 2: Categories (physical, sexual, emotional, financial)
- Column 3: Labels (abuse, coercive control, IPV, common couple/separation abuse)
- Column 4: Legal Definitions (knowingly cause physical harm to a family member)
- Column 5: Assumptions (abusers are bad parents; survivors need this outcome or that)

Explain that all of the answers are, at least theoretically, “correct” – Different people use the same words to mean different things, sometimes in different contexts. So, when professionals ask parties about DV – or when parties tell professionals about DV – they may be talking past each other. For purposes of this training, it’s less important how we label things (whether we call it “domestic violence” or “domestic abuse” or “IPV”) than it is to understand what is actually going on, without making a lot of untested assumptions. That is, we need to figure out who is doing what to whom (as opposed to what we call that or what we should do about that). What is going on might or might not meet the legal definition of DV – but that’s not what this segment is about. It’s about seeing and hearing – not spinning or judging what we see and hear.

End discussion by offering a broad definition of domestic violence: *“Any incident or pattern of behavior directed towards a current or former partner that results in physical, emotional or psychological harm, sexual or reproductive coercion, economic control, and/or coercive interference with personal liberty.”* Adapted from U.S. Department of Defense DV policy.

C. LARGE GROUP ACTIVITY: GAL INTERVIEWS

9:25 AM – 9:50 AM (25 MINS)

Faculty will ask participants to view a series of interviews in a simulated child custody case involving 5-year old Gracie, whose parents recently separated. Participants will observe the GAL interview Gracie's parents (Slim and Mitch), Gracie's paternal grandmother, Slim's friend, Gracie's teacher, and Gracie herself. Participants should assume that the GAL has spoken to the parties about a lot of other issues – and that they are just seeing the parts of the interviews related to DV. Faculty will instruct participants to pay attention to what the GAL learns about DV – because that's what we're going to talk about at the end of the clips.

- Show video clip of GAL interviews (9:35-9:45)
- Facilitate large group discussion (9:45-9:55)
 - What facts did the GAL uncover about DV from these interviews?
 - Undisputed incident of abuse
 - Occurred when Slim confronted Mitch about an affair
 - Minor visible injuries
 - No call to police
 - No medical attention required
 - No request for a protection order
 - It never happened again
 - Without more information, what inferences might the GAL draw?
 - One-time, relatively minor, isolated incident
 - “Situational” – precipitated by an affair
 - No impact on Gracie
 - No effect on parties' capacity to parent
 - No effect on prospects for co-parenting
 - Given that, what parenting recommendations is the GAL likely to make?
 - Joint custody (use WA statutory language)
 - Liberal parenting time (use WA statutory language)

D. BREAK

9:50 AM – 10:05 AM (15 MINS)

E. LARGE GROUP ACTIVITY: “ENOUGH” CLIP

10:05 AM – 10:35 AM (30 MINS)

Faculty will explain that facts are almost always incomplete – and that there may be a lot going on behind the scene. Participants will view a clip from the film *Enough* – and faculty will facilitate a discussion of the additional facts about DV that are revealed. Faculty should inform participants in advance that they will witness an assault – that the content of the clip is disturbing – and that viewer discretion is advised.

- Show video clip (10:05-10:17)
- Mini-lecture on context (10:17-10:20)
 - We now have a different context about what’s going on with Mitch and Slim
 - Context means three things:
 - Intent – what is the person using violence trying to achieve?
 - Meaning – what does the violence signal to the targeted person?
 - Effect – what are the consequences for all people involved?
- Large group debrief of *Enough* (10:20-10:35)
 - What was Mitch trying to achieve by using violence against Slim?
 - What did Mitch’s violence signal to Slim?
 - What are the consequences for Slim and Mitch?

F. MINI-LECTURE ON CONTEXT AND COERCIVE CONTROL

10:35 AM – 10:45 AM (10 MINS)

- Describe three contexts of abuse
 - Coercive control
 - Violent resistance

- Abuse unrelated to coercive control
- Define and distinguish the features of coercive control
 - Definition: A harmful course of conduct that subordinates the will of a current or former partner by:
 - Violating their physical integrity (domestic violence)
 - Denying them respect and autonomy (intimidation)
 - Depriving them of social connections (isolation)
 - Denying them access to resources or means of escape (control)
 - Distinguishing feature:
 - Entrapment
 - (Not psychological, but structural)
- Social supports for coercive control
- Note that behaviors are not aberrant because they coincide with cultural values, expectations, and norms.
- Examples:
 - NY Times coverage of NFL Wives
 - Religious doctrine (traditional gender norms)
 - Cultural training (traditional gender norms)

G. LARGE GROUP DEMONSTRATION: NATURE AND CONTEXT WORKSHEETS

10:45 AM – 10:55 AM (10 MINS)

Faculty will distribute worksheets on the nature and context of IPV and provide a brief overview of how they work. Harkening back to Enough, faculty will demonstrate, with audience participation, how a GAL can use the worksheets to deepen their understanding of “what’s going on” with respect to IPV – and to identify gaps in their information base, which would require further attention.

H. LARGE GROUP DEMONSTRATION: EFFECTS OF IPV

10:55 AM – 11:00 AM (5 MINS)

Faculty will distribute worksheets on the effects of IPV and provide a brief overview of how they work, paying particular attention to the effects of IPV on:

- Safety (risk factors)
- Victim's parental wellbeing (housing, employment, immigration, etc.)
- Child's safety and wellbeing (problems abuse creates for kids)
- Best interests (state law governing the case)

I. SMALL GROUP EXERCISE: EFFECTS OF IPV

11:00 AM - 11:25 AM (25 MINS)

Participants will be divided into four large groups based on quadrants of the room. Participants will be asked to turn to the worksheet entitled "Focusing on the Effects of IPV." Each group will be assigned one of the four columns (i.e., Risk of Harm/Lethality; Victim's Parental Wellbeing; Children's Safety/Wellbeing; and Best Interests) and will be asked to come up with three questions to ask Slim that will explore the effects of the IPV on Gracie and Slim. After they have had a chance to prepare these questions, the faculty member will pretend to be Slim, and will have them take turns asking their questions of her in front of the entire group while role playing a parent survivor that has to answer the questions. This exercise will help them explore both how to craft questions that look at the effects of IPV on parenting while also introducing them to the challenge of asking questions that can be easily answered. The timing for this activity should be as follows:

- Small group preparation in crafting questions to ask Slim (11:00-11:10)
- Follow-up interview of Slim in large group format (11:10-11:25)

J. SCREENING FOR IPV

11:25 AM - 11:55 AM (30 MINS)

LARGE GROUP EXERCISE: BARRIERS TO DISCLOSURE OF IPV

11:25 AM – 11:30 AM (5 MINS)

Faculty will facilitate a conversation about barriers to candid conversations about DV utilizing the following set of questions:

- What makes it hard for us, as GALs, to talk about DV, especially early on in a case?
- What makes it hard for parties to talk about DV, especially to GALs?
- What makes it hard for collateral sources, including children, to talk about DV?

MINI-LECTURE ON SAFE AND INFORMED DISCLOSURES

11:30 AM – 11:35 AM (5 MINS)

Faculty will present a mini-lecture on the elements of safe and informed screening protocols.

- Systematic and universally applied
- Behavioral specificity
- Multiple forms of abuse
- Attuned to past and present abuse
- Alert to risk factors
- Explanations:
 - Role and function in the case
 - Why you're asking about it
 - How information will be used
 - Whether and how information will be shared
 - Whether information will be in your report
 - Scope and limits of confidentiality
 - Duty to report

MINI-LECTURE ON SAMPLE DV SCREENING GUIDE

11:35 AM – 11:45 AM (10 MINS)

Faculty will introduce the DV Screening Guide and present an overview of how it works.

K. DV SEGMENT LEARNING POINTS

11:45 AM – 11:50 PM (5 MINS)

SAFeR recap

- Individualized assessment
- Worksheets graphically describe what you have to account for in recommendations.
- Can't take short cuts.
- Approach helps you avoid common pitfalls.
- It takes practice.

L. EVALUATIONS

11:50 PM – 12:00 PM (10 MINS)

M. LUNCH (SLIDE 53)

12:00 PM – 1:00 PM (1 HR)

III. CHILD DEVELOPMENT AND DEVELOPMENTAL DELAYS

1:00 PM – 2:00 PM (1 HR)

This segment will introduce GALs to the basic principles of child development and provide them with strategies for assessing the developmental needs of children from a parenting perspective. While GALs should leave this session with a better understanding of human development, they will not become experts on child development. Instead, GALs will be better able to recognize behaviors or other signals that a child has special needs or that the child's development has been disrupted and will be better equipped to respond appropriately by making referrals and providing relevant information to the court. This segment will also introduce GALs to the idea that some cases will involve developmental delays of children. This segment will explain how certain delays can impact parenting or guide

parenting plans that ensure the parents' constitutional right to parent while keeping children safe and supported.

Faculty qualifications:

This segment should be taught by an expert in child development, social worker or mental health professional. Ideally, this segment will be team taught with a GAL or family law attorney who can help keep the discussion focused on what a GAL needs to know about this topic, rather than delve in too much depth into the nuances of child development.

