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Writing in crisis: Rhetorical considerations in child advocate reports

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Introduction: Child advocate reports and human rights

One aspect of human rights often overlooked in and beyond professional communication involves the rights of minor children whose parents or guardians are accused of abusing, abandoning, or neglecting them. Children in the United States who enter the dependency court system, where such matters are adjudicated, have few legal protections because of their status as minors, and parents or legal guardians under investigation are seldom appropriate advocates for such children due to real, potential, or perceived conflicts of interest (Litzelfelner & Petr, 1997; Minow, 1995; Reynaert, Bouverne-de-Bie, & Vandevelde, 2009). Many state and county governments have established programs designed to secure advocates for children in jeopardy. Known by names such as Court Appointed Special Advocates (CASA) and Guardian ad Litem (GAL), these programs recruit, train, and appoint volunteers to represent children in court.¹ These efforts are significant. According to program websites, in 2007 the national CASA/GAL movement reached a milestone of serving more than two million children in its first 30 years (CASA for Children, 2007; Piraino, 2007). In 2012 alone, the CASA/GAL network consisted of 946 local and state programs. These organizations engage more than 77,000 volunteers and serve more than 234,000 neglected and abused children annually (National CASA, 2012). Research shows that a child who is represented by a CASA/GAL advocate is more likely to find a

¹ Policies, resources, and requirements vary across locations: in some jurisdictions, CASA and GAL volunteers are involved in custody and visitation hearings associated with divorce proceedings; in others, all dependency cases must be staffed by attorneys rather than by lay volunteers and rely on a pro bono rotation or on a small contingent of lawyers specializing in this work.

permanent home, be adopted, and spend less time in the foster care system than one without such representation (CASA Boston, n.d.; CASA for Children, 2012; Litzerfelner & Petr, 1997; Ottmar, 2007; Piraino, 2007). Clearly child advocacy is a critical matter of human rights. In this article we examine relationships among the theory and practice of human rights, children's rights, and rhetorical action in relation to child advocate report writing.

Researching, writing, and submitting reports to the court that both assess issues in a child's case and provide recommendations for court actions constitute the primary responsibilities of CASA/GAL² volunteers. Although the work of these advocates in general terms has been extensively discussed in legal contexts, little attention has been paid to the rhetorical significance of their written reports and how report content and quality can impact outcomes for children. Advocate training programs recruit volunteers from all walks of life and rarely include staff members with specific expertise in writing instruction; thus it is not surprising that many reports in this underfunded and overloaded system are not as effective as they need to be (Outley, 2004). However, numerous studies have gestured to the significant role an effective GAL report can play in the court's decision-making process (Boumil, Freitas, & Freitas, 2011; Condelli, 1988; Goldman et al., 1993; Hill, 1998; Kearns, 2002; Timms, 1992; Weisz & Thai, 2003). Wellwritten reports can increase the likelihood that judges will follow advocates' recommendations and that children and families will get the services they need. In both the original research we conducted for this project and the trade and academic literature, field judges, court-appointed counsel members, attorneys, and volunteer GALs highlight relationships between GAL duties and human rights endeavors. Quite simply, the guardian's investigation, observation, writing, and reporting efforts can help ensure that both parents and children are well served in the dependency process. Often, parents, who have a constitutional right to their children, do not know how to manage the dependency system or secure adequate legal representation (Outley, 2004). By investigating the case and writing an accurate report, the GAL helps ensure that parental rights are not breached. More importantly, though, the GAL advocates for the child's rights, especially when these rights conflict with those of an allegedly abusive, negligent, or otherwise unfit parent or guardian.

Though in this article we situate our work on child advocate report writing within a global context, we ground our findings and recommendations in our collaboration with a team of child advocacy experts in the state of Florida who are working to improve the writing training GALs in the state receive. We describe a rhetorical model, derived from Kenneth Burke's dramatistic pentad, for developing and assessing these documents. Moreover, we provide recommendations for GAL program leaders and volunteers as well as for professional communication practitioners and students committed to learning about the global impact of such reports. We demonstrate the documents' relevance to the fight for the human rights of children in the judicial system.

To study these documents effectively, our author team served as what we called "embedded rhetoricians," participating actively on a statewide task force called to improve document development processes and products in GAL programs in participating Florida counties. This

² Though these acronyms are used interchangeably in discussions about child advocacy volunteer programs in general, we will use GAL throughout the remainder of the article, as this is the term used in the state where we conducted our research.

involved working closely with a judge, GAL program attorneys, child advocate coordinators, and volunteer GALs to learn about the process through which various texts are developed as well as how they are used, perceived, and assessed by these key stakeholders.

We chose to study child advocacy reports, including how they are developed and used, for several reasons. First, these documents are critical in the lives of children across the United States, as judges and magistrates make decisions about custody, adoption, and other key concerns for children in large part based on the observations and recommendations in these reports. Second, because these texts are based in narratives about incidents in the lives of families, they offer opportunities to analyze the persuasive value of stories. We find the tasks of establishing a credible ethos, selecting the right number and variety of factual details to include, and incorporating appropriate levels of emotional appeal in reports a challenge that deserves rhetoricians' attention. Finally, we believe that professional communication students, teachers, and practitioners can benefit from studying the rhetorical impacts of these documents while learning associated skills to advocate for the rights of children and others with limited rhetorical, legal, or social agency. Moreover, we hope readers who benefit from such knowledge will be inspired to get involved in the process of advocating for children in their communities.

Rhetoric, advocacy, and human rights

According to Marie-Bénédicte Dembour (2010), human rights theory can be grouped into four main schools of thought: natural, deliberative, protest, and discourse. Put simply, "'natural scholars' conceive of human rights as *given*; 'deliberative scholars' as *agreed upon*; 'protest scholars' as *fought for*; and 'discourse scholars' as *talked about*" (Dembour, 2010, p. 2, emphases maintained). In other words, while natural scholars believe that humans are entitled to absolute rights from the moment they are born, deliberative scholars believe that societies must willfully adopt human rights (Dembour, 2010). Unlike natural scholars (who focus on the rights of all), protest scholars believe that human rights should favor underprivileged and oppressed groups (Dembour, 2010). Last, discourse scholars believe that human rights exist simply because "the language surrounding human rights has become powerful" (Dembour, 2010, p. 4).

