

# GUARDIAN AD LITEM

## 15<sup>TH</sup> CIRCUIT-WEST PALM BEACH

### VOLUNTEER TRANSPORTATION REQUEST

Certified GAL Volunteers who wish to transport dependent children to whom, they have been assigned by the court must complete the fields below:

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Phone # \_\_\_\_\_

Email \_\_\_\_\_

In order for your request to be processed, you must provide your Driver's License and Insurance Card to be photocopied.

Vehicle Information:

Auto Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_

Insurance Carrier \_\_\_\_\_

***Justification:*** Volunteers are approved to transport their children to activities and events that will help promote a normal life style and will help to develop further trust and a closer relationship with their GAL.

I consent to the Guardian ad Litem reviewing my history and work as a GAL for the purpose of determining that I am eligible to become a transporter.

Volunteers Signature \_\_\_\_\_ Date \_\_\_\_\_

## GAL VOLUNTEER RULES OF TRANSPORT

I HAVE READ, UNDERSTAND, AND AGREE TO ABIDE BY THE FOLLOWING RULES OF CHILD TRANSPORT:

INITIAL	
	I agree to transport <u>only</u> those children who are <u>6</u> years of age or older for whom I am the assigned GAL Volunteer, unless I receive specific permission from the Circuit Director to transport a child under the age of 6 on a child-by-child basis (with an approved child car seat). Children 12 and younger must ride in the rear seat only with seat belt in use.
	I agree to abide by all the traffic laws and drive in a safe manner when transporting any GAL child. This includes the use of a car seat if required by law.
	I agree to maintain my vehicle in a safe and reliable condition.
	I agree to maintain auto insurance at all times. Further, I agree that my insurance will conform to the minimum insurance requirements published by the State Of Florida at all times.
	I will not take any actions while transporting a GAL Child that would jeopardize safety or in any way place the child at risk.
	I will not use a cell phone, blackberry, or text while driving with a GAL Child in my vehicle.
	I understand and agree to notify the program immediately of any changes in my driving record as a result of a traffic infraction, including but not limited to moving violations; DUI; accidents; license suspension and/or revocation.
	I agree to report to the program immediately any unusual incidents, problems, or occurrences that may occur during the transportation of my child.
	I agree to abide by the GAL standards of operation governing my conduct as volunteer.
	I understand the importance of working with the child's custodian/caretaker in determining convenient and appropriate times to transport the child and agree to be respectful of the caretaker/custodian's wishes in this regard.

\_\_\_\_\_  
Guardian ad Litem Volunteer

\_\_\_\_\_  
Date

( ) APPROVED - GAL Circuit Director -

\_\_\_\_\_  
date

( ) Denied

Effective: August 1, 2013  
Office: State Office  
Topic No.: 21-02-14



Approved:

Alan F. Abramowitz, Executive Director

## **GUARDIAN AD LITEM PROGRAM TRANSPORTATION GUIDELINES**

### **PURPOSE:**

The purpose of allowing Guardian ad Litem (GAL) volunteer child advocates to transport children in foster care is to promote social, extracurricular and enrichment activities for children; and to foster communication and relationships which in turn enhances child safety by facilitating trust between the volunteer and child. Participation is on a voluntary basis. These guidelines clarify who may transport, pre-qualifying conditions that must be met by the volunteer, and the process required to gain final authorization.

### **AUTHORITY:**

Florida Statute § 39.8296 (2) (b) (7) permits GAL volunteer child advocates to transport children represented by the Program. The law states that *“In an effort to promote normalcy and establish trust between a court appointed volunteer guardian ad litem and a child alleged to be abused, abandoned, or neglected under this chapter, a guardian ad litem may transport a child. However, a guardian ad litem volunteer may not be required or directed by the program or a court to transport a child.”*

### **SCOPE:**

These guidelines are applicable to all certified active guardian ad litem volunteers seeking approval to transport children.

### ***STATEMENT OF THANKS:***

*The Guardian ad Litem Program wishes to thank the 2012 Florida Legislature for its unanimous passage of legislation authorizing Guardian ad Litem volunteers to transport abused, abandoned and neglected children. Additionally, the Program extends its gratitude and appreciation to the Governor for signing this bill into law.*



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# TRANSPORTATION GUIDELINES

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## **Standard 7. Transportation of Children**

In the spirit of promoting social, extracurricular and enrichment opportunities for children, GALs approved by the Circuit Director shall be permitted to transport children represented by the Program. Transportation of children can promote trusting relationships between the GAL and the child, and can enhance the quality of best interest advocacy.