Learning Objectives: (slide 56)

As a result of this training segment, GALs will be better able to:

- Outline patterns of physical, emotional, cognitive, and social development for a typically-developing child, including age appropriate needs
- Understand how loss and grieving impact a child's experiences and development
- Examine children's resources and stressors in light of what each parent contributes

A. MINI-LECTURE AND LEARNING POINTS ON TYPICAL CHILD DEVELOPMENT (SLIDES 57-64) 1:00 PM - 1:15 PM (15 MINS)

Typical development (1:00-1:10)

Faculty will conduct a very brief ten minute mini-lecture introducing participants to what typical child development looks like. Faculty should ask participants to look at the **Child Development Handout** and **Developmental Responses to Divorce Handout**, which describe children's developmental stages at different ages and differing responses to divorce based on age. Faculty should walk through some of the highlights of the handout for each age group, while showing slides that label different ages from The Center for Parenting Education, <https://centerforparentingeducation.org/library-of-articles/child-development/child-development-by-age/>. Faculty

should use slides 56-59 as an outline for describing each stage, while specifically referring to those child development stages in the handout to help participants identify this as a resource they can use when reviewing their cases.

Faculty should then cover the following learning points:

- Children experience periods of equilibrium and disequilibrium, which is a normal part of development. Children enter disequilibrium when they are learning new tasks and skills and then return to equilibrium once they have accomplished those tasks. If faculty is not familiar with this concept, they should review the content at <https://centerforparentingeducation.org/library-of-articles/child-development/developmental-stages-the-roller-coaster-of-equilibrium-and-disequilibrium/>, which explains this concept in a way that is easily understood by non-professionals.
- Development comes from a dynamic interaction between the child's biology and his or her environment. Temperamental differences from child to child can impact a normally developing child's responses to divorce. The temperamental (fit) between child and parent can impact the responses of normally developing children in relationship and to their environment. Development should be understood in the context of a child's family, community and historical roots.
- A child's relationships comprise the most important part of the child's environment. Human relationships, specifically to attachment figures, are the foundation for healthy development in every sphere of development: physical, emotional, cognitive and social. In relationship to the attachment figure, a child moves between needs for security and proximity to the attachment figure when distressed and needs for exploration or play away from the attachment figure when not distressed. This pattern continues throughout the child's lifespan (faculty should explain how they define "lifespan" if including this language).

- Children have developmental tasks to accomplish at each developmental level:
 - infancy: attachment and basic trust
 - toddlerhood: autonomy, beginning verbal communication and a point of view
 - preschool: initiative, good language skills, and increasing independence
 - elementary years: competence in academic and social skills
 - teen years: a sense of self and identity, as well as the growing ability to be separate from parents
- In order to accomplish these tasks, children’s basic needs must be met at each developmental level (e.g., a child needs consistent interaction with a caregiver during infancy in order to develop attachment and language). Multi-aged children in a family increase the complexity of accomplishing children's basic needs and will sometimes need strategies to mediate differing needs.
- Specific ways in which domestic violence; substance abuse; and mental illness can impact typical child development. Need to be open-minded in the context of an assessment, since children can look different in different contexts.

Common challenges affecting children (1:10-1:15)

In addition to addressing typical development in children, faculty should discuss in this portion common challenges that affect children, how they are first identified, how they impact children, including their basic needs, and the relevance to parenting. Faculty should explain that there is not time in a training of this sort to become experts on these topics, but that they should simply recognize these terms when they arise and seek information if relevant to parenting that helps inform the court about how they impact the case, if at all. Faculty should explain that some common challenges they may see would include:

- Common concerns
 - Autistic Spectrum Disorders
 - ADHD
 - Other special needs
 - Learning disability
 - Physical Disability
 - Dietary needs (e.g., lactose intolerant, gluten intolerance, etc.)
 - Allergies/asthma
- Relevance to parenting:
 - Controversy between parents regarding medication management
 - Differing cultural beliefs/opinions about appropriate care
 - Whether (and which) parent(s) meeting these needs

Faculty should close with slide 63, which helps identify places that GALs can seek more information if it appears that one of these issues is present and they need to gather information about how it impacts the family and parenting. Participants should be reminded that even if they are one of these specialists in private practice, that is not their role as a GAL, and that their role as a GAL is to gather information for the court, which may require them to reach out to any of these other professionals.

B. ACTIVITY: CHILD DEVELOPMENT CASE SCENARIO (SLIDE 64)

1:15 PM – 1:20 PM

Faculty should ask participants to open their packet to the handout entitled **Developmental Responses to Divorce Handout**. They should be given five minutes to do this silently. Faculty should take five minutes to go over these paragraphs, explaining how children react differently to divorce at different ages.

C. MINI-LECTURE AND LEARNING POINTS ON TERMINOLOGY RELATED TO ATTACHMENT, PARENTING, SEPARATION, LOSS AND GRIEVING (SLIDES 65-72)

1:20 PM – 1:35 PM (15 MINS)

Faculty will conduct a ten minute mini-lecture on attachment and separation; loss and grieving, that includes the following learning points.

ATTACHMENT AND SEPARATION:

- Attachment = necessary biologically driven relationship between a child and another person, usually an adult. It develops through many contingent and reciprocal interactions between the child and other person during the first year of life. Once developed, the child prefers the attachment figure when stressed. Attachment is the basis for trust in oneself, in others, and in the world. It is characterized by proximity-seeking when the child feels threatened.
- The developmental cornerstone of every child's mental health is the experience of a primary caregiving relationship based on predictable responses, especially during times of physical and emotional distress. Ideally, these predictable responses will be ones of availability, comfort and support which allows the child to establish a secure primary attachment based on trust. The more this primary relationship can be enhanced, the more secure the child becomes and the greater the child's capacity for healthy relationships later in life. Primary relationship means foundational not favorite. The primary attachment figure is the one a child turns to in times of stress.
- Parenting = the ways a person (usually adult) interacts with and cares for a child or adolescent for whose care he or she is responsible. Parenting involves providing for a child's physical and emotional needs; respecting and meeting the child's needs for security and independence; teaching appropriate ways to act; promoting self-regulation; and providing protection and opportunities for growth.
- Parental conflict occurs when parents have conflicting needs, wants, perceptions with respect to relationship with one another and/or children; Conflict (openly expressed or not) can

be driven by one or both parents; can be violent; it is likely to interfere with meeting child's needs.

- Absence of a parent, physically or psychologically, can be stressful for a child; children will typically grieve separation from a parent; individual factors must be evaluated to understand impact of separation.
- Limitations on what a GAL can learn from children, since their ability to communicate can be limited for varying reasons.

LOSS AND GRIEVING

- Loss associated with divorce can include loss of family child once knew; physical and/or psychological loss of one or both parents or other relatives; loss of home, school or neighborhood; loss of familiar routines and rhythms; loss of predictability; loss of trust; loss of security; and loss of a pet. These losses are major stressors.
- Normal grieving typically involves a variety of feelings and behaviors; expressed for a period of time, but diminish when the child has time to be supported in his/her grief and becomes involved in and begins to develop and accept new routines. If stressors are too great for child to cope with, you will see ongoing problems in functioning at home, at school or with friends. Thus, it is important for parents to reduce any extra demands or stressors on the child or adolescent and to increase resources to support the child. Parents will vary in their ability to recognize this.
- Possible physical and emotional responses: headaches, stomach aches, trouble sleeping, mood changes, emotional withdrawal, increased anxiety or fear, increased clinginess, acting out behaviors, and shutting down.
- Faculty can tell participants about the children's book "I Don't Want to Talk About It" by Jeanie Franz Ransom that addresses children's reactions to hearing of their parents' divorce as

segue into discussion of how separation, loss, and grief affect children.

- Parents, in grief and loss as a result of divorce, are vulnerable to projecting perceptions that can impact children.

D. VIDEO: BUILDING ADULT CAPABILITIES TO IMPROVE CHILD OUTCOMES: A THEORY OF CHANGE (SLIDE 73)

1:35 PM – 1:45 PM (10 MINS)

Faculty will show the video: Building Adult Capabilities to Improve Child Outcomes: A Theory of Change: available at <https://developingchild.harvard.edu/resources/building-adult-capabilities-to-improve-child-outcomes-a-theory-of-change/>

E. MINI-LECTURE AND LEARNING POINTS ON THE RESOURCES AND STRESSORS CONTINUUM (SLIDES 74-78)

1:45 PM – 2:00 PM (10 MINS)

Referencing the video just shown, faculty should discuss how both resources and stressors impact children and their development, and explain that children will thrive when they have sufficient resources to overcome the stressors. This discussion should inform GAL of the importance of looking for both resources and stressors when gathering information about a family, and should include consideration of the following learning points:

- Resources are the dimensions of the environment and of the child which contribute to the child's experience of resiliency and well-being.
- Stressors are the dimensions of the environment and the child which contribute to the child's sense of vulnerability and insecurity.
- Each parent may provide different resources for the child, such as sensitivity to the child's needs or physical availability.
- Each parent may create different stressors for the child, as, for example, from an inconsistent schedule or emotional volatility.

- Some stressors come from the non-parental environment, such as long days in day care or recent losses from a move.
- Compare the balance of resources and stresses for the child with each parent to see if one provides a more resilient environment, or the correlate, if one provides a significantly more stressful environment.
- The child functions best when he has enough resources to meet the stresses or demands he or she encounters.
- Adult and child safety is interconnected; a child's well-being is dependent on and impacted by the security of the parent, particularly where domestic violence is involved ("safe and together").