The study and practice of rhetoric and indeed professional communication might seem logically to align most closely with a discourse school of thought (since our business is concerned primarily with words and their effects), or perhaps with the deliberative school, which accommodates our interest in the role of persuasion. But we submit that the work of studying and producing GAL reports and other documents designed to secure human rights must also be informed by the protest school of thought. Scholars should *advocate* for rights, rather than merely *analyze* them. While we acknowledge the importance of discourse, as noted above, for making meaningful impacts on the lives of children needing assistance, we also posit that advocacy writing requires action and production. Combining human rights theory with rhetorical theory can help us to focus on beneficence in addition to persuasion. Both are critical to creating effective child advocacy reports.

Naturally, much of the work of a GAL involves awareness of rhetorical elements, such as invention: determining what information must be found and collecting it; style: presenting information to the judge or magistrate in appropriate and clear language; arrangement: presenting

information in an order that will make connections among events and outcomes clear; memory: providing sufficient concrete details to help the judge to clearly understand what the child has experienced; and delivery: following document design conventions established by the court and providing a visually appealing and readable text. But rhetorical skills are not sufficient to address the complicated factors surrounding child advocacy issues. Such factors can include missing or incomplete information; a lack of international, consensus-derived expectations for child-parent relationships and the care of children; conflicts between what we believe to be the best interests of the child and the child's wishes; and bureaucratic barriers that can make it difficult to achieve the result that would best serve the child. And no amount of rhetorical or legal training can fully prepare an advocate to deal with the emotionally charged experiences of seeing families separated, hearing children recount their experiences of abuse or neglect, or seeing the insufficient community resources available to parents who love their children but struggle with poverty, addiction, mental illness, and other barriers to effective parenting. Human rights theory can help professional communicators in child advocacy work navigate these gaps by framing dependency cases as more than issues of abuse or neglect—but as violations of human rights.

As we suggest in our introduction, we situate children's rights—and advocacy work related to their promotion—as a critical human rights issue worthy of scholarly attention. On the whole, scholars tend to group "children's rights" under "human rights" (Bettinger-Lopez, 2008; Quennerstedt, 2010), which include the subcategories of civil, political, economic, social, and cultural rights, as well (Cohen, 2005; Cowan, paraphrased in Kaime, 2010; Freeman, 2007; Quennerstedt, 2009). Although most governments that advocate for universal human rights agree on such human welfare elements as the right to life, survival, health, shelter, and access to food and clean drinking water (Kaime, 2010; Lee, 2010), the rights of children—and adults' relationships to them—vary widely depending on religious and cultural factors. In the United States, courts must often balance the rights of parents (and their religious/cultural practices and preferences) with the rights of the state (which establishes child protection laws) (Quennerstedt, 2009; Young, 2001). When GALs, who advocate for children's rights, enter the picture, they add another stakeholder to the mix, and the balancing act can become increasingly complex. However, if GALs (and court actors, such as judges) begin with the assumption that children are not the property of their parents and that the state must protect children's rights until they can advocate for themselves, they can frame issues with well-established human rights theory in mind, which may make it easier to construct a compelling argument and make wise decisions.

One document that combines international definitions of children's rights is the United Nations Convention on the Rights of the Child (UNCRC). Adopted by the UN General Assembly in 1989, the UNCRC is an international treaty that contains minimum standards for the protection of children's rights. According to Amnesty International, this document is "the most widely accepted *human rights* treaty" and is also "the first international treaty to guarantee civil and political rights as well as economic, social, and cultural rights [to children]" (emphasis added). Although the United States has signed the UNCRC, it remains one of only two UN member states that has not ratified this document (Amnesty International; Lee, 2010; Robertson, 2001).

The UNCRC outlines the "three p's" of children's rights: provision, protection, and participation (Quennerstedt, 2010; Reynaert et al., 2009). While some scholars have argued that these three

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words might not accurately construct the theoretical need for—and complex reality of—children's rights (Quennerstedt, 2010), we believe these action-oriented words provide useful categories for the practical work of human rights and child advocacy endeavors. By establishing a relationship with the child, maintaining contact with him or her throughout the entirety of the case (which may span several years), and sharing recommendations to the court in the form of the child's best interests, a GAL works to *protect* the child. By including a section in each report that articulates the child's wishes—which might differ from the GAL's recommendations—the GAL provides a space for the child to *participate* in the case. And, finally, by delivering—both orally, through testimony, and in writing, through court reports—recommendations to the court, including information regarding additional services or resources the child might need, the GAL *provides* a needed service: child advocacy. When we argue that children have a *right* to be heard, protected, and cared for, the framing of our documents changes from one describing parents' law-breaking behavior to one describing unjust, rights-withholding behaviors inflicted on a child and the subsequent need to reestablish the child's rights.

History and status of child advocacy programs

The idea of child advocacy as a human rights issue is relatively new. Until the 18th century, children were regarded as property, and in the 19th century they were seen as "a special vulnerable class in need of protection" (Hart, 1991, p. 53). State intervention in child abuse began as early as 1873, and the first juvenile courts were established in Chicago in 1899 (Litzelfelner & Petr, 1997). In 1912, the United States created the US Children's Bureau in order to protect children on a national scale (Litzelfelner & Petr, 1997). However, it wasn't until the latter half of the 20th century that discussions of child protection rights emerged, particularly regarding cases of child abuse and parental neglect (Hart, 1991). During this period, the United Nations also extended human rights to children and therefore upgraded their status from "property" to "person" (Hart, 1991).