## **Children Who May Be Transported**

The Volunteer and the Child Advocacy Coordinator must discuss the option of providing transportation for the child. For any child being transported, communication with the child's caregiver is required. For a foster child the foster parent or the group home/shelter caregiver designee is the person empowered by Section 39.4091, Florida Statutes to make decisions regarding activities promoting normalcy for the children in their care.

Children in the following categories **may not** be transported by a GAL volunteer:

- Any child under the age of 5 unless otherwise approved by the Circuit Director or his/her designee;
- Any child identified by their caregiver as inappropriate to transport.

**Please note:** The GAL Program shall notify the Department if it is believed that the caregiver is making the decision regarding transportation of a foster child in a manner inconsistent with the reasonable and prudent parent standard.

## **Pre-Conditions for Volunteer Participation**

- the volunteer must be in good standing with the Program as demonstrated by their status as a certified active volunteer;
- the volunteer must have a recommendation from their Child Advocacy Coordinator supporting their application.

## **Process for Requesting Authorization to Transport**

**STEP 1:** Any volunteer who meets the pre-conditions set forth above may seek authorization from the Program to transport. No volunteer is permitted to transport until authorized by the Program. To obtain authorization, the Circuit Director or his/her designee will review the volunteer's file and consider the following:

- Initialed and signed Volunteer Rules of Transport Form
- Completed Volunteer Transportation Request Form
- Proof of auto insurance (volunteer must have minimum limits required by law)
- Proof of a valid driver's license

**STEP 2:** In determining whether to approve a volunteer to transport, the Program shall consider the following:

- the volunteer's experience and length of service with the Program;
- the recommendation of the Child Advocacy Coordinator;
- proof of current auto insurance and a valid driver's license and
- any complaints received by the Program or other concerns brought to the Program's attention.

**NOTE:** It is within the sole discretion of the Program whether to authorize a volunteer to transport. The Program will consider the above factors in making this determination. However, no volunteer will arbitrarily or capriciously be denied the ability to transport. The Program retains the right to revoke a volunteer's authorization to transport.

**STEP 3:** Approved documents used in considering the request to transport shall be placed in the volunteer's file. GAL Tracker shall be updated to reflect that this volunteer is approved to transport. Once approved, the volunteer will be notified by letter (or email) that he/she is approved to transport children. The letter may be presented to the caregiver if the caregiver requests proof that the volunteer is approved to transport. Volunteers must receive authorization to transport and have signed the Volunteer Rules of Transport Form prior to transporting.

For any volunteer who is denied authorization to transport, the Circuit Director shall submit the documents considered in making the determination to his/her Regional Director for final decision before notifying the volunteer.

### **Discussion, Background, and Frequently Asked Questions:**

Transporting a child in foster care is an optional practice that may be used to good advantage by volunteers who have been approved to transport by the Program. It's not for everyone. In fact, no volunteer would ever be required to transport a child.

It is important that volunteers do not agree and/or promise to transport a child unless they have approval from their Circuit Director or his/her designee.

There are clear benefits to permitting volunteer child advocates to transport children. Among these are:

- ***Child safety:*** Child safety is the primary reason for instituting the Transportation Project. An email from a Volunteer Guardian ad Litem discussing the Transportation Project described the following circumstance.

“[I] have been a Guardian ad Litem/CASA with several different state jurisdictions for approximately 12 years, CASA's in California were approved to transport children; ... It really gave me the opportunity to bond with the children when they were out of the foster/group home. One girl disclosed that she was being sexually molested, (and) that she was in a 'place' with me where she felt safe.”

- ***Enhanced relationships:*** Relationships with youth can be enhanced during the transportation of a child in foster care. The bonding and trust that develops as a result of such shared experiences are more likely to result in disclosures by the child that provide the volunteer with insight into safety issues impacting the child.