IV. MENTAL HEALTH

2:00 PM – 3:00 PM (1 HR)

This segment will introduce GALs to the dynamics of mental illness, how to assess the impact of a parent's mental illness on a child and how and when to enlist the help of other professionals.

Faculty qualifications:

This segment should be taught by a mental health professional, social worker, etc. Ideally, this segment will be team taught with a GAL or family law attorney who can help link back to what GALs need to be paying attention to so that they don't get bogged down in the nuances of mental illness and can stay focused on identifying whether it exists and, if so, whether and how it impacts parenting, rather than diagnosing or treating parents.

Learning Objectives: (slide 80)

As a result of this training segment, GALs will be better able to:

- Understand common myths and misconceptions about mental health disorders
- Identify red flags/warning signs that might indicate assessment or treatment for mental health disorder should be considered

- Understand risk and protective factors for children of parents with mental health disorders
- Apply a protocol to investigating and accounting for allegations of mental health disorders

A. VIDEO: “CONSUMER HEALTH DIGEST – 6 COMMON MYTHS ABOUT MENTAL ILLNESS”; LARGE GROUP DISCUSSION (SLIDES 82-86)

2:00 PM – 2:05 PM (5 MINS) – SLIDES 81-82

Faculty will begin this section by showing the video: <https://youtu.be/jhPGPJWAJoc>. In large group, faculty will ask participants to discuss anything that surprised them in the video.

B. MINI-LECTURE ON COMMON MENTAL HEALTH DISORDERS (SLIDES 83-103)

2:05 PM – 2:20 PM (15 MINS)

Faculty will conduct a ten minute mini-lecture on mental illness, including:

- Mental illness occurs in 1 in 5 Americans during lifetime, caused by both genetic and situational factors, and people with mental illness can and do recover
- Briefly review common mental health disorders of adulthood. Address symptoms, prevalence, prognosis, common treatments, and the impact of these disorders on children.
 - Adjustment Disorders
 - Mood Disorders
 - Psychotic Disorders
 - Anxiety and Dissociative Disorders
 - Personality Disorders
 - Other Disorders – Impulse Control Disorders, ADHD, Sexual, Sleep and Eating Disorders
- Note the importance of also addressing child mental health disorders if those have been raised as an issue in the case.

- Review common warning signs of mental illness including caveats.

C. POP QUIZ (SLIDES 104-111)

2:20 PM – 2:45 PM (15 MINS)

Faculty will utilize a power point slide show Mental Health Quiz with T/F and multiple choice questions that review mental health information and myths to engage participants in an interactive discussion while reviewing the information already covered. All participants should “play” as a group.

D. MINI-LECTURE: IMPACT ON CHILDREN OF PARENTS WITH MENTAL HEALTH DISORDERS (SLIDES 112-116)

2:45 PM – 3:00 PM (15 MINS)

Faculty will conduct a mini-lecture that covers the following learning points:

- Briefly discuss potential negative outcomes for children identified in the research.
- Discuss domains of parental functioning to be considered (reference Deutsch article).
 - Parental relationship domains
 - Nurturing and warmth
 - Attunement and responsiveness
 - Modeling emotional regulation, impulse control, frustration tolerance, problem-solving
 - Parental management domains
 - Meeting basic needs
 - Managing behavior
 - Engaging with the outside world
- Discuss domains of child functioning implicated.
 - Chronological age and developmental status and needs
 - Child functioning – intellectual, temperamental and adaptive characteristics

- Child history – exposure to parent mental health disorders and/or other traumatic events
- Unique child vulnerabilities – physical and mental health of child
- Briefly discuss risk and protective factors across domains.
- Faculty will then review a list of common pitfalls, including:
 - Appropriate use of psychological testing;
 - Recognizing therapist overreach;
 - Respecting and protecting therapeutic relationship and privacy;
 - Distinguishing treatment compliance from treatment engagement and progress; and
 - Dealing with serious risk—self harm/harm to others

E. BREAK (SLIDE 117)

3:00 – 3:15 PM (15 MINS)

V. DYNAMICS OF PARENT'S SUBSTANCE USE AND ITS IMPACT ON CHILDREN

This segment will introduce GALs to the dynamics of a parent's substance use and abuse and its impact on a child, as well as the impact of other parental addictions.

Faculty qualifications:

This segment should be taught by an expert in substance abuse.

Learning objectives: (slide 119)

As a result of this training segment, GALs will be better able to:

- Identify common indicators of substance use and substance use disorder
- Describe risks children face when one or both parents have a substance use disorder and how behaviors driven by substance use or abuse impact parenting and children

- Apply a protocol to investigating and accounting for allegations of substance use and abuse

A. MINI-LECTURE: SUBSTANCE USE - THE BASICS (SLIDES 120-127)

3:15 PM – 3:30 PM (15 MINS)

Faculty will begin with an overview of the substances commonly used and abused by parents, including an overview of the following learning points:

- Substances commonly used and abused: Use and Withdrawal Effects
 - Alcohol
 - Depressants
 - ETOH & Benzodiazepines
 - Sedative Hypnotics vs. Excitation/DTs, Aggravation & Anxiety
 - Narcotics
 - Opiates & Opiate Replacement Therapy
 - Pain Relief vs. Pain Enhancement
 - Stimulants (Illicit & Prescribed)
 - Euphoria, Paranoia, Psychosis
 - Depression and Increased Appetite
 - Cannabis
 - Distorted Thinking, Sleepiness and Paranoia
 - Grouchiness, Sleeplessness and Anxiety
 - Hallucinogens
 - Altered Perceptions, Dissociation and Hallucinations
 - Speech and Memory Loss, Anxiety and Depression
- Opioid Epidemic: Replacement/Medication Assisted Treatments
 - Oxycodone (Oxycontin)
 - Hydrocodone
 - Heroin
 - Methadone

- Buprenorphine-Naloxone (Suboxone)
- Rescue: Naloxone (Narcan)
 - Training First Responders: Law Enforcement, Medical Personnel, Emergency Medical Services, Substance Abuse Treatment Providers & Mental Health Agencies)
 - Narcan – inter nasal spray, inter muscular shot
 - Wears off in about an hour
- Substance Use Disorder – what qualifies as a disorder?
 - Taking the substance in larger amounts or for longer than the you meant to
 - Wanting to cut down or stop using the substance but not managing to
 - Spending a lot of time getting, using, or recovering from use of the substance
 - Cravings and urges to use the substance
 - Not managing to do what you should at work, home or school, because of substance use
 - Continuing to use, even when it causes problems in relationships
 - Giving up important social, occupational or recreational activities because of substance use
 - Using substances again and again, even when it puts you in danger
 - Continuing to use, even when the you know you have a physical or psychological problem that could have been caused or made worse by the substance
 - Needing more of the substance to get the effect you want (tolerance)
 - Development of withdrawal symptoms, which can be relieved by taking more of the substance
 - Key Elements of SUD
 - Preoccupation with use
 - Continued use despite adverse consequences
 - Loss of control

- Tolerance
 - Withdrawal
- Phases of Addiction and Recovery (graphic in power point slides)
- Stages of Addiction, Stages of Untreated Trauma (graphic in power point slides)
- Substance Use: Coping Tool *AND* Mechanism of Control
 - Substance abuse may be encouraged or forced by a partner as a mechanism of control¹¹
 - Many studies have found a significant relationship between the amount of childhood trauma and adult substance abuse²
 - Women are more likely than men to report initiating substance use to alleviate trauma associated with abuse
- Domestic Violence, Sexual Assault, Substance Use Disorder, Trauma and Mental Illness
 - Involve power and control dynamics
 - Impact entire families, often harming 3 or more generations
 - Thrive in silence and isolation
 - Carry great societal stigma and shame
 - Limit freedom for members of our community resulting in oppression
- Co-occurrence: IPV and Substance Abuse. GALS should understand that substance abuse and IPV often intertwined and impact one another.
 - How to weigh competing best interest concerns in cases involving a battering parent and another parent abusing substances
 - Consider whether substance abuse issues will be reduced by separation from a violent relationship.

¹ Patricia Bland/Debi Edmund Real Tools You Can Use Manual (2008, 2011), <http://www.andvsa.org/realtoolsprint/>.

- Abusers can use alcohol and other drugs to further their abuse
- Coercive Control Study: How abusers use their partner's substance use or substance use disorder and/or mental health conditions, and the systems they turn to for help against them to further their control
- NCDVTMH: Mental Health and Substance Use Coercion Survey Summary (2014)² :
 - Efforts to undermine partner's sanity and sobriety
 - Efforts to induce disability and dependency
 - Efforts to control a partner's access to treatment and other services
 - Efforts to control a partner's treatment itself, including medications
 - Efforts to undermine a partner's recovery
 - Efforts to undermine a partner's ability to maintain custody of her children
 - Efforts to undermine a partner with family, friends, and the systems where they seek help and to prevent them from accessing resources, support, and protection
 - Stigma, in turn, plays a key role in allowing abusive partners to employ these tactics so successfully. Recognizing and addressing these issues is essential to the safety and well-being of survivors and their children and has important implications for the health, mental health, substance abuse, legal, child welfare, immigration, public benefits, and DV advocacy systems.
 - Coercive control research around substance use

B. VIDEO: "SUBSTANCE ABUSE EFFECTS ON CHILDREN" (SLIDES 128)

² <http://nationalcenterdvtraumamh.org/wp-content/uploads/2012/01/Mental-Health-and-Substance-Abuse-Coercion.pdf> .