Children were first granted the constitutional right to counsel in delinquency proceedings in 1967, but this right was not explicitly applied to dependency proceedings until Congress passed the Child Abuse Prevention and Treatment Act (CAPTA) in 1974 (Litzelfelner & Petr, 1997; Outley, 2004). Three years later, the first CASA/GAL program was founded by Judge David Soukup (CASA for Children, 2007; Piraino, 2007). At the time, many children in the dependency court system were being shuffled through various foster care homes and were essentially lost in the system (Koch, 2007). Judge Soukup and others felt that children should be better served and placed with permanent families when possible (Ray-Bettinkeski, 2007). When asked what prompted him to initiate a GAL program, Judge Soukup cited a moment during his work as a judge in juvenile court:

I realized that there was no one in the courtroom whose only job was to provide a voice for those children. Caseworkers have obligations to their agency, the parent and others. Lawyers cannot investigate the facts *and* advocate for the mental health and social needs of the child. (Soukup, 2007, emphasis maintained)

Thus, the CASA/GAL program was launched in 1977, and by 1994, all 50 states were operating advocacy programs in some form.

In addition to the increased presence of GAL programs nationwide, various comparable models of child advocacy have emerged in France, New Zealand, Australia, Germany, and the United Kingdom (Bilson & White, 2005). While the organizational structures of these programs vary, all the models emphasize the advocate's role and the importance of writing court reports (COAC, 2005; Council of Bars, 2008; Hill, Lockyer, Morton, Batchelor, & Scott, 2000; NIGALA, 2005). In addition, this worldwide presence of advocate programs attests to the value of these programs and to their integral role in promoting human rights issues such as the protection and well-being of children and fair legal outcomes for parents. In fact, Ireland directly equates GAL efforts with human rights issues (COAC, 2005; Duffy, Taylor, & McCall, 2006).

The role of advocacy reports

Arguably the most significant way a GAL can advocate for the human rights and best interests of children is to write useful court reports (Boumil et al., 2011; Condelli, 1988). In a study assessing the helpfulness of various court reports from attorneys, child advocacy coordinators (CACs), and GAL volunteers, "judges rated CASA reports the most helpful" (Weisz & Thai, 2003, p. 207). Our research in the field and the literature also reveals, however, that the writing of these court reports can be improved. Some important examples of aspects of writing needing improvement are inclusion of appropriate information, report organization, and report readability.

One reason for these challenges is a lack of clear standards or models of effective court reports. While guides with examples of report outlines exist (see, for example, chapter 9 of Mary Gratch's *National CASA/GAL volunteer training curriculum: Volunteer manual*), these guides cannot compensate for the lack of consistency among individual programs. Unfortunately, this inconsistency in report formatting and content emphases may stem from a much larger issue—various (and sometimes conflicting) definitions of the GAL's role and unclear expectations for volunteers, which can result in inadequate training regarding issues such as reporting procedures and the roles of the case stakeholders (i.e., CACs, GALs, and program coordinators). According to a recent report compiled by the Pew Commission on Children in Foster Care:

The dissonance between state legislation, legal theory, and individual practice contributes to an overall sense of role confusion in the field. Compounding, or because of, the lack of uniform standards, most states do not provide sufficient training to those representing children in dependency proceedings. (Outley, 2004, p. 4)

In addition, a recent National Council of Juvenile and Family Court Judges (NCJFCJ) survey reported that "the number one barrier to effective representation is inadequate training. . . . Implicit in the identification of inadequate training as a major barrier to effective practice, is the recognition that roles, duties, and expectations of [children's] representatives are not clearly defined" (quoted in Outley, 2004, p. 4). The same lack of consistent standards regarding GALs' roles and expectations extends also to the guidelines they are (or, in many cases, are *not*) given for writing court reports. While some counties host writing workshops (Hill et al., 2000) or use an Advocacy Framework template for court reports as in the state of Florida (see Appendix Three), many programs do not offer this level of guidance and support to GALs (Aitken,

Condelli, & Kelly, 1990; Condelli, 1988). Unfortunately, even when resources such as frameworks are provided, some GALs find them unhelpful or redundant due to methods of implementation. For example, some counties use the Advocacy Framework as an invention or organization tool, while other counties use it as the basis/template of their court reports. Some GAL teams develop the documents collaboratively, while others rely on the GAL to complete them alone. Still other offices provide the tool but offer little or no guidance on how it should be used. If GAL programs do not articulate their expectations for the use of such documents, GAL volunteers might regard these tools as superfluous or confusing.

GALs often craft effective reports despite these barriers and compounding factors of role confusion, strict time constraints, and ethically complex linguistic considerations. At the most fundamental level, GAL court reports function as a means of communication among a third-party observer (the Guardian), the child (and his/her wishes and "best interests"), and the court (judge). However, when GALs draft court reports, they make many conscious decisions regarding wording, emphasis, and formatting that affect the persuasiveness of their reports and the impacts of their subsequent recommendations. For this reason, GALs need to consider how their own use of language (McQuillan, Bilson, & White, 2004) and concepts of language might affect their communication of information obtained from the child to other stakeholders (Firkins & Candlin, 2006; Pugh & Jones, 1999). Unlike many other texts a volunteer GAL might produce (field notes, visitation reports, etc.), the court report has far-reaching consequences both in and outside the courtroom.

As their volunteer status might suggest, most GALs do not work (during their non-volunteer hours) in writing-intensive settings and may have minimal training in professional writing in general. Though most programs endeavor to include—during initial training and continuing education for GALs—some discussion of how to write reports, such sessions are not typically led by personnel with formal expertise in teaching writing, so volunteers may receive little instruction regarding the various composition tasks involved in crafting a court report, including taking detailed observation notes; organizing case information; and drafting, formatting, and revising written products.