One volunteer remembers when two little boys he took to McDonalds were beside themselves with excitement because it was the first time they had ever been to a “restaurant” to eat. Amazingly, the shared experience and relaxed atmosphere of the journey can deepen the relationship between the child and the volunteer.

- ***Improved communications:*** Communication with youth can be tough in the best of circumstances. Meeting children on “their turf” gives them a sense of empowerment and has the ability to enhance a volunteer’s ability to communicate with kids.

One volunteer remembers how his child, after listening to some of his favorite music on the car radio, began to relax and open up to him about things going on in his group home which were impacting the child’s life. This was information the volunteer is not sure he would have heard about had it not been for that ride in the car and sharing music.

- ***Sense of Normal Life Experiences:*** Daily experiences help build a child’s confidence and buoys their spirit when they are able to go to a school dance or go get their driver’s license on their birthday just like their friends. Many of the everyday things that our own kids take for granted are not always something a dependent child can count on. By transporting, volunteers can help bring these same childhood experiences back into the lives of our dependent kids.

- ***Volunteer Retention:*** The first volunteer who was permitted to transport a child in foster care sent the Circuit Director a report after his experience. An excerpt summarizing his feelings immediately after taking a child who resided in a group home to a restaurant is below. The satisfaction those volunteers who choose to request and are approved to transport could enhance the volunteer experience.

“... I know how hard you worked to get this approval, particularly in time for me to visit “Ryan”. ... When I retired I was making six figures. I am now a volunteer and unpaid, or am I? When I hear, What would we have done without you; You have no idea how much you have helped our family; Things happen when you get involved; a four year old girl nearly knocks you over jumping up to give you a hug, and a little boy puts his arms around you, his head in your chest, and says, thank you, I feel like I have gotten a raise.”

# QUESTIONS AND ANSWERS CONCERNING THE TRANSPORTATION GUIDELINES

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**Q: Can either the Community Based Care Lead Agency (CBC) or the Courts require me to transport a child under any circumstances?**

A: No. Deciding to transport a child is entirely voluntary and the volunteer is not a service provider for the child or family. Equally important, the volunteer must be permitted to transport pursuant to the guidelines. No one can require you to transport a child. In the event a volunteer is ordered by the court to transport a child the volunteer must notify the Circuit Director and Supervising Attorney immediately. The law specifically prohibits the Court from ordering a volunteer to transport a child. The Circuit Director and the Supervising Attorney will work together to determine the appropriate course of action to resolve the situation.

**Q: What if I'm asked to fill in for a caseworker (take to doctor, court, etc.)? Won't I receive pressure from the CBCs and the Courts to transport?**

A: Nothing prevents the CBC from asking you to transport and some volunteers may wish to do so. We know CBC Case Workers are busy and they may see this as an opportunity for you to help them. But as the volunteer on the case, you are not required or otherwise obligated to comply with such requests. The Program initiated the Transportation Project as a means of enhancing the relationship between the child and volunteer and providing normal activities in the child's life. It was not created with the intention of providing assistance to the CBCs or case workers, although that may be a secondary benefit. Seek the support of your Child Advocate Coordinator if you feel you are being pressured.

**Q: If I am an approved volunteer transporter and I am involved in an accident, am I liable for any damages that arise from that accident?**

A: Volunteers who are formally approved under the GAL guidelines are protected by the State of Florida in the event of litigation stemming from any accident or incident that may occur while in the course of volunteering. Liability protection does not apply if you transport a child without formal approval.

**Q: What are the insurance implications if I decide to transport a child?**

A: Volunteers are covered under Worker's Compensation in the event of injury to themselves during transport, as long as they have been approved for transport. Damage to the volunteer's car as a result of an accident during transport must be referred to the volunteer's auto insurance carrier. For this reason, volunteers are advised to notify their carriers that they will be transporting. You will be asked to show that you have valid automobile insurance with appropriate minimum limits as required by the State of Florida before being allowed to transport a child. If your insurance lapses or is cancelled for any reason, you must notify your Circuit Director and your authority to transport is automatically revoked. Liability claims related to bodily injury and property damage arising from another party involved in an accident will be handled by the State's Division of Risk Management.