3:30 PM – 3:35 PM (5 MINS)

Faculty will show the video “Substance Abuse Effects on Children” available at <https://www.youtube.com/watch?v=Kf1zNyKoREA> to introduce the idea of how substance abuse affects children. Faculty can note that the same ideas can apply to any substance abuse disorder, not only alcohol.

C. MINI-LECTURE ON THE IMPACT OF SUBSTANCE ABUSE AND ADDICTION ON CHILDREN: RELEVANCE TO GAL PRACTICE (SLIDES 129-133)

3:35 PM – 3:45 PM (10 MINS)

- Impact on Children
 - Guilt and distrust
 - Cognitive, behavioral, psychosocial and emotional consequences
 - Lifelong problems
 - impaired learning capacity
 - risk for developing substance use disorder
 - risk for adjustment problems
 - higher rates of divorce and violence
 - mental health disorders (i.e., depression and anxiety)
 - risk for attachment disorders
 - Increased risk of:
 - Domestic violence
 - Mental health issues
 - Physical abuse and neglect
 - Sexual abuse
 - Patterns of interaction (exacerbated where both parents use substances):
 - Negativism (pessimistic attitude)
 - Parental Inconsistency
 - Parental denial
 - Self-medication

- Unrealistic parental expectations.
- Abusive parent using substances may be more likely to:
 - Teach children that the non-abusive parent is not to be trusted
 - Use children to gain information about the non-abusive parent
 - Engage in ongoing emotional, mental, physical and/or sexual abuse with the children
 - Share inappropriate information with the children that serves to belittle the non-abusive parent and child's relationship
 - Coach child to lie in an attempt to control the non-abusive parent
 - Undermine the non-abusive parent's ability to parent
- Non-Abusive parent using substances may be more likely to:
 - Not appear to be trustworthy
 - Have information the abusive parent could use against them
 - Not be equipped to stop the ongoing emotional, mental, physical and/or sexual abuse perpetrated onto the children by the abusive parent
 - Not understand how the children are being manipulated to belittle their relationship with their children
 - Use substances in an attempt to survive the abuse, the manipulation of their children, and the undermining of their ability to parent

The number one predictor of children getting through anything is the health and wellbeing of their relationship with the non-abusive parent

- Effects of Substance Abuse on Parenting
 - Effects emotion regulation, judgment and decision making abilities

- Children of parents with active SUD have often experienced instability in relationship to their parents
- Children sometimes communicate their fears and trauma through behaviors difficult to handle
- IPV
- Substance use leads to disconnectedness and lack of trust
- Family counseling and family group therapy often recommended, however is COUNTERINDICATED when IPV has been part of the relationship
- Types of screening and treatment:
 - Alcohol/Drug Screening Instruments: Values and Limitations
 - Directory of Certified Chemical Dependency Services in Washington State (called the Greenbook)
 - <https://www.dshs.wa.gov/bha/division-behavioral-health-and-recovery/directory-certified-behavioral-health-services-washington-state>
 - Certified Behavioral Health Agencies/Community Recovery Centers for Low Income
 - ADIS, Outpatient, Intensive Outpatient, Inpatient, Residential, Recovery House
 - Wait List, Interpreter Services, Non-licensed, Co-occurring, Not all Harm Reduction, Child Care, Modified DUI Assessment may be inadequate for child custody cases
 - AA/NA/Refuge Recovery/ 16 Step/8 Step/Rational Recovery
 - Easily Assessable, Peer based, Sponsors/Step Work/Some are Higher Power driven

- Not therapeutically monitored; Not harm reduction focused; Strong Christian base
- Washington Recovery Help Line 1-866-789-1511, Teen Link 1-866-833-6546

VI. TRAUMA AND RESILIENCY

3:45 PM – 4:30 PM (45 MINUTES)

This segment will discuss resiliency in children and ways in which protective parenting and other supports can help children succeed in the face of adversity. This segment will help GALs identify when parents are providing the supports that children need to increase resiliency and ways in which a child's resilience can be enhanced through parenting arrangements and other services.

Faculty qualifications:

This segment should be taught by an expert in mental health and resiliency. This could be a mental health professional, social worker, etc. Ideally, it will be taught together with a GAL or family law attorney who can help link it to the work of a GAL.

Learning Objectives: (slide 136)

As a result of this training segment, GALs will be better able to:

- Understand the long-term impact of trauma on children
- List factors that promote resiliency in children
- Link parenting decisions and behaviors to the child's well-being
- Identify outside factors that could be incorporated into a case to increase a child's resiliency and support the best interests of the child determination

A. MINI-LECTURE, VIDEO, AND LARGE GROUP DISCUSSION ON THE EFFECTS OF TRAUMA ON CHILDREN (SLIDES 137-140)

3:45 PM – 4:05 PM (20 MINS)

- ACEs Overview

- ACES Primer Video (5:00 Minutes):
<https://vimeo.com/139998006>
- Large Group Discussion: Responses to video (5:00 minutes) – faculty will encourage participants to reflect on how the information contained in the video impacts their understanding of:
 - Child exposure to traumatic events
 - Parental choices and problem behaviors
 - Managing judgments and bias
 - Faculty should advise participants that a handout on ACEs information and resources has been uploaded to the website
- Faculty will then spend approximately five minutes summarizing the ACES study and its relevance to parenting and parental functioning. This discussion should include:
 - Trauma and memory – faculty will provide information about how memory encodes during traumatic events, including (5:00 minutes).
 - Ability of trauma survivor to recall details of events and how this impacts the interview process
 - Grounding techniques for interviewing success that GAL should keep in mind when working with children or parents that have experienced trauma
- Faculty should explain that both parents and children can be experiencing or have experienced trauma, and that much of what is said about children also applies to the adults in their lives. It is particularly important for GALs to understand that parents might also be victims or perpetrators of IPV and that they might not only be the source of the child’s trauma but could also be affected by their own traumatic experiences.
- Faculty will shift the focus to explain that it is not all bad news, that there is also data that suggests that positive childhood experiences also appear to have a long lasting effect on physical and mental health, and that there is a lot of emerging work being done on resiliency in children and ways to decrease

the negative effects of adverse childhood experiences. This will segue into the discussion on resiliency.

- Finally, faculty will explain that it is not all bad news, as new studies are looking at HOPE, or health outcomes of positive experiences. Faculty should familiarize themselves with the information found at <http://www.alliance1.org/web/resources/pubs/balancing-adverse-childhood-experiences-aces-hope.aspx> and should briefly summarize what this new study as found as a segue into the following section on resiliency.

B. VIDEOS/DISCUSSION: RESILIENCY (SLIDES 141-146)

4:05 PM – 4:20 PM (15 MINS)

Faculty will show the three videos from Harvard University’s Center on the Developing Child, “What is Resiliency?” available at: <http://developingchild.harvard.edu/resources/inbrief-resilience-series/>, to introduce the concept of resiliency in children. Between each video, faculty should quickly summarize what the video discusses and link it to GAL work and what GALs should be looking for in families; i.e., how is it relevant to GAL practice?

- In Brief: What is Resilience? (2:22)
 - Faculty can sum up the video by explaining that resilience is a combination of protective factors that enable people to adapt in the face of adversity, and that it is essential to ensuring that children who experience adversity can become healthy, productive citizens. Faculty can then explain that the next video will discuss the science of resilience.
- In Brief: The Science of Resilience (2:29)
 - After the video, faculty can reiterate that children are not born with resilience. Rather, resilience is a combination of genes and protective experiences in the social environment that work together to produce positive outcomes for children. Faculty should explain that part of

the GAL's inquiry should be, therefore, to identify protective factors in the child's environment. Faculty can segue into last video by asking "So, how can we build resiliency in children?"

- In Brief: How Resilience is built (2:18)
 - After the video, faculty should discuss how factors that promote resiliency include a supportive relationship with stable adult (ideally a parent) and individual, family and community resources.
 - For resiliency and DV, introduce the RCDVTMH publication "SASS: A resiliency based approach for families affected by DV.
 - Faculty can introduce Circle of Security graphic to show how parents promote resiliency.

C. LARGE GROUP DISCUSSION (SLIDES 147)

4:20 PM – 4:30 PM (10 MINS)

Using the Promising Futures Promoting Resiliency slide, faculty will finish the segment by facilitating an interactive discussion about how GAL's can (1) help to protect relationships that increase resilience and (2) recognize and foster resilience in immigrant and other marginalized families, where cultures/needs/values may be different from the mainstream? Faculty will share the resiliency wheel as a visual tool for understanding resiliency. Note here that the ability to recognize resiliency is a critical skill for a GAL!

<http://www.hopeworks.org/wp-content/uploads/2010/09/ResiliencyWheel.pdf#page=1>

In conclusion, faculty can reference the resources listed on the last two slides (resiliency wheel and Promising Futures Promoting Resiliency) as suggested additional reading.