This training gap represents a space where professional writing teachers and practitioners may be able to act to promote the rights of children. One member of our author team, Melody Bowdon, has previously drawn on Richard Posner's definition of public intellectuals, ("professionals who draw on diverse knowledge bases to offer authoritative analysis of significant issues of wide concern to nonspecialist audiences") (Richard Posner, quoted in Bowdon, p. 325) to argue that technical communication scholars are "uniquely poised to serve as public intellectuals" because of their specialized knowledge and community status (Bowdon, 2004, p. 327). We believe rhetoricians have a responsibility to apply their skills and expertise to advocate for social justice.

Our research model: Embedded rhetoricians

The call of this special journal issue and of much literature in professional communication is to actively engage civic concerns in our scholarship and practice. To accomplish our work for this project, we functioned as embedded rhetoricians, serving as team members and researchers simultaneously. As part of a recently established task force in the state of Florida, we helped

GAL program leaders explore strategies for ongoing improvement of GAL report writing practices³. With our expressed twofold interests in conducting research on the topic (to share with a broad audience) and in developing resources the task force can implement quickly to improve training and processing of GAL reports, we were welcomed into the team. Thus, we were invited to participate in monthly conference calls, provided access to all existing team documents (including results from an informal statewide survey), and allowed to interview each member of the task force to explore, in detail, issues surrounding the reports. (Our interview protocol is attached in Appendix One.) We also asked each participant to complete a brief online follow-up survey (Appendix Two), which asked them first to identify which parties in the GAL office should have the authority to make certain types of changes in GAL reports without consulting other parties and then to rank the most important features of effective reports. The qualitative data we uncovered has proved valuable for the state program and offers insights of value to rhetoricians as well.

Key findings

In conversations with our fellow task force members, we identified complex relationships among the rhetorical elements of author (GAL), audience (report readers), and text (court report). Regarding authorship of the court report, all respondents agreed that GAL volunteers should retain primary authorship rights and duties of drafting and writing court reports, but the respondents disagreed about the editing and revising duties of GAL authors, raising fascinating issues of rhetorical and legal agency. Respondents also unanimously agreed that all three parties with access to court reports (GALS, CACs, and attorneys) should be permitted to revise surfacelevel (or "rule-based") errors (spelling, grammar, or punctuation errors, inconsistent formatting, and the wrongful inclusion of confidential and/or incorrect information) without express approval from the author. Yet, the right for these same parties to revise report content (such as removing expired case plan information, removing or changing the GAL's specific recommendations, removing "politically incorrect" statements, removing inappropriate or derogatory comments, and removing inconsistent recommendations) was much more contested. As the primary authors of reports, GAL respondents claimed ownership over documents they created and (unsurprisingly) felt that they should have the opportunity to approve any changes to them. Other parties (such as attorneys), however, felt it was their responsibility to correct GAL errors based on their expert knowledge of legal terminology, case precedents, and other matters including court protocols and politics, a point that has been contested in the literature as well (Gratch, 2002). Even content was disputed; for example, lawyers valued certain information more than volunteer GALs (Administrative Office of the Courts, 2007). For these reasons, our team recommended that where budget, workload, personnel, and other constraints permit, the documents should be produced through an interactive and collaborative process involving all members of the team. Interview respondents from counties where a model like this is used reported confidence in their reports and the processes through which their reports were developed. Moreover, these respondents went on to report confidence that their recommendations would be accepted.

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³ Melody, a member of our writing team, is a former GAL in our county and has maintained strong contacts in the program. We were invited to join this task force in part based on those connections, but at least in our state, the GAL organizations welcome support from interested scholars in a wide range of fields.

In a previous endeavor to address report-related concerns, the office that created our task force instituted a document designed to help all parties in the dependency process better understand current case statuses and collaborate to achieve shared goals, including report writing. The document is called the Advocacy Framework (Appendix Three). As noted above, our research revealed that GAL offices across the state use this form in a variety of ways. Some use it collaboratively as a worksheet for review of cases and development of recommendations both for services children need and for actions the court should take. Others distribute it for GALs to use independently as what rhetoricians might call an invention tool for gathering critical data before drafting a report. Opinions about the document's value varied among our interview respondents. Though some argued that this document has streamlined the report writing process, created a more collaborative model, and led to more effective, accurate, and efficient reporting, others argued that it is has not been particularly effective and has created extra work. Individual and group conversations about the tool yielded the not surprising conclusion that the key to making this document valuable to any advocacy team is the context in which it is introduced and implemented, as noted previously—collaboration was not guaranteed simply through this document's existence despite the developers' original intent.

Another key finding concerns the importance of audience considerations for report writers. The nature of the advocacy report's function in court dictates that it must be written for multiple audiences, including the judge, CACs, attorneys, case managers, and even the parents and children involved in the case. Reports serve multiple purposes (e.g., evidence, measures of accountability, basis for future recommendations) and incorporate many rhetorical features (Dukes, 2012; Firkins & Candlin, 2006). Consequently, GALs must ensure that the content they include is appropriate for all audiences (hence the emphasis on points such as removing politically incorrect information, derogatory comments, and other material considered to be subjective or potentially prejudicial). This is a complex rhetorical assignment.

As a result of this network of complex relationships among multiple authors and multiple audiences, determining the best features of model court reports is difficult. However, we have created a preliminary list of such features based on our findings from both our focus group discussions and our search for relevant literature. We have organized the following list of most highly valued court report features in descending order of importance:

- 1. Specificity (of recommendations, the evidence related to those recommendations, and the child's expressed wishes)
- 2. Clarity (clear recommendations and legal rationale)
- 3. Clear distinctions between fact and opinion
- 4. Inclusion of a separate section that discusses the wishes of the child
- 5. Inclusion of the GAL's independent perspective
- 6. Respectful language (no politically incorrect⁴ or derogatory remarks)

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⁴ This is a highly charged phrase with meanings that vary by context, but it was used consistently among respondents. We understand it as prejudicial language regarding issues such as race, ethnicity, socioeconomic status, sexuality, gender, education level, and religion.

