



North Carolina Guardian ad Litem Court Report

District Court Division in the County of Carteret

In The Matter Of:

Child's Name		Date of Birth	File Number	Parent's Name(s)		Attorney's Name(s)
1.	Joshua Smith	11/13/1998	150-06 J51	Mother:	Sarah A. Smith	Jane Burke
				Father:	Javan Smith	Marc K. Haggard

Hearing Date	05/16/2008	Type of Hearing	Permanency Planning Review
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Guardian ad Litem	Linda Maurer	Case Life	2 Years 25 Days
Initial GAL Appointment Date	04/28/2006	Attorney Advocate	Sydney L. Cummings
Date of Petition(s)	8/21/2007 4/21/2006	DSS Attorney	Debra Gilmore

Date of Last Hearing	01/11/2008	Type of Last Hearing	Permanency Planning Review
Continuances Since Last Hearing	1	Judge	

Number of Placements and Current Placement of Children

Child's Name	Total # of Placements	Placements Since Last Hearing	Placement Goal	Current Placement	Months Out of Home
1. Joshua Smith	1			Group Home	25

Yes	(Yes or No)	This case adheres to the timeframe of the Adoptions and Safe Families Act (ASFA).
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N.C.G.S. 7B-601

The duties of the guardian ad litem program shall be to make an investigation to determine the facts, the needs of the juvenile, and the available resources within the family and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to offer evidence and examine witnesses at adjudication; to explore options with the court at the dispositional hearing; and to protect and promote the best interests of the juvenile until formally relieved of the responsibility by the court.

I. THE FACTS:

This GAL was appointed on 4-28-08. Joshua has been in a group home in North Carolina since November, 2007. Joshua's education consists of a Homebound Program where he attends a local school twice per week (after regular school hours) for about one and a half hours per session. The regularity is inconsistent due to either the tutor having to cancel or Joshua not being cooperative. He is given homework assignments that are not always completed. As evidenced in past reports his education and social skills have been severely neglected. His current academic level borders on Kindergarten to early First Grade. Joshua is currently meeting with a therapist once a week on his behavioral issues.

April 29, 2008 this GAL had a phone call with the System of Care Coordinator who explained why Joshua was placed in a Homebound Educational Program. He was initially placed in a NC foster home and regular school but he had a "meltdown" on his first day of school and the Sheriff had to be called. The System of Care Coordinator stated that his education and socialization should be addressed.

April 30, 2008 this GAL visited the local school and had a discussion with school staff. Joshua's tutor reported to this GAL that behavior is not a huge problem and he has progressed scholastically over the past several months. He will try to provoke and is manipulative at times but can be re-directed. Joshua's reading and writing level is Kindergarten - 6 months and he doesn't know all his letters. His tutor informed this GAL that it took Joshua 25 minutes to complete 21 simple addition problems. He is good at patterns and sequencing book strategy. His tutor stated that he needs more regular sessions and that his current sessions are so spaced out that he cannot remember from one to the other. The Behavior Specialist for the school reported that Joshua cannot attend school on a regular basis because he is non-compliant from a behavior standpoint. This Behavior Specialist stated that compliance must be met before educational needs can be addressed. The next IEP Review is scheduled for June 4, 2008.

On April 30, 2008 this GAL visited Joshua at the home provider and found him to be a friendly and personable child. He was very talkative and took this GAL to see all his toy cars and demonstrated his basketball and football abilities. He asked this GAL to ask his father for his dirt bike and other toys. He interacted with the other boys and care givers while playing basketball but had a short attention span related to any one particular activity. At one point he and another boy collided and Joshua cried, ran to his room and hid under the covers in his bed. The care giver instructed him that these types of things happen in life and there was no reason to cry. We went back outside without him and within a few minutes he came out and acted as though nothing happened.

On May 1, 2008 this GAL attended a therapy session with Joshua's therapist along with his social worker and 2 care givers from the group home. His therapist stated that his behavior has improved and that he is easily re-directed. His therapist has a major concern with the "lack of consistent participation in an academic environment. Joshua needs to have a specialized academic program that will address his behavioral and academic needs. His IEP needs to clearly outline what criteria he needs to meet in order to attend school full-time." His therapist strongly recommended both speech and language therapy weekly. "He needs a summer program that will provide him with academic, emotional and social components to teach and enrich him." His therapist plans to refer Joshua for neuro-psychological testing to get a clearer "picture" of his probable thought disorder and how he processes information.

On May 1, 2008 this GAL visited with the manager of the group home who reported to this GAL that when Joshua first came to the group home he was "out of control" and had to be restrained frequently. Joshua didn't like "no" and couldn't read or write. The group home manager stated that Joshua has come a long way regarding his behavior. He has fewer tantrums and is easily re-directed. Joshua's interaction with the other clients in the home is still poor but he is showing some improvement. The manager is of the opinion that Joshua is ready to spend more time in school and recommended that Joshua be provided with an academic plan during the summer. The manager suggested that a tutor be sent to the group home or ideally allow him to attend a private learning center such as Sylvan. Joshua attends church on Sunday's and is in a classroom setting with about 25 children ages 8-12. He pays attention to the teacher, obeys the rules but ignores the other children. He stays in his seat and participates in the class. There have been two minor incidents where Joshua said something inappropriate but he was re-directed easily.

II. THE NEEDS OF THE JUVENILE:

Joshua's basic needs for food, shelter, clothing and safety are being met but he needs a more aggressive education and socialization plan.

III. THE AVAILABLE RESOURCES WITHIN THE FAMILY AND COMMUNITY TO MEET THOSE NEEDS: At the current time there are insufficient resources available in this county to meet Joshua's needs.

IV. ISSUES FOR THE COURT'S ATTENTION:

1. Joshua's history of an unstable environment, lack of education and behavior and socialization problems.
2. Unwillingness of the school to provide a better academic program in parallel with behavior management and socialization training.

V. RECOMMENDATIONS TO PROTECT AND PROMOTE THE BEST INTEREST OF THE JUVENILE:

1. DSS should continue to have custody of Joshua with placement authority.
2. Pursue academic testing to determine Joshua's scholastic level, as recommended by the therapist.
3. Provide Joshua with a specialized academic plan and a goal of 100% attendance, as recommended by the therapist.
4. Place Joshua in an appropriate school that can provide specialized programs to help him grow academically, behaviorally and socially.
5. Enroll Joshua in a summer program that includes academic, emotional and social components.
6. Plans for Joshua should include social networking within the community through programs such as church activities, Boy Scouts, a mentor program, summer camp, sports and other community resource available.
7. Continue with regular therapist counseling and follow his therapist's recommendations.
8. DSS follow through with neuropsychological testing, as recommended by the therapist to pursue a developmental evaluation for Joshua which is a key step needed for planning his future.
9. The permanent plan should continue to be adoption.

Respectfully submitted:



Linda Maurer, GAL

May 1, 2008

TO: Linda Maurer
GAL

FR:

RE: Joshua Smith DOB 11-13-98

I have several concerns about Joshua, many of them having to do with the lack of consistent participation in an academic environment that is more than 1 1/2 hrs twice a week. Joshua needs to have a specialized academic program that will address his behavioral & academic needs. His present IEP needs to clearly outline what criteria Joshua needs to meet in order to attend school full-time.

Joshua needs both speech & language therapy weekly & consistently.

Joshua needs a summer program that will provide him with academic, emotional & social components to teach & enrich him.

I have arranged to have Joshua re-interviewed by . We will refer Joshua for neuro. psychological testing so we can have a clearer "picture" of Joshua's probable thought disorder & how he processes information.