D. CASE SCENARIO ACTIVITY – KIM AND SHEEVAN

4:30 PM – 4:50 PM (20 MINS) – slide 148

Participants will be asked to open their packet to the case scenario entitled Kim & Sheevan and attached Case Scenario Activity Worksheet. Participants should be given ten minutes to read through the case scenario and try to answer the questions in the worksheet on their own. They should be encouraged to review the **Development Stages Handout**, the **Developmental Responses to Divorce Handout**, the **Guidelines for Assessing Claims of Mental Illness or Substance Use**, and the **Promoting Futures Promoting Resiliency Handout** in their materials as needed to complete the activity worksheet.

For the final ten minutes, faculty should call on a couple of people to share what they found for each question, moving on to the next question as soon as a solid answer is provided, as there is limited time to go through this and not all participants will be able to share their answers. If participants are struggling to find the right answers, or if time is limited, faculty can share their own thoughts instead of letting participants give the answers.

E. EVALUATIONS (SLIDE 149)

4:50 PM – 5:00 PM (10 MINS)

DAY FOUR

MARCH 8, 2018

9:00 AM – 5:00 PM

I. WEAVING IT ALL TOGETHER

9:00 AM – 9:15 AM (15 MINS) – SLIDES 1-2

Introduction to the fourth day:

As with every other day, faculty should start the day by telling participants what National Day it is. Faculty will then tell participants that it is now time to weave together everything that they have learned over the previous 2-3 days, depending whether they are attorneys or not. Faculty will conduct the **Use of a Marker Exercise**, in which faculty holds up a marker and asks participants to yell out every possible use they can think of for the pen. As they yell out the answers, faculty should be writing them down on a white board as they go. Faculty should let this go on until they have suggested at least 50 different uses for the pen, some of which should be absurd. Once there are at least 50 uses written down, faculty should explain that just as there are a multitude of ways that you can use a marker, there are a multitude of different parenting plans available and that no particular plan will work for every family. Faculty should explain that this is why it is so important that GALs use the skills they have gained this week to gather as much information about the family as they can and provide that information to the court so that the court can help determine which is the best possible plan for that family. Faculty should use this as an opportunity to reinforce the idea that it is not up to the GAL to decide which is the best option, but rather to gather information and provide it to the court to help guide the court's determination.

A. MEET SASHA AND HIROKO (SLIDES 3-4)

9:15 AM – 9:45 AM (30 MINS)

Faculty will explain that we are going to spend the entire day working on the case scenario for Sasha and Hiroko and that they are going to have a chance to work on a simulated Title 26 case. Faculty will ask participants to open their materials packet to the **Miller v. Tanaka** case scenario and instruct them to read through the pleadings for the next half hour (participants should be instructed that they should not read the **GAL Notes for Miller v. Tanaka** at this point, as that will come later in the day. Faculty should ask participants to identify the following as they read through the pleadings: (1) what type of case is this? (2) what is the scope of your appointment? (3) What issues would you like to learn more about?

II. FRAMING THE ISSUES AND MAKING A PLAN FOR GATHERING INFORMATION

9:45 AM – 10:25 AM (40 MINS)

This segment will discuss ways in which GALs gather the information that will be the basis of their report to the court. Faculty will guide participants through the exercise of developing an investigation plan. Participants will learn how to access information and records and how to maintain the confidentiality of the records and other information obtained.

Faculty qualifications:

This segment should be taught by experienced GALs.

Learning Objectives: (slide 6)

As a result of this training segment, GALs will be better able to:

- Prioritize issues to be investigated
- Outline steps to access information and files held by others
- Conduct a comprehensive, responsive and open-minded investigation;

A. LARGE GROUP ACTIVITY (SLIDE 7)

9:45 – 9:50 AM (5 MINS)

Faculty will ask participants to think about the facts present in the Sasha and Hiroko case scenario. Faculty will ask participants to show by raising their hands how many assumed that Hiroko was a man and how many assumed that Sasha was a man. Faculty should also ask whether any participants assumed that this was a same sex couple. Faculty should then ask if any participants assumed that Hiroko was a U.S. citizen versus an immigrant. Finally, faculty should ask how many participants considered that culture might play a role in this relationship, whether Hiroko was U.S. or foreign born. Faculty should remind participants about what they learned in the segments on culture and bias and how important it is in each case to address these issues and any judgment that they may be making inadvertently. Faculty can also explain that culture plays a role in every case, regardless of how people's names and genders appear on paper, because it extends to so many things, both visible and not.

B. SMALL GROUP DISCUSSIONS OF CASE SCENARIOS (SLIDES 8-9)

9:50 – 10:05 AM (15 MINS)

Faculty will introduce participants to the 4 steps of a good analysis, including: (1) frame and identify the major issues; (2) assess the issues (figure out what is going on); (3) identify the effects of the issues (what impact do these considerations have on parenting and the children); and (4) what response would address the issue? Faculty will explain that we are still in the first stages in the case scenario, as we only have the pleadings and order appointing the GAL at this point and are still missing a lot of information. Faculty will ask participants to get into their small table groups to discuss the following for five minutes: (1) what major themes/concerns exist in the pleadings? (2) what areas would they like to learn more about based on their order of appointment? (3) what are the facts in this case? What are the allegations that require further analysis?

C. LARGE-GROUP REPORT BACK (SLIDE 10)

10:05 AM – 10:25 AM (20 MINS)

Faculty will then facilitate a large group discussion that covers each of the topics covered over the previous three days as they relate to the Sasha/Hiroko fact pattern, making sure that participants have identified the relevant issues in each of the areas below. For example, faculty should ask the tables how many of them identified concerns around child development. Faculty should then ask the tables to share what they identified as red flags/concerns in the area of child development, making sure that they cover the information noted in bullets below. After finishing with child development, faculty should move on to cultural considerations, etc. Through this process, faculty should encourage participants to share how they are alert that this may be an issue, whether there are facts or allegations that need to be further investigated, and why it would be relevant to parenting.

- Child Development: Because of the different ages of the children involved, participants should be asking about attachment and possible different needs of the children based on ages. This is something that they should be doing in every case, regardless of whether the siblings are different ages. Every child will have an age and developmental stage and needs to be considered.
- Cultural considerations – does Hiroko’s culture play into her decisions and how? How does Sasha’s culture play into his decisions? Remember, culture will impact every case in some way or another.
- Domestic violence – does the behavior evince a pattern of coercion and control or was the violence a one-time event? At this stage, GALs should be saying “there is some indication of DV here and I need to do a more thorough investigation to find out what it is all about.” It is too soon to characterize it, but they should be looking at this as a possible issue.
- Child abuse/neglect – is there anything that requires you to make a report to child protective services and/or anything that appears to impact parenting? What would you want to learn more about?

- Mental Health – Is there any truth to Sasha’s allegations that Hiroko is “crazy” and how does the GAL find out whether it has any impact on parenting?
- Substance abuse considerations – do they want to know more about the drinking?
- Trauma and Resiliency – are there any protective parenting factors present – how do the parents’ stressors and/or supports impact their parenting? It is important to remind participants that these are all good questions to start asking, but that it is too premature at this point to provide definitive answers to any of them.

D. BREAK (SLIDE 11)

10:25 -10:40 AM (15 MINS)

E. MINI-LECTURE AND LEARNING POINTS: INVESTIGATION PLANNING AND EXECUTION (SLIDES 12-18)

10:40 -10:55 AM (15 MINS)

Faculty should conduct a mini-lecture on orientating litigants to the process, including discussion of the following learning points:

- Faculty will discuss how orientation to steps in GAL investigation process saves time.
- Faculty will discuss core components of orientation:
 - Focusing litigants on the core purpose(s) of the investigation;
 - Providing information about practical steps, timeframes and expectation for participation; and
 - Providing tools and instructions for litigants to help with timely gathering of information.
- Faculty will ask participants to look at the **Sample Introductory Letter and Questionnaire** contained in the Materials packet as an example of how GALs can introduce themselves.
- Prioritizing Issues to Investigate

- Devote greater energy to investigating issues that have the greatest impact on the safety and well-being of the children involved.
- Address issues that require more time-consuming investigation (i.e. obtaining records) earlier in the investigation process.
- Navigating time limits on investigation
 - Faculty will discuss elements of process to consider when allotting time:
 - GALs should plan for time to review legal pleadings and order, generate letter to and/or orient litigants to the process, interview parties, children and collateral sources, review documents provided by parties/collateral sources, write the report and attend a review hearing.
 - Faculty will highlight tools and practical steps for effective use of limited time.
 - Faculty should discuss the importance of reviewing the relevant statutes for the best interest factors relevant to the particular type of case (RCW 26.09.187 in dissolution) and can refer participants to the materials packet entitled: **Statutes, including RCW 26.09.002, 26.09.187, and 26.09.191.**
 - Issues Beyond the Scope of the Order: When Is It Necessary to Clarify?
 - Always begin with the scope of the GAL duties in appointment order.
 - Consult the order throughout the process of investigation and report preparation to ensure it explores the issues in the appointment order.
 - Promptly evaluate the validity of new issues that emerge during the investigation.