- 7. Easy-to-follow organizational pattern and/or layout (chronological or template-based)
- 8. Readability (layperson language and short sentences; no jargon)
- 9. Succinctness/conciseness (reasonable report length; sufficient summaries of pertinent information)
- 10. Correct formatting (spacing, page numbering, etc.)
- 11. Use of signposts

While the rankings of these features varied among respondents, all agreed that specificity was the most persuasive element of an effective court report. Moreover, the literature corroborates these results (see, for example, Ashby, 2002; Cooper, 2006; Dukes, 2012; Family Law Florida, n.d.; Gratch, 2002; Gruber, 2005; Pizzey & Davis, 1995; Timms, 1992; and Tufnell, Cottrell, & Georgiades, 1996).

Our research also suggested that the most effective court reports contain evidence of the three rhetorical appeals in balance. In accordance with some common advice on argument arrangement—"ethos first, then logos, then pathos" (Heinrichs, 2007, p. 249)—many GALs begin the persuasion process by establishing credibility through the construction of their role as a non-vested observer and active child advocate. In addition, GALs solidify their ethos by including appropriate information based on numerous interviews and observations. Conversely, when court reports contain incorrect or inappropriate information, when GALs copy and paste information from previous reports, and/or when GALs include emotional reflections in their report, their credibility can suffer (Ashby, 2002). In terms of logos, effective court reports contain facts, documented observations, direct quotations, descriptions of the child's history, and so forth. These elements are expected to function as the basis for all GAL recommendations. However, an emphasis on pathos (when wielded effectively) can also persuade the multiple audiences of a court report. Our research suggested that, in most cases, GALs should not reveal their personal emotions, but instead focus on the facts. Respondents noted that some emotionbased content may be appropriate when conclusions are reaffirmed by evidence (Foley & Robbins, 2001) and the credibility of the GAL has been established in previous court experiences and written documents. In fact, when the inclusion of emotions is rare, it can be telling (Heinrichs, 2007; Soukup, 2007). Quite simply, a GAL who establishes a strong ethos and includes a convincing message in court documents is better positioned to include occasional controversial but important emotion-based arguments in a report. This is sound advice that writing teachers might give to students in many contexts.

Child advocate reports, narrative, and Burke's dramatistic pentad

In *Grammar of Motives*, Kenneth Burke (1969) described a dramatistic pentad through which one can analyze the motives underlying any incident or moment. Though he did not claim to offer a model for factually parsing human motives, Burke suggested that while perspectives may vary among those who observe an event, language users should be able to agree that five elements exist—act, scene, agent, agency, and purpose (Burke, 1969, p. xv)—and should be able to use this construct to make meaning.

Each case in dependency court begins with a narrative that includes the elements Burke identified. Though the dramatistic pentad is only one familiar rhetorical heuristic for analyzing and generating a description of a scene or incident that could be productively applied to training child advocacy report writers, we chose to describe its possible application here because of its simultaneous simplicity and complexity. This tool can be used to quickly help an observer or reporter to isolate relevant event details on the surface—questions of who, when, where—but also to make explicit beliefs about how and why particular actions have taken place, which can be useful in helping the advocate to identify environmental elements that may be exacerbating a problem in the home or to recognize personal biases that may be affecting their own interpretations of events. Discussing this tool with advocate trainees also provides trainers the opportunity to cover the importance of providing detailed information and well-considered recommendations connected to established facts. Further, this construct offers a forum in which trainers can discuss the roles of each party in the GAL program, explaining the respective responsibilities of attorneys, caseworkers, GALS, and others with whom they interact. Such a discussion can help address issues of ownership of the report and the advocate's agency within the judicial system. As noted above, one of the most contentious issues we found in our research with the task force was the right of other parties in the system to revise GAL reports before submission to judges. Visualizing the tasks completed by each party may facilitate negotiation of agreements on these issues to the satisfaction of everyone involved. This outcome would certainly benefit the children represented and would likely support a program's ability to retain high-quality GALs.

When a child is brought into the system, the situation is, in almost every case, a result of a significant and often traumatic precipitating incident that must be presented as a story for the record. The original narrator may be a police officer, a caseworker, other court official, or an amalgamation of such parties. In the Florida court system, the child is brought into dependency through a shelter hearing, wherein the court decides whether the state has standing in the case by determining if the child has likely been abused, abandoned, or neglected, or is otherwise in jeopardy in a home environment. The narrative of a child's entry into the system becomes the frame for subsequent actions and decisions in the case. A brief version of this narrative serves as the beginning portion of every document read and written by parties to the case until its conclusion. This story describes the circumstances under which the state became engaged with the family and identifies each of the players in the story. When this process begins, both the state and the GAL program become part of the child's life story. While the state's obligation or motivation is to work toward permanency for the child, preferably in the form of family reunification, the GAL program's responsibility and motivation is to represent the wishes and best interests of the child. And each party must conduct this work primarily through written documents presented to the court at regular intervals during the case. Each document builds on this original story. Depending on the customs of a jurisdiction, oral arguments also sometimes play a similar persuasive role in such proceedings.

Below is an excerpt from a judicial review in the state of Florida. This is the story of the night when the state became involved with the family of Joe and his brother Paul; the story is incorporated into every document related to Joe's case.⁵

- A. Shelter Date: 9-9-2005 child was removed from the home. On September 1, 2005 the Department of Children & Families received a Florida Abuse Hotline report alleging that the mother had stabbed the child, Joe (Paul's older brother), in the hand with a butcher knife. The child's hand is still swollen and the tip of the knife is embedded in Joe's hand. The mother failed to obtain medical care for the child. The family has resided in Florida County for about six weeks. Prior to that, they were under Protective Services in Alabama, due to physical abuse, neglect and substance abuse by the mother. On October 23, 2005, the mother summoned Law Enforcement to her home as she could no longer handle the children and no longer wanted them. On that same evening, Law Enforcement returned to the home because the mother smacked the child, Joe on the legs, threw a drinking glass into a wall, denting it, and stated that Paul had pushed her through a sliding glass door and had run away. This was found to be false. The mother was arrested for domestic violence against Paul and was incarcerated in the Florida County Detention Center. Joe's father's identify [sic] and location are unknown. Paul's father is deceased. The mother stated her intention to sign surrenders and to return to Alabama. The Order of Termination of Parental Rights was signed on 2-17-2009.
- B. Adjudication of Dependency Date: 04-18-2006
- C. Current Case Plan Acceptance Date: 04-17-2010
- D. Case Plan Expiration Date: Age of majority.

