

GUIDANCE FOR CIRCUIT DIRECTOR'S IMPLEMENTING THE TRANSPORTATION PROJECT IN YOUR OFFICE

Transporting a child in foster care is an optional tool that may be used to good advantage by a select group of volunteers that are approved and choose to use it. Based on feedback from volunteers, staff, and stakeholders, and with the twin goals of fostering the relationship between the child and his/her volunteer guardian ad litem, and promoting normalcy for our children, the Program is sponsoring this optional Transportation Project. It's not for everyone. In fact, no volunteer would ever be required to transport a child, and only carefully selected volunteers, who wish to transport, will be authorized to do so.

While the Transportation Project is also optional for Circuit Director's, there are a variety of reasons why you may wish to consider adopting this tool for your volunteers who wish to transport children. The reality is that there are some clear benefits to permitting carefully vetted volunteers 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 Normalcy:** 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 from his report 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."

Volunteer Feedback: Many of our volunteers would welcome the opportunity to transport. In a March, 2011 survey, an overwhelming 93% (239 of 256 volunteer respondents) were in favor of implementing a transportation option to allow volunteers to transport, in certain situations, to develop deeper relationships and opened lines of communication. Even volunteers, who stated they did not want to participate in the Project, still supported those volunteers who would choose to transport.

In some cases, respondents raised valid questions and concerns, and many offered recommendations which are outlined on the following two pages. We've provided some of those answers for you, but others will be apparent to you. Even so, some respondents stated that while they supported the project, they would personally not transport because of concerns regarding liability, insurance, and false accusations. We understand. It's OK.

QUESTIONS AND ANSWERS CONCERNING THE TRANSPORTATION PROJECT

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

A: No. This Project is entirely voluntary and the volunteer is not a service provider for the child or family. Equally important, the volunteer must be authorized to transport by the Executive Director or his/her designee. No one can require you to transport a child. If in the event a court does order a GAL volunteer to transport a child, GAL will suspend the Transportation Project in that circuit until such time as the issue is resolved with the court. 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 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 get 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 normalcy in the child's life. It was not created with the intention of providing assistance to the CBCs or case workers. Seek the support of your Circuit Director if you feel you are being pressured.

Q: If I, as a volunteer, transport a child 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 Transportation Project 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. Damage to other vehicles in an accident will be handled by the State's Division of Risk Management. Formal approval to participate in the Transportation Project is essential. Liability protection does not apply if you transport a child without that 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.

Q: Don't I become a "caretaker" in point of fact? What if a child makes a false allegation of improper behavior against me while I am transporting a child? Will a report be made to the hotline about me arising out of my role as caregiver?

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. The report should not be accepted by the Hotline for investigation. Although we cannot determine future policy decisions by DCF, DCF has provided a letter of support for this interpretation of a "caregiver." The letter is attached.

Q: Why is the process to become authorized so rigorous?

A: This is a controlled project designed to meet the needs of volunteers who wish to transport children, as well as enhance our best interest advocacy for children. It is a new project for us and we want to make sure that we have put in place the necessary controls to protect the volunteer, the child, and the GAL Program.

Q: Why do you need my driving records?

A: The best predictor for future safety while driving a car is often found in your past driving record. Obviously, we would not authorize a volunteer for transport if there were serious problems with their past driving record. Minor offenses are likely not to have any influence on our decision to appoint, but disclosure of your driving record is the only way we can help ensure safety for the children you will be transporting.

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

A: Initially, children 10 years and older have been selected as being eligible for the Transportation Project. Children ages 10 and older are more involved in their case planning than younger children and have more of a direct say in what happens to them. They are more verbal and able to speak up for themselves. As this is a pilot project, this is one of those issues that we will evaluate over time. There may be a unique circumstance, where a child younger than 10 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 the Circuit Director is unsure, they should call the Executive Director, or his/her designee, and discuss the circumstance surrounding the transportation request for any child under 10 years of age.

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.

Q: How will my Supervisor 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 project 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. The volunteer must, however, notice the Circuit Director if transport is for something other than has been identified on the Request form. For example, if the initial request includes a "sense of normalcy" as the rationale, the GAL would be able to transport a child to a local park, to the library, or to McDonalds without getting separate permission each time. The volunteer would need to notice the Circuit Director before taking the child to a medical appointment.

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 through the case manager and caregiver.

Q: Can a GAL who is not approved by the Program to transport a child appeal the CD's decision?

A: No, this decision is final during the term of the Transportation Project.

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: Only in an emergency situation where the child's safety is at risk. The volunteer shall notify the Circuit Director or designee as soon as practical.