- If it is determined these issues should be investigated, inform the court and other parties and seek permission from the court.
- Obtain authorization from the court before undertaking an investigation outside the scope of the order.
- Use caution not to open the door to litigation abuse in a coercive context, where an abusive parent constantly challenges GAL's authority.
- Obtaining and Interpreting Documents and Records
 - Obtaining consents from parties and children
 - Obtaining court orders for release of records
 - Covering costs for record production
 - Standards of proof, including the standard of proof for a criminal conviction (substantially higher than the preponderance of the evidence standard in a custody matter) and the standard of proof for a finding of child abuse or neglect
 - Failure to prosecute a criminal charge does not necessarily mean that the conduct alleged offense did not occur.
 - Best ways to obtain information on CPS reports, mental health reports, substance abuse records/tests, school reports, etc. In the interest of time and balancing privacy against probative value of the information in records, consider whether accessing such records is necessary for your purposes.
 - Impact of introducing confidential records into case, especially when coercive control is a factor. Balancing benefit and harm (is it information that will inform pertinent questions in the case or will it simply generate more fodder for conflict between the parents) accessing records vs. general information from treatment provider, especially in context of mental health.
 - Include examples—i.e., when records contain details about trauma history or affairs that will only inflame tensions or provide the opposing party ammunition for

further conflict; think critically about what info you need—is it just whether the parent is compliant w/treatment? Don't need complete record for that. Consider in terms of children's best interests.

F. LEARNING ACTIVITY: MAKING A PLAN FOR OBTAINING INFORMATION (SLIDE 19)

10:55 - 11:15 AM (20 MINS)

This section should focus on helping participants develop a plan for gathering information that is consistent with Washington's statutory factors (best interests, relocation, etc.). Faculty should ask participants to consult their materials packet and find the **Statutes** contained therein. From 10:55-11:10, participants will be asked to return to their small groups and outline a plan for obtaining additional information in this case related to the best interest factors and for the issues identified as potentially relevant to the best interest factors (e.g., child development, DV, mental health, etc.). They will be asked to specifically identify how they plan to obtain the information that they still need in this case and from whom they will obtain it. As they are having this discussion, faculty will go from table to table helping to spur ideas about where and how to get this information.

From 11:10-11:15, faculty will ask tables to share their ideas with the large group to get a sense of the types of individuals the participants would like to reach out to for more information. These could include: child welfare reports, mental health providers/reports, interviews of teachers, nannies, etc. As participants identify information they want to obtain, faculty should explain where and how they can find that information. Faculty should end by noting that the investigation plan based on pleadings will be preliminary and that GALs should return to and revise this plan as further information is gathered. Faculty should make sure that participants link their plan to obtain information to the best interest factors for dissolution cases.

G. MINI-LECTURE (SLIDES 20-22)

11:15 AM – 11:30 AM (15 MINS)

- Fairness and Neutrality
 - Spend equal time with both parties to the extent possible
 - Assess the validity of information carefully and resist the urge to dismiss certain sources as biased. The information gathered, even from interested sources, can provide meaningful context for a more comprehensive understanding of family dynamic.
 - Make every effort to interview three to four collateral sources identified by both parties. No more than two should be family members.
 - How to balance fairness with time limits on GAL investigation—is there time to interview four collateral sources on each side? Remember, however, that sometimes collateral sources aren't on a side. A teacher or doctor, for example, might be a collateral source that doesn't have a side.
 - Try to contact equal numbers of sources for each parent or explain why it is not possible to do so.
 - Recognize that a parent may not have many collateral sources because they have suffered coercive control during their relationship designed to isolate them socially.
 - A thorough investigation includes identifying and exploring inconsistencies, resistance to providing information, and contradictions in the information gathered. A GAL should strive to get beyond recording conflicting accounts and facts to recognizing and contextualizing the inconsistencies that help the GAL provide a fuller picture of family dynamics. It is important to remember that inconsistencies and contradictions need to be understood in the greater context of the situation.
- Minimizing Intrusion/Protecting Privacy

- Although GAL file and information gathered are not confidential, GALs should develop a method for protecting the identity, and thus safety, of sources who disclose information about a pattern of one parent's use of coercive controlling tactics against the other.
- When investigating the mental health stability of a parent, the GAL should endeavor to minimize the intrusion into the therapeutic relationship between the parent and caregiver, accessing only the amount of detail about the parent's mental health treatment necessary to confirm diagnosis and compliance to mental health treatment regimen.
- Records protected by HIPPA should not be disseminated without the informed consent of the party whose records are at issue.

III. INTERVIEWING TECHNIQUES

11:30 AM – 11:50 PM (20 MINS)

This segment will focus on how to use interviews to gather information. Participants will learn techniques for eliciting information, putting interviewees at ease and observing their behavior. They will also learn the importance of setting the tone for the interview, maintaining a respectful rapport with the interviewee, and using open-ended questions and follow up inquiries that are behaviorally specific to glean as much information as possible from each interview. Participants will also learn the importance of documenting the investigation and will discuss various methods of doing so.

Faculty qualifications:

This segment should be taught by a GAL or other professional experienced in interviewing children and adults on family law cases.

Learning Objectives: (slide 24)

As a result of this training segment, GALs will be better able to:

- Set the tone for an effective interview by securing informed consent from litigants, explaining their role in the case in a meaningful way, and maintaining the appearance of fairness and neutrality
- Conduct meaningful interviews of children and adults
- Preserve evidence through effective and ethical note taking or recording.

A. MINI-LECTURE AND LEARNING POINTS ON COMMUNICATION (SLIDES 26-32)

11:30 AM – 11:40 AM (10 MINS)

Faculty will begin this session with a very brief five minute mini-lecture about what factors are most important to the initial interviews, including:

- GAL Rule 2(k): “Inform individuals about role in case. A guardian ad litem shall identify him/herself as a guardian ad litem when contacting individuals in the course of a particular case and inform individuals contacted in a particular case about the role of a guardian ad litem at the earliest practicable time. A guardian ad litem shall advise information sources that the documents and information obtained may become part of court proceedings.” Faculty should refer back to the demonstration in the DV section on Day 3 as an example of how to do this.
- Interviewing parents in the same or similar environments
- Managing time constraints
 - Is there time for more than one interview with parties?
- Spend an equal amount of time with each party.
- Maintaining the appearance of fairness when engaging with parents and other sources of information
- Using respectful and clear communication
 - Navigating discussion of allegations against parent with them
 - Maintaining neutrality in words and manner

- Explaining the GAL role in age appropriate and meaningful terms:
 - The key is to provide information more than once throughout the process.
 - The process is unfamiliar and stressful and litigants often don't absorb or retain information well.
 - Consider using an introduction letter and meeting in person during the first interview.
- Taking charge of the interview: focused investigative review versus clinical style review (most important for mental health professionals to make this shift)
- Obtaining informed consent:
 - In their first meeting with each party, the GAL should describe and explain the evaluation process, giving particular attention to the limits on the confidentiality of information gathered about them.
 - The GAL should reiterate the limits on confidentiality to parents at least twice throughout the process.
 - GAL should describe any methods they use to protect the sources of information from being disclosed to other parties in the case.
 - Again, faculty should refer back to the DV section the previous day with respect to each of these bullets.
- Communicate in age and developmentally appropriate manner – (you don't always know whether a parent is literate or their level of education/language).
- Identify factors that can influence the accuracy of information obtained.
- Use a certified interpreter when necessary; never use friends, family or children.
- Rules of confidentiality
- Be aware of the power and cultural differentials between you and the families and inadvertently using language that reinforces that dynamic (poverty as a different language – Dr. Beegle).

- Be mindful that if a parent is facing criminal charges for an issue related to your investigation, they may not be able to discuss the incident or issue without compromising their right against self-incrimination.
- Slide 32 contains a video of a sample orientation interview for parents. Faculty should take five minutes to show this slide and then go over the bullets identified in slide 33 before moving on to interviewing children.

B. VIDEO AND DISCUSSION ON INTERVIEWING CHILDREN (SLIDES 34-37)

11:40 AM – 11:50 PM (10 MINS)

Faculty will show the National CASA Association’s video of a GAL/CASA interview of a 10 year old child, available at http://nc.casaforchildren.org/files/secure/Training/InterviewSkills/interviewskills_10year.html. After the video, faculty will highlight techniques used by the GAL/CASA that work well when interviewing older children, including:

- Identifying and using neutral and age-appropriate locations for interviews.
- Communicating in an age and developmentally appropriate manner (e.g., bring paper and markers for visits with young children, go on a walk or play a game, etc.). In video, she didn’t make him stop playing the video game and talk; instead, she met him where he was.
- Taking time to develop a relationship with the child before tackling hard questions and conversations. In the video, she asked him about things unrelated to the case to get to know him first.
- Using open ended questions – in the video she asked “What else is on your mind.” “Tell me more about your brothers and sisters”
- Children’s sense of time is different than ours

- Explain who you are and why you are there, including any limitations of what you can do. Tell them what you are going to do with the information.
- Children are very literal; don't use statements that may be misinterpreted.
- Refer back to the handout on stages of child development to try to determine what they will or will not understand.
- Give examples of ways to communicate with young children versus older children (example of asking, "If you could live with anybody in the world, who would it be?")

Remember to remind participants to refer all allegations of sexual or other abuse of a child to CPS and law enforcement. Never interview a child about allegations of sexual abuse!

