



THE GUARDIAN GLOBE

13TH CIRCUIT GAL PROGRAM



A Note from Our Director, Tabitha Lambert

Hello volunteers! I have a few important updates this month.

Eckerd will be taking over some cases from Lifestream. There are approximately 10 case managers who will be transitioning over to Eckerd. Joshua Stamps, Assistant Director with Lifestream, will be moving into a Director role with Eckerd and overseeing these cases that are being transferred. Your CAM has a list of the cases who will be transitioning to Eckerd for case management services. The reason this was done is to alleviate some of the stress on Lifestream since Lifestream provides services for a majority of the children in Hillsborough County.

I'm happy to announce a few great initiatives with Voices for Children as well! Last year, they received a grant from the Open Hearts Foundation (ran by actress, Jane Seymour). They have chosen Voices for Children as 1 of 4 recipients nationwide to participate in an event where their volunteers would write an encouraging note to a child or caregiver in your case. If your child or caregiver could use a little pick me up, please fill out the request form by [clicking here](#). The deadline is March 10, so act quickly!



We've also added to our necessities closet at the office thanks to Voices for Children's grant from the Saunders Foundation! We have some general clothing, socks, undergarments, pillows, hygiene items, blankets, and slides (sizes 8-11 adult). If your child needs something, please reach out to me or your CAM. I'm in the office about once a week if anything is needed!

If you have any questions, please do not hesitate to contact me via [email](#) or phone 239.771.0821. Thank you for everything that you all do to help our kids!

Non-Profit Partner, Voices for Children

Thanks to each and every one of you for your unwavering dedication to the children you advocate for and the Guardian ad Litem Program. We can't tell you how much we appreciate those of you who have submitted thank you notes from your children, pictures of them with the items we've provided and shared your inspirational stories with us here at VFC. Your photos and experiences are one of the most powerful tools in telling our narrative. This information is critical when submitting grants and appealing to large donors. It really brings each story to life and makes a big impact!



As the grant cycles begin for 2021, we would love some fresh, new thank yous, feel good pictures and moving stories. Names and specifics will remain confidential, of course. Feel free to reach out with any questions or submit items directly to Jennifer Starr, Executive Director, at: jstarr@vfcgal.org Thanks for all that you do! Without you, our amazing GAL volunteers, we wouldn't be able to support these children in need.



Happy February Anniversary to our Volunteers!

1 Year

Amemiya Callen
Christi Davis

2 Years

Brenda Fuster
Alexandra Gingras
Christy Doerr
Barbara Schulte
Miriam Deredza
Suzanne Holmes
Gina Miles
Lynn Conley
Nicole Alvarez
Jennifer Collins
Jacqueline Houston
Diandra Sims
Adam Shoemaker
Robert Coates
Natalie Noel
Ana Rivas
Elizabeth MacNichol
Sara Wager
Minday Ecob
Mary Beth Hill

3 Years

Marilyn Sandborn
Adrienne Johnson
Erin Mollura
Dawn Golden
Valerie Mathis
Andi Jacobs
Cheryl Allwright

4 Years

Delores McGhee
LaVita Rodriguez
Midge Connolly
Christine Franken
Heather Traynor
Natasha Perry
Kristy McAdams
Karin Martin
Tamara Bolling
Chris Heath
Carly Rosick

5 Years

Jerry Denney

Carolyn Richter

Shelley Mitchell
Sharon LeVand
Chad Daughtrey
Ashley McClendon
Adriance Nelson

6 Years

Theresa Favino
Kari Jones
Sarah Supnick
Linda Helman

7 Years

Ashley Ise
Michelle Blume

8 Years

Joan Rixom
Kathy Petrus

9 Years

Karen Roberts

10 Years

Michelle Schrier
Joyce Holcomb
Pat Martoccia

11 Years

Christie Enderle
Elizabeth Christo
Thomas Santarlas

12 Years

Mel Marrone
Betsy Smith

13 Years

Yvonne Marrone
Kimberly Richards
Cristina Jones

14 Years

Marjorie Medina

19 Years

Ken Conklin

UPCOMING TRAINING OPPORTUNITIES

It is important to stay up to date with obtaining your 12 hours of required training each year! Here are some opportunities to help you stay up to date! The links to the training are included unless you are required to register in advance. On the training date, just click!