For an outsider to the dependency court system, a story like this can be painful to read. It describes in just 250 words a situation that includes violence, substance abuse, and ultimately the legal dissolution of a family. It does not begin to capture all the events of the four years in which the case was actively pursued by a Florida GAL program, or the number of painful and traumatic moments and incidents that the involved children had to face. Successful GALs must take summaries like this one, conduct investigations into the needs and desires of the children involved, and make written arguments that will persuade the court to take actions in the best interests of the children. They must listen to the children's own stories, which in many cases include sincere affection for and desire to be reunited with parents who have injured them or placed them in jeopardy. And GALs must encounter challenging scenarios like these repeatedly, through monthly home visits, meetings with teachers and counselors, and conversations with various family members and caregivers to ascertain the best course of action among, in many cases, a host of less-than-desirable options. It is important, of course, to note that many dependency cases end in successful reunification of families and improved conditions moving forward when parents successfully complete their assigned case plans, which can include attending parenting or other classes, receiving assistance with mental health concerns, and securing material resources to help support children, such as medical care, counseling, and school supplies. These satisfying outcomes, when the system works for everyone involved, help to sustain the spirits of those who work in child advocacy programs. To help readers understand

⁵ All names, dates, and locations in this story have been modified to protect the privacy of the family involved. *Rhetoric, Professional Communication, and Globalization*October, 2013, Volume 4, Number 1, 103-135.

how we feel Burke's pentad might be of value to both rhetoricians studying child advocate report writing and GAL program leaders, we developed Table One, below, a chart that applies the construct to Joe's story and to GAL report writing and training.

Elem- ent of Burke's Pentad	Description of Element	Application to Sample Element of Joe's Case	Implications for Field Notes	Implications for Reports	Implications for GAL Training
Act	What happened? What action/s was/were taken?	• Joe and his brother were removed from their home and from their mother's custody.	 Describe what you see happen during an observation Rely on description rather than evaluation Include credible accounts of what others have seen For secondhand accounts, record exact quotations 	Choose description directly from observation notes Use exact quotations from during the observation and from secondhand accounts	Model and describe best practices for observations. Emphasize description over evaluation throughout.
Scene	When or where did the actions or events happen?	• On September 1, 2005, at 9 p.m. at 1520 Smith Street, Small Town, Florida.	 Provide detailed description, not evaluation Try not to make inferences For secondhand accounts, ask questions that probe for description and detail 	Provide all relevant details—specific information helps the reader to better understand the situation and is indicative of your attention to detail	• Provide examples/lists of the kinds of details that judges and others may find particularly important.
Agent	Who took action?	• Florida County Law Enforcement representatives	 Attribute each act to a person if possible Include firsthand and secondhand accounts 	 Attribute each act to a person if possible Include firsthand and secondhand accounts 	Discuss striking a balance between seeing the parent as the opponent and your responsibility to advocate for the child.

Aganay	By what	 Legal duty to 	 Describe 	Provide this	Explain the
Agency	authority	protect the	objectively how	information in	importance of
	did the	children from	•	an official	
			it was possible		going into a case
	person	alleged abuse.	for actions to	report only if it	with as few
	take	• Mother	take place.	is clearly	cultural, religious,
	action?	requested that	Does the family	relevant to the	or other biases as
	What	they take the	articulate a set	case.	possible.
	made it	children because	of values that		 Model the process
	possible	she could no	makes this		of writing
	for the	longer handle	behavior		recommendations
	action to	and did not want	acceptable? Are		in a nonpunitive
	happen?	them.	there		tone that focuses
			circumstances		only on the child's
			in the home		interests.
			(scheduling,		 Discuss in detail
			number of		the role and
			children in the		responsibilities of
			house, special		each party in the
			needs, etc.) that		GAL/CASA office
			make the actor		to help the
			feel justified?		volunteer
			J		understand the
					parameters of her or
					his authority.
Purpose	Why did	■ To protect the	■ Try not to	■ Do not	■ Encourage the
1	the	children from	speculate about	speculate about	advocate to ask
	person	abuse and	people's	people's	these questions
	take this	neglect.	reasons for	reasons for	when making
	action?	■ To secure	their actions.	their actions.	recommendations:
		appropriate	Instead,	Instead,	 What made you
		services for the	describe the	describe the	come to this
		children.	reasons each	reasons each	conclusion?
		children.	party gives for	party gives for	What evidence
			the actions that	the actions that	do you have to
			were taken.	were taken.	•
			word tuken.	If you are	support your conclusion?
				explaining a	Does this
				recommended	information
				action, provide	enhance the
				detailed	report?
					~ ^.
				reasons.	
					a coordinator or
					attorney might
					remove this
					information?

Table 1. Invention and training tool based on Burke's dramatistic pentad framework.

Discussion and implications

On the most basic level, GAL reports are valued because they provide readers with important and unique information and an independent, fresh perspective on case events (Condelli, 1988; Gray, 2007; Goldman et al., 1993; Koch, 2007; Litzelfelner & Petr, 1997; Thorne, 2007). Because the child services system is overloaded and child advocate workers tend to be overworked, certain processes (such as writing effective court reports) can become marginalized in training programs. Recent examples of forged records from state caseworkers (not GAL program representatives) with large caseloads have demonstrated that the child protection system in the United States has many weaknesses and that children need to be better served by it (Stutzman, 2009). Thus, it is imperative that counties support GAL programs and equip these volunteers with the tools needed to succeed in these critical endeavors—especially in developing skills to compose effective court reports, which shape the outcomes of children's lives far beyond the courtroom.