A CIRCUIT DIRECTOR'S GUIDE TO IMPLEMENTING THIS TRANSPORTATION PROJECT

Circuit participation is optional. By choosing to participate in the Transportation Project, the Circuit Director agrees to the following conditions and terms:

- Only those volunteers who wish to transport and have a valid Florida driver's license and auto insurance, with legally required minimum limits, are eligible.
- Staff is not permitted to transport at this time.

STEP 1: Any volunteer who wishes to request authorization to transport must seek approval from the GAL Program by completing the Volunteer Transportation Request Form (attached) and submitting it to the Circuit Director. This form requires that the volunteer also provide a copy of his/her driving record and proof of insurance.

NOTE: Remember, not every volunteer who wishes to transport will necessarily be a good candidate for this activity. In determining whether to recommend a volunteer be approved to transport, the Circuit Director's review should include, but is not necessarily limited to, the following:

- the volunteer's experience and length of service with the Program;
- the volunteer's driving record (Official DMV Driving Report) as provided by the volunteer applicant;
- any criminal history (if the applicant has NOT received a level 2 background screen, you will have to run a full background check);
- any complaints received by the Program from the court, DCF, an attorney, CBC employee, parent, or other

person(s) within the dependency system related to the volunteer's conduct or judgment; and

- the volunteer's willingness to work with the child's custodian as approval by that custodian will be required each time the volunteer transports the child.

STEP 2: Circuit Directors Request to the Executive Director: For those volunteers being recommended to transport, the Circuit Director must submit to the Executive Director or his/her designee, the volunteer's application and justification to transport indicating your recommendation for approval. It is not necessary to send supporting documentation (i.e. driving records, insurance cards, and background checks.)

After review of the Circuit's recommendation and the applicant's justification, the Executive Director or his/her designee, will approve or deny the volunteer's request to transport. Only those volunteers who have been approved by the Executive Director or his/her designee, may transport children.

STEP 3: Important: Once approved, but prior to actually engaging in any transport of a child, the volunteer must have initialed and signed the Program's Rules of Transport. The signed application and supporting documents, as well as the Rules of Transport should be filed in the volunteer's file. A copy of the Rules of Transport must be provided to the volunteer.

Note: While these rules are intended to provide guidance to volunteers, the Circuit may wish to provide additional guidance and instruction to volunteer transporters, which should be notated on the Rules of Transport. The Circuits may be more restrictive than this stated policy.

The record that the Volunteer is approved for transport will be entered into Tracker by the State Office.

Additional Circuit Director Considerations:

When evaluating the issue of whether or not a volunteer should transport, consider the following in addition to the factors above:

- Make your recommendations on a volunteer by volunteer basis.
- Use discretion in determining whether to allow a volunteer to transport children.
- In addition, volunteers shall not be permitted to transport any children identified by DCF as inappropriate for transport.

- Make sure the volunteer understands the important responsibilities of the child's custodian, whether it be a foster parent, a group home representative, relative, or facility case manager, in caring for and coordinating the daily activities of the child and agrees to require all volunteer transporters to coordinate transport accordingly.

Remember that transporting a child is at the volunteer's discretion and neither the court nor DCF can require the volunteer transport a child. Be sure that the volunteers understand this and be sure that your staff knows to alert you to any possible pressure being exerted on volunteers in this regard by the courts, DCF, or the CBCs.

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 ONLY THOSE GAL CHILDREN WHO ARE 10 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 10 ON A CASE-BY-CASE BASIS. |
| | I AGREE TO ABIDE BY ALL TRAFFIC LAWS AND DRIVE IN A SAFE MANNER WHEN TRANSPORTING ANY GAL CHILD. |
| | I AGREE TO MAINTAIN MY VEHICLE SO THAT IT IS SAFE AND RELIABLE. |
| | I AGREE TO MAINTAIN AUTOMOBILE INSURANCE AT ALL TIMES. FURTHER, I AGREE THAT MY AUTOMOBILE 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 OR BLACKBERRY TO TALK OR TEXT WHILE DRIVING WITH A GAL CHILD IN MY VEHICLE. |
| | I UNDERSTAND AND AGREE TO NOTIFY THE PROGRAM IMMEDIATELY OF ANY CHANGES TO MY DRIVING HISTORY RECORD AS A RESULT OF A TRAFFIC INFRACTION, INCLUDING BUT NOT LIMITED TO MOVING VIOLATIONS, DUI, ACCIDENTS, LICENSE SUSPENSION, OR REVOCATION. |
| | I AGREE TO REPORT TO THE PROGRAM IMMEDIATELY ANY UNUSUAL INCIDENTS, PROBLEMS, OR OCCURRENCES THAT MAY OCCUR DURING THE TRANSPORT OF A CHILD. |
| | I AGREE TO ABIDE BY THE GAL STANDARDS OF OPERATION GOVERNING MY CONDUCT AS A 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'S/CUSTODIAN'S WISHES IN THIS REGARD. |

Guardian ad Litem Volunteer

Date

Circuit Director- GAL

Date

VOLUNTEER TRANSPORTATION REQUEST FORM

Certified GAL Volunteers who wish to transport dependent child (ren) to whom they have been assigned by the court must complete the fields below.