**Q: Don't I become a "caregiver" in point of fact? What if a child makes a false allegation of improper behavior against me while I am transporting a child?**

A: Any person can make an allegation at any time. However, the Department of Children and Families (DCF) and the GAL Program agree that the Guardian ad Litem volunteer who engages in transport of a dependent child does not fall within the definition of "caregiver" as set forth in Section 39.01, Florida Statutes. Any allegations of impropriety should be handled the same as any complaint of impropriety by any citizen against another citizen, through appropriate law enforcement channels. Although we cannot determine future policy decisions by DCF, DCF has provided a letter of support for this interpretation of a "caregiver."

**Q: Won't I be providing a "service" to the child (ren) if I transport them?**

A: Everything we do for children is a "service." The more than 150 children that were interviewed during the "A Voice Heard" initiative recognizes that all volunteers do for children is a service, including taking on the role of mentor, friend, counselor, teacher, advocate, supporter and cheerleader. If you are able to transport a child to a therapy session by your own choice, and learn the real time information about your child, this may put you in a better position to advocate for the child. Again, no volunteer is required to transport, and no court or program can require a volunteer to transport.

**Q: Why is there an age limit for kids who are eligible for transportation?**

A: Initially, children 5 years and older have been selected as being eligible for the transportation by a volunteer. We will continue to evaluate the age limit over time. There may be a unique circumstance, where a child younger than 5 years old would be appropriate for transportation. Circumstances such as allowing siblings to be transported together or other unique situations may be approved by the Circuit Director on a case-by-case basis. If an exception is made for a child under 5 years old, the law must be followed regarding car seats.



**Q: May I transport a youth who has extended jurisdiction?**

A: Yes. These youth are 18 years old and can make their own decision as adults. If they would like help from their GAL and need to be transported the volunteer may transport them.

**Q: Who pays for the cost of me transporting kids?**

A: We recognize that there is a cost associated with transporting children. Unfortunately, there are no funds to reimburse your travel expenses. We will certainly understand if the cost of travel prevents you from considering this option. However, please be aware that the IRS does allow for deductions of various travel and transportation expenses incurred by volunteers. There have been some non-profits that have provided gas cards to volunteers; however the non-profits would have to decide to use funds raised in this way.

**Q: How will my Child Advocacy Coordinator feel about me if I don't want to transport children, but others do? Will I become a second class volunteer?**

A: No one should feel pressured into transporting children. This is an optional opportunity and an individual decision for each volunteer. It is not for everyone. We value the work done by **all** of our volunteers, regardless of whether or not they transport children.

**Q: Is a new approval needed each time a child is transported?**

A: No. Once the Volunteer Transportation Request form has been completed and approved, no other written permission is required to transport a child.

**Q: Can Circuits have more stringent requirements than the Transportation Guidelines?**

A: No. Circuits may not be more restrictive than the Transportation Guidelines. If the Circuit becomes more restrictive this would violate the legislative intent if the volunteer meets the Program's set guidelines.

**Q: Does the GAL need the caregiver's written permission to transport the child?**

A: No, verbal permission is appropriate. However, the volunteer must communicate with and coordinate all transport with the caregiver. The caregiver's verbal permission should be documented in the case file.

**Q: Does the GAL need to keep a log of the times that a child is transported?**

A: Yes. Just as a GAL volunteer keeps notes on all his or her activities. This would include: date, length of time, destination, purpose, etc.

**Q: Is there any situation in which a child can be transported by a volunteer who has not been approved to transport?**

A: In an emergency situation as stated in Standard 8, "The Guardian ad Litem Good Samaritan Policy," where the child's safety is at risk and the Circuit Director or his/her designee approves.

**Q: May I take the children I transport into my home?**

A: Volunteers should limit their activities with the child to public places; however, volunteers may bring a child into a home if there is an event such as a Thanksgiving meal or a Christmas celebration and the caregiver approves the activity(Standard 1.C). If a volunteer has a reason to have a child in their home that goes beyond events such as a Thanksgiving meal or Christmas celebration, the Circuit Director or his/her designee should be consulted. Some volunteers discussed wanting to have children who would soon age out of foster care and wanting to teach them to cook in their home. These unique situations may be permitted by the Circuit Director or his/her designee.

**Q: Should I discuss transporting a child with the child prior to my approval?**

A: It is important that volunteers do not agree and/or promise to transport a child unless they have approval.