Through discussions with our task force, we learned that GALs face many obstacles to writing such reports. These include lack of access to records and important case information from various agencies, lack of consistent authorship roles and/or guidelines for writing reports (such as the Advocacy Framework), lack of good note-taking skills (observation notes form the bulk of raw material for GAL court reports), lack of confidence in their own writing abilities, and confusion regarding revision and submission processes. If GALs don't have the necessary tools to succeed in their writing endeavors, they will likely produce less-than-ideal court reports that negatively impact the lives of children. By streamlining the report-writing process, teaching necessary skills during volunteer training (e.g., how to write good observation/field notes, how to use a template/Advocacy Framework, how to submit a report correctly), and providing consistent standards, child dependency programs can better serve GAL volunteers so that they, in turn, can better protect the rights of the children they represent.

As public intellectuals, writing scholars can offer their services to this group and teach their students about writing in this genre. As citizens and professionals, they can then use these skills in various activist and advocacy settings with an eye toward human rights. Specifically, professional communication teachers and practitioners, as well as child advocate program leaders, should note the following points:

- Many child advocates experience anxiety when faced with writing reports. Our respondents indicated that GALs delay writing reports because they find the process overwhelming and intimidating. Incorporating tools and training to ease this anxiety and make the process as simple and straightforward as possible may help to improve report quality and boost the overall effectiveness, satisfaction, and retention of volunteers. Starting with a Burkean pentad template and/or a form like the Florida Advocacy Framework might be an effective invention strategy.
- GAL office staff members and volunteers would benefit from open discussions about how the GAL program defines authorship of GAL reports and what kinds of content and editing each team member is comfortable with. Such initial conversations could ultimately save time for everyone by helping to avert conflicts and provide clear plans for simultaneous or

sequential collaboration. Discussion of agency as an element of Burke's pentad can be useful here.

- Incorporating a team-based approach to developing recommendations to the court and writing reports can help to decrease conflict between staff members and volunteers and provide more thorough and carefully considered recommendations to the court, leading to better outcomes for children. Unfortunately, this model requires significant resources that aren't available in every community. This may be something for which rhetors can advocate.
- One of the greatest challenges for GALs is lack of access to information needed to complete their work, including medical and education records and contact with key family and school representatives. While in the interest of protecting children's privacy only trained and authorized GALs and personnel should have access to this material, programs that devise strategies to help volunteers, particularly those who are employed full-time during the work week, with maximum support for this access will improve the quality of the products and processes of report development.
- Conducting interviews and creating field notes are key volunteer responsibilities. Sociologists and other social scientists spend years learning to complete these tasks, while volunteers typically receive a few hours of training on the topic at most. We recommend that programs employ social science strategies to encourage high-quality documentation of observations. Drawing on established best practices, we have developed a simple guide as a starting point for this work. (See Appendix Four.)
- For programs that do not provide an existing writing template (such as the Advocacy Framework used in Florida), a training session on using Burke's dramatistic pentad might be useful. For GALs who are unfamiliar with the court report genre, referencing a set of common elements—act/events, scene/setting, agent/actor, agency, and purpose—might be a useful invention, question-generating, and/or conversation tool to begin framing the child's narrative. (See Table One.)
- Some of the basic lessons that we try to teach in secondary and higher education are clearly important for GALs. Time management is critical, and meeting filing deadlines, complying with instructions, and so forth, can literally be life-or-death factors for the children served in these programs. These concerns should be stressed in GAL training.
- While many report readers equate good writing with correct grammar or overemphasize the
 importance of error-free reports, according to our research, specific and accurate content is
 the most important feature of an effective report. This information is important to share with
 advocates.
- Professional communication students, teachers, and practitioners could contribute to this effort by contacting advocacy programs in their areas and offering to provide training in rhetorically focused areas, including strategies for establishing an effective ethos, models for presenting a compelling narrative (Foley & Robbins, 2001; Greenfield Pearl, 2012), suggestions for selecting the most relevant pieces of information and scaffolding them into an effective argument, and more. Training programs for volunteer GALs range from a few hours to a few weekends, so scholars should be aware that the training related to writing court reports may be limited in scope; as such, it is crucial that we discuss the GAL's authorial role, as well as the aims and most important features of court reports, early on.
- While some local GAL or CASA office leaders may be reluctant to work with a new group of non-GAL volunteers such as professional communicators, or others may feel that their

current training is adequate, or that outsiders won't have much to offer, our experience is that local offices will typically embrace any assistance that can help them to provide better services for children. Scholars interested in this kind of collaboration may find it useful to begin by sharing this article and related materials with a potential partner to get the conversation started.

Any scholar or practitioner who approaches this kind of work in the community should be
mindful not only of rhetorical issues and considerations but of human and children's rights
concerns as well. While effectively creating and consuming documents are critical elements
of child advocacy work, a commitment to the defense of children's rights through the
UNCRC's principles of provision, protection, and participation is critical. A human rights
agenda allows advocates to push past a discourse-based approach to a focus on meaningful
community action.

The results of this study only begin to gesture to the complex rhetorical tasks writers must complete to craft an effective document—they must occupy various roles (observer, author, editor), collaborate with other authors, mediate the space of multiple audiences, and adapt their texts to meet the needs of each unique rhetorical situation. When they do so on behalf of children in trouble, professional communicators in child advocacy work demonstrate clearly the critical connection between rhetoric and human rights.

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Appendix One: Task Force Interview Questions

These questions will be asked during phone interviews. As noted below, some will be asked of everyone; others will be asked only of specific parties.

QUESTIONS FOR EVERYONE:

- What is the most important role/contribution of an effective GAL?
- Do you see your work associated with the GAL program as a human rights issue? What are the human rights implications of these efforts?
- Please describe your understanding of how a GAL report is produced.
- Please describe your understanding of how a GAL report is used in the dependency process.
- What are your greatest strengths as a writer? What are your greatest challenges?