JR Bootcamps are back! Join Assistant Director and Attorney Michelle Blume to learn about the ins and outs of writing a stellar Judicial Review Report.

Upcoming Bootcamp Dates: 3/8/21 - Noon and 4/12/21 - 6pm

<https://zoom.us/j/97643586138?pwd=RkJoTmEwdnhBa2IMQ0VMTzIPYVFMUT09>

Wednesday, 2/24 at 6pm

Volunteer Support Group: Join other GAL Volunteers to talk about cases. Also learn about any program updates with Director Tabitha Lambert.

<https://zoom.us/j/99461853378?pwd=RTIOWIFRYmxLcTJEeHFBuWZMMHpFOT09>

Thursday, 3/11 at 6pm

Everything you wanted to know about Optima (...but were too to click on): Sure you can enter a visit note, but do you know how to enter school information? Keep track of distant relatives? Know what dates he was in Mr. Wilson's foster home?

Special Bonus!! How to find and translate your Attorney's Court notes!

GUARDIAN SPOTLIGHTS



Joyce Holcomb is a retired educator of 39 years. She has taught every grade from kindergarten through 7th grade. She graduated from the University of Missouri of which she is a big supporter. When Joyce remarried, she moved to Tampa-- that was 28 plus years ago. She is the mother of 4 adult children, 8 grandchildren, and recently added a great grandson.

Joyce became a Guardian ad Litem appropriately 10 years ago. She has always had a heart for children as evidenced by her teaching, so it was natural for her to choose to volunteer for the Guardian ad Litem Program.. She chooses cases with young children who have no voice of their own to advocate for themselves. Joyce states that it's not an easy job, but it is mostly fulfilling to see a case to the end. Thank you Joyce for your dedication and advocacy!

~ Submitted by Amy Waterman, CAM



It gives me great pleasure to recognize Ali Shulman Edwards for our GAL spotlight of the month. Ali became a volunteer in September 2019. She quickly hit the ground running with her first case.

Ali has a unique background that has positively contributed to her role as a GAL, as she is a fourth generation lawyer. She has been dedicated from the beginning, with her unique experience propelling her to provide tireless, heartfelt advocacy to her GAL child. Ali is a professional with everyone that she has come into contact with, whether it be case management, parents, or service providers. Unexpected twists and turns have come about in the case she is assigned to. Those twists and turns range from drug court to dependency to now a TPR posture. Through it all, Ali has been present and remains committed. Ali is an asset to my team and we are grateful to have her!

~ Submitted by Jennifer Rivera, CAM



Andi Jacobs has been a GAL for 3 years. She spent most of her career in advertising and corporate marketing. When she decided to step out of the corporate world, she wanted to focus my energy on the community and giving back. Andi co-founded a local non-

profit called TampaBay-Job-Links, now in its 11th year, that helps people who are unemployed prepare for their job search and find jobs. Andi remains the board chair and helps to run the organization day-to-day. Andi and her husband live in Tampa. We have two boys in college and a Berniedoodle at home named Milo.

Andi states that she chose to be a GAL because she wanted to make a difference in the lives of children, and help to give them the safe, stable and loving homes they desperately need and deserve. In the process, she states that she learned how valuable she could be to the families involved, trying to navigate their way through the child welfare system, helping them to become a place of permanency for the children they love and who love them. Thank you Andi for all you do!!

~ Submitted by Amy Waterman, CAM

Recruitment Corner

Being a volunteer is not for everyone, but no one can tell the volunteer story better than you our amazing volunteer! That is why every month we see that more than 25% of our inquiries come from "Word of Mouth" (WOM) sources, like family member, friend, current volunteer or staff member!! In fact, during the past 3 months "WOM" sources accounted for over 1/3 of all our inquiries received because now our volunteers are sharing information on their social media sites too.

Thank you for thinking outside of the box and sharing the Program and the difference that you are making with your friends and family, whether it be in person or through a social media post! We want to let you know that it is working, in January **33 new volunteers were provisionally certified**, that is more than any other Circuit in the state!