C. EVALUATIONS (SLIDE 38)

11:50 PM – 12:00 PM (10 MINS)

D. LUNCH (SLIDE 39)

12:00 PM – 1:00 PM (1 HR)

E. ACTIVITY ON OPEN-ENDED QUESTIONS (SLIDE 40)

1:00 PM – 1:15 AM (15 MINS)

Faculty will explain that it is important to use open ended questions when interviewing both children and adults. Faculty will then explain the difference between open ended and closed questions. They will then ask participants to pull out the worksheet entitled **Open Ended Questions** in their materials packet. Faculty should explain that this worksheet contains a number of closed questions on it and that they should take approximately 7 minutes rewriting the questions and turning them into open ended questions. In large group, faculty should go through the questions for approximately 7 minutes, inviting participants to share how they rephrased the questions to elicit more information than the original closed questions could have elicited. Faculty can seek answers from participants or use the alternative questions contained on the faculty copy, attached to this curriculum as **Exhibit A**.

F. ACTIVITY ON ELICITING ADDITIONAL INFORMATION (SLIDE 41)

1:15 AM – 1:30 AM (15 MINS)

Faculty will ask participants turn to the worksheet entitled: **Eliciting Additional Information Handout** and explain that it contains a series of statements made by Hiroko, Sasha, and Maya in the case scenario. Faculty should ask participants to think write down possible follow up open ended questions that will elicit even more helpful information. After approximately 7 minutes, faculty will again ask participants to share what they wrote with the large group for approximately 7 minutes, going question by question and posing some of the alternatives and considerations listed on the faculty copy. Faculty will use this opportunity to discuss how subtle differences in how different participants worded the questions could elicit completely different responses from interviewees.

G. EXERCISE ON ACTIVE LISTENING (SLIDE 42)

1:30 AM – 1:35 AM (5 MINS)

Faculty will explain to participants that it is always important to use active listening techniques when interviewing children and adults. To illustrate the point, faculty will read participants the following train story and ask them to pay close attention:

Train Story:

A train leaves the station with 3 passengers on board. It stops at London and 5 more get on. It next stops at Albany and 2 passengers get off. Next stop is Pleasantville and 23 new passengers get on board. The train makes its next stop in Dallas where 21 get off and no one gets on. The train chugs along until it reaches Hollywood where 3 more passengers get on. The next stops are Buffalo, where 6 get on and 4 get off, Moosehead, where no one gets on or off, and Clarksburg, where 24 passengers get on board. The train reaches the end of its route on Los Angeles, where everyone gets off.

Faculty will then ask:

How many of you were focused on how many passengers were on the train? Can anyone answer how many were on the train when it reached L.A.? (37) How many stops? (9) Generally speaking, participants will not be able to answer both of these questions.

If they are able to answer both questions, this does not mean that those are the only pertinent pieces of information about this journey. For example, what can we explore about the narrator's feelings during this journey? Or the purpose of the journey?

Faculty will explain that it is natural to make assumptions about what is important in a case, but that as a neutral investigator, they need to be open to hearing everything so that they can provide the court with the most helpful information.

H. NOTE-TAKING (SLIDE 43)

1:35 AM – 1:40 AM (5 MINS)

Faculty will explain that while WA GAL Rule 2(p) requires GALs to maintain documentation to substantiate their recommendations and conclusions, the choice of how GALs do so may impact the information they receive. Regarding GAL Rule 2(p), faculty will show a slide with the rule's specific requirements: "Maintain documentation. A guardian ad litem shall maintain documentation to substantiate recommendations and conclusions and shall keep records of actions taken by the guardian ad litem. Except as prohibited or protected by law, and consistent with rule 2(n), this information shall be made available for review on written request of a party or the court on request. Costs may be imposed for such requests."

Faculty will then lead a discussion on different approaches to note-taking (immediately after; not word for word; abbreviations), emphasizing the attention that must be paid to rapport with the interviewee while documenting the conversation accurately. Faculty should refer back to the video of the CASA/GAL interviewing the 10 year old, and how she immediately wrote down her notes when she returned to the car after interviewing him so that the information was

fresh in her mind. Participants should also be reminded that they may be called to testify, so it protects themselves as well if they take good notes.

I. ROLE PLAY: INTERVIEWING PARENTS (SLIDES 44)

1:40 PM – 2:05 PM (25 MINS)

Faculty will ask participants to get into groups of two to practice interviewing techniques. Each participant will have a chance at playing the GAL, while one will play Sasha and the other will play Hiroko. They should take turns practicing interviewing the other person, including introductions, covering the role of the GAL and confidentiality, and asking open-ended questions. They should spend approximately seven minutes each and then switch to the other person. The person conducting the interview should try to take notes while also actively listening to the other person.

Faculty should then conduct a large group report back, spending approximately five minutes to let participants share any challenges they had, whether with asking open questions, taking notes while actively listening, etc.

J. MILLER V. TANAKA: GAL NOTES (SLIDE 45)

2:05 – 2:30 PM (15 MINS)

Faculty will ask participants to open their materials packet and turn to the section entitled: **Miller v. Tanaka: GAL Notes**. Faculty should explain that for purposes of the case scenario and the remainder of the day, these notes represent the notes the GAL took after interviewing the parties and other individuals. Participants should be given fifteen minutes to read through these notes.

IV. SYNTHESIS AND ANALYSIS

2:30 – 3:00 PM (30 MINS)

This segment will help GALs synthesize the information they have gathered by identifying which pieces of information will be helpful to the court and which will not. GALs will be encouraged to refer back to

their court order to ensure that they have received enough information to supply the court with an informed report that will help guide the court in determining the best interests of the child. GALs will also obtain a better understanding of which areas are not complete and whether it is possible to obtain the needed information for the court.

Faculty qualifications:

This segment should be taught by an experienced GAL and/or judicial officer on Title 26 cases.

Learning Objectives: (slide 47)

As a result of this training segment, GALs will be better able to:

- Synthesize the information they gather without using labels
- Describe threats to the validity of their conclusions based on the data gathered, bias, misrepresentation, inaccurate or incomplete data
- Weigh competing, plausible and reliable hypotheses about family functioning
- Report any information or concerns to the court that would inform the court's ability to weigh the credibility of information gathered

A. MINI-LECTURE AND LEARNING POINTS (SLIDES 48-59)

2:30 PM – 2:45 PM (15 MINS)

Faculty should conduct a fifteen minute mini lecture that covers the following topics:

- How to organize and classify the information you have gathered (e.g., ID source, threats to validity, contradictory info). This process should be messy—cross outs, revisions, lines connecting information and ideas.
 - Important! Describe instances of specific conduct rather than use terms such as alienation or estrangement, since those terms can be misinterpreted.

- Organize information into themes based on the issues the GAL is charged with addressing.
- Identify threats to conclusions:
 - Collateral sources not contacted;
 - Conflicting accounts and possible misrepresentation–credibility assessment factors;
 - Personal bias (explicit/implicit); and
 - Missing information.
- Weigh the evidence: reliability, and significance of information gathered
 - Consider the sources of error when parents self-report information to the GAL.
 - Memory distortion and failed recall due to traumatic memory, bad rapport with interviewer or other factors interfering with concentration, including feeling judged by GAL rather than understood.
 - Parent may lack candor or be a poor historian.
- Conduct best interest analysis.
 - In cases where domestic violence is alleged:
 - Study by Daniel Saunders in 2007 showing that “a reasonable reluctance to co-parent out of fear of harm,” is often interpreted negatively and that “survivors may end up being labeled ‘unfriendly’ or ‘uncooperative,’ thereby increasing the risk of losing their children” (APA, 1996).
 - Understand the relevance of DV history when evaluating parenting capacity–in study of documented abuse, frequent failures to consider documentation in the custody decision (Silverman, Mesh, Cuthert, Slote and Bancroft, 2004).
 - Consider how power and control dynamics would alter your assessment.
 - Faculty should take a minute or two to discuss Parental Alienation Syndrome (PAS), which is not

recognized by the American Psychiatric Association and not listed in the DSM-V. What some see as alienating behavior may be an appropriate response to safety concerns.

- Formulate hypotheses (more than one) that explain concerning behaviors and test against the information gathered.

B. SMALL GROUP ACTIVITY ON APPLYING THE BEST INTEREST AND LIMITING FACTORS (SLIDE 60)

2:45 – 3:15 PM (30 MINS)

Participants will split up into their small groups. Faculty will refer participants back to the relevant laws on the best interest and limiting factors in a dissolution case, included in the materials packet.

Participants will be asked look at the **Miller v. Tonaka** case scenario pleadings and notes to identify the following:

- The best interest factors implicated in RCW 26.09;
- Any limiting factors under RCW 26.09.002 and RCW 26.09.191; and
- Any challenges and concerns to making a best interest determination based on the information before them, including holes in information or lack of expertise in a certain area.

As they do this, faculty will walk around the room, checking in with small groups and answering any questions participants may have.

C. LARGE GROUP DISCUSSION (SLIDES 61-62)

3:15 PM – 3:30 PM (15 MINS)

Faculty will walk through the best interest and limiting factors using Power Point slides to make sure that the small groups hit everything that they should have. Discussion should also include the following recap of previous segments with respect to the fact pattern:

- Culture/bias: How does Hiroko's information about her culture and its impact on decision-making impact the GAL's view of the case?
- Attachment/development: What concerns are raised by Maya's size and academic struggles, if any? How might Maya's attachment differ from Stella's, and how does their age impact the GAL's decisions as to each child?
- Domestic Violence: Although Hiroko was the one most recently physically assaulted by Sasha, what do the facts suggest about who might be engaged in DV as a pattern of coercion and control?
- Mental Health: How do you evaluate Sasha's allegations that Hiroko is crazy and her own admission that she feels crazy sometimes? How does this relate to possible DV? What about allegations from Hiroko's brother that Sasha is mentally unstable?
- Substance abuse: Does Hiroko abuse alcohol? What is the relationship between DV and her drinking? How do you weigh the safety of the children with an alcoholic parent versus placing them with a possible abuser?
- Child abuse/neglect: Do you have an obligation to report what the preschool teacher told you about smelling alcohol on Hiroko at drop off? What other neglect/safety concerns are implicated in the facts?

