

February 2023 Advocate Refresher

Effective Court Report Writing

CASA Court Reports are a crucial component of advocacy. We frequently hear from our advocates that this task sometimes feels overwhelming and intimidating. While this is understandable, considering that this document is introduced into evidence and that the court utilizes the contents when making decisions, there are some practical ways to accomplish this job with ease.

The court report's primary purpose is to provide fact-based information to the court that supports CASA's advocacy recommendations. You may remember using the Rhetorical Triangle, logos, ethos, and pathos, when writing persuasive speeches or essays when you were in school. Aristotle taught that a speaker's ability to convince an audience of something was based on how well the presenter appealed to the audience in the specific areas of logos, ethos, and pathos (Indiana University Writing Center 2022). Below are some practical ways of applying the rhetorical triangle to court report writing.

Logos: The Logic or Reason

We utilize logos when documenting our fact-based knowledge about the CASA child, their parents, case plans, and caretakers in the **Current Situation** of the CASA Court Report. Each child and parent has a section in the report. One of our CASA roles is to gather information, which is a fluid process that occurs throughout each month. CASAs should know the following information prior to writing a CASA Court Report:

Child Information (Sources should include CASA's observations, conversations with the child, conversations with school officials and viewing school reports, discussions with DCFS, conversations with both biological and foster parents, and discussions with service providers.) This should include:

- Where the child is placed and how the child interacts with the foster family
- With whom the child wishes to have permanency
- The relationship of the foster parent to the child and the potential for permanency
- How the child is doing in school or daycare
- Any special needs of the child

Parent Information (Sources include CASA's observations of parent/child visits, conversations with the parents, discussions with DCFS, and reviewing provider reports.) This should include:

- What the parents have or have not done on their court ordered case plan
- Where the parents are living and working
- How the parents are demonstrating a behavioral change regarding the reasons that the child came into care
- How the child and the parents interact during visits

Please remember to cite your sources for the information that you gathered. Foster parents should never be the sole source of information regarding the parents or the children. CASA's information should be gathered independently from multiple sources.

The current situation of the court report should simply be the pertinent information that volunteers have gathered each month. The above information should be noted in Optima Contact Logs. Gathering this information regularly throughout the case and documenting in Optima makes the completion of the current situation easy; the work has already been done! You just have to read over your research.

Ethos: Credibility

Ethos is defined as the credibility of the writer or the speaker when using the rhetorical triangle. It is also considered to be the role of the writer or the speaker in the argument. This is established in several ways. We often start the Current Situation section of the court report with the CASA's assignment date and how often the CASA visits with the child and other parties. Some examples of how to incorporate this into a CASA report are listed below:

This CASA was assigned as the child's volunteer on March 1, 2022. Since being assigned, this CASA has visited with the child at least once monthly and gathered information from relevant parties.

This CASA has met with the mother three times since the last court date.

We also establish ethos by citing our sources and clearly documenting the facts that we have gathered during monthly visits with our CASA children. Additionally, the court report should be well-organized and free from spelling and grammatical errors. The organization of each person's section should include discussing primary topics in individual paragraphs. If we are talking about the child's relationship with their parents in a paragraph, we should not include information about the child's school performance. School performance would be detailed in a separate paragraph.

Pathos: Appeal the Audience

Pathos is utilized to appeal to the audience. When we apply pathos and the Rhetorical Triangle to court report writing, our audience is the court. The **Assessment Section** of the court report is where this comes in. This is where we can link our fact-based information that is documented in the Current Situation to the Recommendations Section at the very end of the report. Below are some examples of how we utilize pathos:

The child has resided with his grandparents since he entered foster care at birth. His grandparents provided a nurturing environment while the child recovered from the effects of heroin withdrawal. The child has had some contact with his mother but she has not demonstrated the ability to care for him based upon her not having adequate housing and continuing to test positive for drugs. This CASA feels that the goal should be changed to adoption; the child is two years old and has been with his grandparents for the entirety of his life.

This CASA believes that it is in the best interest of the child for the court to give the parents an additional 90 days to work their case plan. The parents visit regularly with their child and this CASA has observed appropriate affection and nurture. The child tells this CASA how much she wants to return home to her parents and the current foster parents are a great support system for the family.

This CASA is concerned about the mental health of the child. During visits, this CASA has observed the child crying excessively and not being responsive to her foster parents' attempts to calm her. School officials have also reported this. This CASA is aware of the trauma that the child experienced and feels that a mental health evaluation is needed.

The assessment is where we make our arguments to support our recommendations. Anything mentioned in the assessment should be supported with fact-based information in the Current Section. For instance, we would not make an appeal for the child to be referred for tutoring if we had not documented the poor grades in the Current Situation.

Recommendations are the finale of the court report. There should be no explanation of why we are making the recommendation in this section, the recommendations should be clearly stated. Below are some examples:

- **CASA recommends that the case plan goal be changed to Guardianship.**
- **CASA recommends that the child be referred for a mental health evaluation.**
- **CASA recommends that the mother be referred to TBRI Courses.**

Please remember that court report preparation is a collaborative effort. CASA Advocate Supervisors are available for consultation and guidance throughout the process. Ask for help early versus waiting until the day the draft is due. The process is simplified when we gather information consistently and document our information in Optima. Volunteers have already done the legwork and research, it is just a matter of transferring the information into the report and assessing best interest recommendations based upon the information gathered.

Reference:

Indiana University Writing Center. (2022). *The rhetorical triangle: Understanding and Using Logos, Ethos, and Pathos*. Retrieved from: www.iupui.edu/wwc