Keep up the great work! We are hosting weekly Information Session Conference Calls that are posted on our website or on Facebook. Please invite your neighborhood to visit our website (www.galtamp.org) with a post on Nextdoor, please like the Program's Facebook page (www.facebook.com/GALTampa) then you will be able to like and share our posts about upcoming Information Sessions. The Recruitment Team is always available to help, please let us know how we can help you share your story. You can reach Sharon Beningfield at Sharon.Beningfield@gal.fl.gov (813-334-7001) or Yvonne Marrone at Yvonne.Marrone@gal.fl.gov (813-846-9717).

Featured Legal Lesson:

GAL's Guide to Child Hearsay

Many times the question is raised as to what testimony is allowed by the Guardian in hearings. In Judicial Review hearings and pursuant to Fla. Stat. § 39.701(2)(c), the court can consider "any relevant and material evidence submitted to the court, including written and oral reports to the extent of their probative value. These reports and evidence may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of their probative value, *even though not competent in an adjudicatory hearing.*" Therefore, hearsay may be allowed in a Judicial Review hearing. If there is an objection raised, the Guardian report filed prior to the hearing may be admitted under the business record exception. Fla. Stat. § 90.803(6).

Adjudicatory hearings in Dependency hold a more stringent standard for testimony elicited from any witness. This can be a barrier when the testimony sought is that of the child victim through another witness. Under the Child Hearsay Exception Fla. Stat. § 90.803(23), the court will need to make specific findings before a witness testifies to what the child said under this exception. The child hearsay exception applies to:

Out of court statements made by a child 16 years of age or younger, AND

Statements describe an act observed by the child of abuse (including sexual abuse) or neglect, AND

The child has either testified or is "unavailable" to testify.

In addition to the above and pursuant to Fla. Stat. § 90.803(23), the court must make findings on: a) the child's hearsay is reliable and trustworthy, and b) corroborating evidence must be shown to the court. The court shall hold a hearing on the child hearsay exception prior to adjudicatory hearing. To further determine whether the child is unavailable to testify at the hearing, "unavailable" can mean there is substantial likelihood that the child will suffer severe emotional abuse if the child were to testify during the hearing. The court must make findings on the record of this. (See *Department of Health & Rehabilitative Servs. v. M.B.*, 701 So. 2d 1155 (Fla. 1997)). ["Court's failure to set forth on the record the required findings of fact that hearsay statements made by a child victim of sexual abuse are trustworthy and reliable precludes their admission and constitutes reversible error if the statements are admitted without complying with the statute." *A.E. v. State*, 668 So. 2d 704 (Fla. 5th DCA 1996).] Pursuant to Fla. Stat. § 90.803(23)(a)(2)(b), and § 90.804(1), to support the position the child is unavailable, a therapist or other testimony that child is unavailable because it would cause great harm is sufficient. (See *State v. Townsend*, 635 So. 2d 949 (Fla. 1994)).

Before a child victim's hearsay statement is admitted into evidence under Fla. Stat. § 90.803(23), the court considers the following factors as to the reliability of the statement: "whether the statement was spontaneous, whether the statement was made at the first available opportunity following the alleged incident, whether the statement was elicited in response to questions from adults, the mental state of the child when the abuse was reported, whether the statement consist-

ed of a child-like description of the act, whether the child used terminology unexpected of a child of similar age, the motive or lack thereof to fabricate the statement, the ability of the child to distinguish between reality and fantasy, the vagueness of the accusations, the possibility of any improper influence on the child by participants involved in a domestic dispute, and contradictions in the accusation." (See *Dep't. v. M.B.*, 701 So. 2d 1155; See also *State v. Townsend*, 635 So. 2d 949; *R.U. v. Dep't of Children * Family Servs.*, 777 so. 2d 1153 (Fla. 4th DCA 2001)).

If the child victim does not testify, Fla. Stat. § 90.803(23) requires, in addition to a determination that the child is unavailable, "other corroborative evidence of the abuse or offense," which provides particularized guarantees of trustworthiness. (See *Dep't v. M.B.*, 701 So. 2d 1155; See also *Delacruz v. State*, 734 So. 2d 1116 (Fla. 1st DCA 1999)). The Guardian would agree with the district court below that Fla. Stat. § 90.803(23) comports with the requirements of the confrontation clauses of both the federal constitution and the Florida Constitution. (See *Perez v. State*, 536 So. 2d 206 (Fla. 1988) [*In this case, the trial court heard testimony from a representative of a mental health agency as well as the mother that the child testifying would cause great harm. The court confirmed this is sufficient to determining the child is unavailable and does not run afoul of constitutional protections.*]).