D. BREAK (SLIDE 63)

3:30 – 3:45 PM (15 MINS)

V. REPORT WRITING

3:45 PM – 4:30 PM (45 MINS)

As a result of this segment, participants will be able to write, file, and distribute effective reports in keeping with local rules and practice and in a manner that protects the best interests of the child and the safety of all parties.

Faculty qualifications:

This segment should be taught as a team of two faculty by an experienced GAL, family law attorney, and/or a judicial officer that hears Title 26 cases.

Learning Objectives: (slide 65)

At the conclusion of this training segment, GALs will be better able to:

- Identify what information should be included and excluded from a report;
- Write effective and neutral reports that identify information sources and contain all facts and perspectives that will help the court reach an informed decision
- Comply with court rules and practice about the release of the report and communication with the court and other parties

A. MINI-LECTURE AND LEARNING POINTS ON REPORT WRITING (SLIDES 66-74)

3:45 PM – 4:00 PM (15 MINS)

Faculty will begin this section with a mini-lecture on the basic requirements of a good GAL report.

- Individualize each case so that decisions are made on specific facts and circumstances rather than generalizations or stereotypes.
- Show a clear connection between the information gathered and the conclusions reached.
 - List concerns and allegations of the parties and return to these in the integration and summary segment of the report adequately citing the critical data used to reach a conclusion.
- Faculty should then walk through the statutes for a dissolution case like *Sasha v. Hiroko* to discuss what should be included in a report for that type of case. Faculty should remind

participants to review the applicable laws for each different type of case, as provided in the online materials.

B. ACTIVITY: INTRODUCE GAL REPORT TEMPLATE (SLIDES 75-76)

4:00-4:30 PM (30 MINS)

Faculty will ask participants to refer to the **GAL Report Template** in their materials packet and take approximately fifteen minutes to fill in information that they think would be relevant in a GAL report about Sasha and Hiroko. Faculty should instruct participants that they only have fifteen minutes to do this, so they can simply jot down notes and thoughts and should not try to actually write out a formal report. Faculty should then facilitate a large group discussion for the last fifteen minutes in which they walk through the GAL Report Template and ask participants to share what they have included in the various sections as important information. This large group discussion should include the following discussion:

1. What topics did you think were most important to include in the GAL report?
2. Were there any areas where you would inform the court about gaps in knowledge/information?
3. Did anyone suggest alternative options for the court to consider?

C. MINI-LECTURE: DISTRIBUTING THE REPORT (SLIDES 77-86)

4:30 PM – 4:45 PM (15 MINS)

Faculty should spend approximately ten minutes explaining the process for distributing the report once it is complete, including:

- General Rule 14: Format for Pleadings and Other Papers
- General Rule 22: Filing requirements and filing procedures
- Discuss findings with parties before release
- Safety considerations for report release

Although the power point slides contain the text of the Rules, faculty should summarize the rules/content instead of reading from the slides.

Faculty should finish this segment by spending approximately five minutes highlighting the key elements of a good GAL report and what about the report makes it particularly useful to the court based on the case scenario presented.

VI. CLOSING STATEMENTS

4:45 PM – 4:50 PM (5 MINS) – SLIDE 87

At the close of the training, a local judicial officer (ideally, this would be the same judicial officer that helped introduce the training earlier in the week) should return to thank participants for coming to the training. The judicial officer should spend approximately fifteen minutes explaining why it is so helpful to have a GAL appointed to the case, what aspects of the GAL's report are most informative and helpful, and provide some insight into GAL practice that is less helpful. It is important to wrap this up in a way that makes participants feel like they have something to contribute to the court process, that the hard work that goes into becoming a GAL and providing this assistance to the court is worth it, and that they are not alone or unappreciated. The judicial officer can offer any additional insight that he or she chooses.

A. EVALUATIONS (SLIDE 88)

4:50 PM – 5:00 PM (10 MINS)

EXHIBITS

I. EXHIBIT A

Open Ended Questions Handout

(Faculty copy with suggested rewrites for discussion in blue)

Instructions: A series of closed questions are listed below. Rewrite each question in an open-ended format that is more likely to elicit meaningful information.

- 1. To Sasha: Do you love your daughters?

[This is not helpful because first, he’s not going to say no, and second, it tells you nothing about how he parents them. Instead, ask: Tell me about your relationship with your daughter.]

- 2. To Hiroko: Does Sasha abuse you?

[Tell me about your relationship with your husband. Often, victims of abuse do not count emotional or financial abuse in their own definition of abuse, particularly where cultural norms may seem to justify those behaviors. Moreover, this question could be offensive. It is important to reword this in a way that lets Hiroko share her experiences safely and openly. You can use open ended questions to look for patterns of power and control. For example, tell me how you and Sasha handled disputes when you were together. Tell me about your relationship with Sasha when you were together.]

- 3. To Hiroko: Do you plan to stay in Small Town, WA, now that you and Sasha split up?

[Tell me about where your plans for you and the girls. In your ideal world, tell me what your life with the girls would look like if you could decide it yourself.]

4. To Hiroko: Are you jealous of Sasha's career?

[This is not only a closed question, but also potentially offensive. Moreover, it isn't linked to parenting. A better question would be: How has Sasha's career affected your family life?]

5. To Hiroko: Can you support yourself and the girls if you are granted parenting time?

[A more relevant question would explore what her plans are, since perhaps she cannot support herself but her parents are in a position to help. A better question could ask: What sorts of preparations have you made for the future? How do you plan to meet the girls' needs?]

6. To Sasha: Do you want to share parenting time with Hiroko?

[This is a hard question, since parents often don't even understand these legal terms or what their options are. A more helpful question would broadly ask: Please describe your ideal parenting arrangement for me.]

7. To Hiroko: Do you have a problem with drugs or alcohol?

[This is offensive but an area that should probably be explored. Another approach could say: I understand that Sasha has alleged that you drink heavily, what types of situations prompt you to use alcohol?]

8. To Maya: Do you want to live with your Mom?

[This doesn't really tell you anything about whether she also wants to live with her Dad. Children are very literal, and likely wouldn't understand that an answer of "yes" could be interpreted to mean that she would choose her Mom over her Dad. Instead, ask "If you could live with

anybody in the world, who would it be.” You may get a silly answer and that is OK.]

9. Did your Daddy ever hurt you?

[Again, this could be interpreted in many different ways by children. If he once hurt her feelings, she might say yes, whereas she might say yes if he abused her. On the flip side, she might say no out of fear that he would get upset, hurt her again, or simply fear of betraying him. A better question would ask: Tell me about your Daddy.]

II. EXHIBIT B

Eliciting Additional Information

(Faculty copy with discussion questions in blue)

Instructions: Write two open ended questions that you could ask to help you learn more about a statement or understand it better.

1. Statement by a Hiroko: I'm so upset. This whole custody case isn't going the way I wanted it to.

[What about this is upsetting to you? How did you expect this case to go?]

2. Statement by a Hiroko: I only spend money on things we need for our family. I almost never splurge on extras.

[Tell me more about what types of things you need. What do you mean by almost never?]

3. Statement by Hiroko: Sasha has a way of always making me look crazy.

[Can you give me some examples?]

4. Statement by Sasha: Hiroko wants the kids every weekend. When am I supposed to have down time with them?

[What type of visitation schedule would work better for you? What plan do you think would work best for the kids?]

5. Statement by Hiroko: My partner yells at everybody. I swear Sasha is going to go postal someday.

[Tell me more about your concerns about your partner. How does your partner's anger affect the children?]

6. Statement by Sasha: I don't think I can take this any longer. I don't even want to be alive.

[What do you mean that you can't take this anymore? Faculty should ask if a statement like this would prompt additional questions to see if the person is considering suicide. What if this prompts a response that they are considering suicide? What if it is an adult? What if it is a child? How do you respond to your mandatory reporter role?]

7. Statement by Maya: I get scared at night time.

[What scares you? What things do you do to calm yourself down? How do your parents help to calm you down or make you feel less afraid?]

8. Statement by Maya: I don't want to make daddy angry at me.

[What types of things make mommy angry with you? Why do you think this would make mommy angry?]

9. Statement by Maya: Don't tell Daddy, but I don't want to live with him anymore.

[Where would you like to live? Why? Faculty should explain that it is important to remember that sometimes children's reason for expressing a preference over one parent can be as simple as the parent buying them ice cream earlier that day. It could also be because that parent has no rules and the child can run wild, which is not necessarily in the

child's best interest. When children make sweeping statements, it is imperative to follow up to better understand what makes them say what they are saying. Of course, a GAL should not follow up on allegations of sexual abuse, as this is not appropriate for a person not specifically trained in this line of questioning!]