Name: _____

Address: _____

Phone #: _____

Email: _____

IN ORDER FOR YOUR REQUEST TO TRANSPORT TO BE PROCESSED, YOU MUST PROVIDE YOUR DRIVER'S LICENSE AND INSURANCE CARD TO BE PHOTOCOPIED.

Vehicle Information:

Auto Make _____ Model _____ Year _____

Insurance Carrier: _____

Insurance Policy #: _____

Driving Record:

Volunteers must provide a certified copy of their driving record (7 years). You can obtain a copy of your driving record by visiting any driver license office or tax collector that offers driver license services, or court clerks who provide this service, or from a private vendor. For more information on obtaining your driving record, please visit www.flhsmv.gov.

Justification Requirement: Volunteers are approved to transport to activities and events that promote a sense of normalcy for the child. Volunteers must provide a written justification for seeking approval for participation in the Transportation Project to your Circuit Director. Attach your justification to this application which includes example of transportation needs to be met.

For use by Circuit Director: Recommended for Approval: _____ Yes _____ No

For use by Executive Director: Approved: _____ Yes _____ No

Standard 4.4 Restriction of Program Services

Program representatives appointed as a guardian ad litem on a case assigned to the Program shall not:

- (1) permit any child or sibling of a child represented by the Program to be placed in, invited to, or temporarily housed in the residence of any Program staff member or volunteer;**
- (2) transport any child represented by the Program unless in compliance with the Transportation Project exception set forth below;**
- (3) accept responsibility or custody as a “caregiver” as defined by Section 39.01, Florida Statutes, of any child represented by the Program; or**
- (4) conduct or assume responsibility for the supervision of visits of any child represented by the Program.**

Transportation Project Exception: At the discretion of the Circuit Director, circuits may choose to participate in the Transportation Project. Participating circuits may recommend volunteers for approval to transport by submitting a written justification to the Executive Director or his/her designee for approval. No volunteer may transport a child without first obtaining the requisite approval.



State of Florida
Department of Children and Families

Rick Scott
Governor

David E. Wilkins
Secretary

June 8, 2011

Mr. Alan F. Abramowitz, Executive Director
Statewide Guardian ad Litem Program Office
Holland Building
600 S. Calhoun Street, Suite 274
Tallahassee, FL 32399

Dear Mr. Abramowitz:

This letter is in response to the request from the Statewide Guardian ad Litem Office ("GAL") to establish a GAL transportation project (the "Project"). The Department of Children and Families ("DCF") supports and has no objection to volunteer guardians providing transportation for children in out-of-home care in conjunction with the other activities the volunteer guardian is providing to these children.

DCF's understanding of the Project is that participation will be optional for each circuit, and each GAL Circuit Director will choose whether his/her circuit will participate in the Project. Additionally, not all volunteer guardians will be willing and/or suitable for transporting children. At a minimum, DCF expects volunteer guardians will successfully pass the background screening and training requirements of GAL's program prior to transporting any children. Additionally, all volunteer guardians will be recommended by his/her GAL Circuit Director, and approved by GAL's Executive Director, prior to transporting any children.

DCF will rely on GAL to ensure the volunteer guardians use good judgment in the means and destinations of the transportation. DCF expects the volunteer and the child's case manager will work together to ensure the transportation-related activities are in the child's best interest. Ultimately, as custodians of the child, DCF will be able to deny or restrict the volunteer guardian's transportation of a child, if the occasion should ever arise when that action is necessary.

Additionally, while DCF does not believe a volunteer guardian falls within the definition of "caregiver" as that term is used in Section 39.01, Florida Statutes, DCF expects GAL will ensure the volunteer guardians will have adequate insurance to cover any automobile accidents which might occur while a child is being transported. The volunteer guardian may transport a child as part of the volunteer's assignment to the child; however, the guardian volunteer will not be a substitute for the regular transportation responsibilities of the case manager.

While DCF supports this enhancement of GAL's mission through the Project, GAL will be responsible for working out the specifics of the Project with the appropriate lead agencies prior to implementing the Project within the area serviced by each particular lead agency.

Thank you for asking about DCF's position on this issue, and DCF looks forward to continuing to work with GAL in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie Self', is written over a faint, larger version of the same signature.

Jamie Self, Ed.D., Executive Director
Family and Community Services

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and
Advance Personal and Family Recovery and Resiliency