Pursuant to Fla. Stat. § 90.803(23)(c), the "court shall make specific findings of fact, on the record, as to the basis for its ruling under this subsection." The court must make findings (reversible error if court does not) of reliability before allowing this testimony which should be addressed before allowing a witness to testify to what child said. (See *Dep't v. M.B.*, 701 So. 2d 1155; See also *M.P.C. v. Dep't of Children & Family Servs. [In the Interest of D.P.]*, 709 So. 2d 633 (Fla. 2d DCA 1998)). Best practices would be to request a written order from court after a hearing on the record that this child hearsay testimony is allowed from the witness.

If the situation arises where an order on a child hearsay exception has not been issued prior to the adjudicatory hearing, the Guardian may face a hearsay objection if testifying as to the child's statements. Under Fla. Rules. Juv. Pro. § 8.215, the Guardian is court-appointed to represent the best interest of the child, and in certain cases, under Fla. Stat. § 39.810, to deliver manifest best interest testimony at a hearing on the termination of parental rights. As stated above, the Guardian report filed prior to the adjudicatory hearing may be admitted under the business records exception. Statements made from others (outside the Guardian's personal statements) within that report may still be faced with a hearsay objection. There are additional hearsay exceptions under Fla. Stat. § 90.803 (1-5) where this testimony may be allowed as the Guardian may testify to his or her present sense impression, excited utterance, existing mental emotional, or physical condition, and recorded recollection. Notably, there is good argument for

Featured Legal Lesson, Cont.

GAL's Guide to Child Hearsay

an exception to be allowed as to have the child present to testify would cause substantial harm to the child. If the foundation is laid for the trustworthiness of the statement intended to be offered, along with the necessity of the need for hearsay evidence caused by the unavailability of the child present to testify, the court may allow the Guardian to testify as to the child's statement. If the court sustains the hearsay objection, the Guardian may still testify as to why his or her position on permanency is in the best interest of the child. As a best practice for Guardians, keeping detailed records throughout the case would be of future benefit if the case were to go to trial.

~ Submitted by Alicia Tarrant, Esq

GAL Hospital SWAT Team

Stories from the Front Lines

Every Month a real GAL Hospital SWAT Team Case will be shared



Hospital: St. Joseph's Children's Hospital

GAL Hospital SWAT Team Members assigned: Alexis Vars & Max O'Neill

Reason Child Hospitalized: Medical Neglect, Cerebral Palsy, Paralysis



Summary (written by GALs Alexis Vars & Max O'Neill):

Alexis:

"This little boy had been in the hospital for 3 days by the time we were assigned to him and in those 3 days he would either sit at the nurses station in a wagon or alone in his room since he had no family to be there. I knew he needed someone to stay with him as much as possible because of his condition, and I worked to rearrange my schedule to be at the hospital day and night, teaming up with Max, another incredible GAL on our SWAT team, to help cover the times when I couldn't be there. The two of us together helped to assure that this sweet boy, with the most contagious smile, would have someone with him throughout his stay which lasted 14 days, 7 of which were in the COVID quarantine wing where we were not allowed to visit.

We read him books, played with toys, did music therapy, and made lots of friends that would say hello as they passed by (he was very popular) While in quarantine we called daily to check on his progress. Max and I had both worked with him quite a bit and he had made a lot of progress including engaging more, moving to solid food, feeding himself, and saying more words.

Eventually a medical placement was found for this special little guy and he was able to leave the hospital. He is thriving in his current placement and the progress he made that started with Max and myself while hospitalized has only grown. I know this because I decided to stay on permanently as his GAL.....you can blame that contagious smile."

Max:

"Zach was the best kid ever. I'll miss our nights together playing games and being silly. However, one of the best parts of this case was getting to witness the magical connection between GAL Alexis Vars and Zach. Zach was glued to Alexis, and Alexis gave the parents in the ward a run for their money with her level of dedication and time spent at the ward (not that it is a competition, but if it was, we would have won). It is rare we get work directly with other GALs, and the Hospital SWAT Team has allowed me to experience this magic again and again."

Questions?

Contact Katie McCarey, GAL Hospital SWAT Team Lead & Master Guardian ad Litem

Email: katiemccarey@gmail.com