QUESTIONS FOR SPECIFIC PARTIES:

For GALs	For CACs and Attorneys	For Judges
How would you describe your process for writing a report? Where do you start writing?	What is your process for reading and recommending edits to a report? Where/how do you start the process?	What is your process for reading a report? Where do you start reading?
How do you prioritize the information you will include when creating your report?	What is the most difficult part of working with GALs on report writing?	What is the most difficult part of making use of the GAL report in most cases?
What is the most difficult part of writing the GAL report in most cases?	What is the most difficult part of preparing the GAL report to move forward in most cases?	What is the most difficult part of making a decision about how to proceed in dependency cases?
Tell us a story about a time when you had difficulties in reporting information you discovered in your inquiries. How did you present this information?	What is the biggest mistake you see GALs make when writing reports?	What is the biggest mistake you see GALs make when writing reports?
Was there a time when you had to write something in a report that you weren't comfortable with, perhaps a legal limitation that went against your personal judgment? How did you handle that situation?	Was there a time when you had to suggest changes in a report that the GAL wasn't comfortable with, perhaps a legal limitation that went against her or his personal judgment? How did you handle that situation?	What impact does something like a typo, a factual error, or another mistake in a report have on your overall impression of its credibility?
Is it appropriate for a GAL to include information about their emotional responses to the case or situation in a report? How	Is it appropriate for a GAL to include information about their emotional responses to the case or situation in a report? How	Is it appropriate for a GAL to include information about their emotional responses to

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does that kind of information	does that kind of information	the case or situation in a
affect a judge's ultimate	affect a judge's ultimate	report? How does that
decision?	decision?	kind of information
		affect a judge's ultimate
		decision?
What is your most important	What is your most important	What is your most
piece of advice for someone who	piece of advice for someone who	important piece of advice
is writing a child advocacy	is writing a child advocacy	for someone who is
report?	report?	writing a child advocacy
		report?
What is your most important	What is your most important	What is your most
piece of advice for someone who	piece of advice for someone who	important piece of advice
is reading a child advocacy	is reading a child advocacy	for someone who is
report?	report?	reading a child advocacy
		report?
Other comments?	Other comments?	Other comments?

Appendix Two: GAL Task Force Online Follow-Up Survey Items

*These items will be included in an online survey participants will receive after their interviews.

1. Editing Moves for GAL Reports

Please rank the importance of the following court report editing tasks on a scale of 1 to 5 (five being most important). Also, please indicate which of the following parties you believe should have the authority to make these changes: GAL, CAC, attorney (check all that apply).

- Correcting spelling errors
- Correcting grammar errors (incorrect verb tenses, etc.)
- Correcting punctuation errors
- Correcting formatting errors
- Removing expired case plan information
- Removing a GAL's specific information if it has no basis in law
- Removing "politically incorrect" statements
- Removing inappropriate and/or derogatory comments
- Removing confidential information related to the child (medical information, etc.)
- Removing information that does not follow the program (inconsistent recommendations or recommendations that are not in the child's best interest)
- Editing incorrect information (such as names, case goals, dates, case number, etc.)
- Adding or removing foster parents' names
- Adding new information to older versions of reports

Are there other editing tasks that should be added to this list? If so, please list them here:

2. Features of Effective Child Advocacy Reports

A literature review of court reports has revealed that the following features tend to be valued. Please rank these features (in numerical order) from "most important" to "least important." If you experience difficulties in assigning a numerical value to a feature(s), please explain your reasoning in the comments section.

- specificity (of recommendations, the evidence related to those recommendations, and the child's express wishes)
- clarity (clear recommendations and legal rationale)
- readability (layperson language and short sentences; report should avoid jargon)
- respectful language (no politically incorrect or defamatory remarks)
- succinctness/conciseness (reasonable length of report; sufficient summaries of pertinent information)
- inclusion of the GAL's independent perspective
- clear distinctions between fact and opinion
- easy-to-follow organizational pattern and/or layout (chronological or template-based)
- use of signposts (such as headings and subheadings)
- correct formatting (spacing, page numbering, etc.)
- a separate section that discusses the wishes of the child

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Follow-up item: Which of the features (if any) would you consider "best practices" for writing GAL court reports? Are there any features of court reports that should be added to this list? Should any of these items be removed?

Appendix Three: Florida GAL Program Advocacy Framework

Case Name:	Case Nu	ımber:
Child's Name:	Age:	Father:
Date Reviewed: Reviewers: (List the names of all relevant review) Attorney: VS/SA: Volunteer:		

Advocacy Framework

The following advocacy framework outlines the core competencies that are the foundation of our GAL advocacy: permanency; placement; child's needs; legal needs; and rights of the child. At a minimum each case should be assessed using this framework prior to each Judicial Review.

After completing this worksheet you should come back to this page and develop an advocacy plan for the child(ren) in question. <u>Identify the top three issues that are critical to meeting the child's needs and achieving permanency</u>. After you have identified the issues, you should denote who on the GAL team will take the lead on getting each issue resolved.

Priority	Priority Action Required	Responsible Person	Date Completed

Permanency			
Date child(ren) sheltered	d: Date child	d(ren) adjudicated:	
Is there a case plan filed Yes No Date Ca	with the court? se Plan Expires:		_
	uired for any of the follow		
Is the case plan g	al?goal in the best interest of that should the goal be?)		
What is the primary barn	rier to achieving the curren	t goal?	
Physical Abuse	Domestic Violence Sexual Abuse	☐ Drugs ☐ Neg ☐ Other	lect
Brief description of alleg	gations:		
have been made, if not p	ect the status of the Case Polease explain what is outst	anding below.	all necessary referrals Father compliance
Additional Comments of	n Permanency		

Yes No Date:

Was <u>proper</u> informed consent obtained from parents?

If NO, was permission properly obtained from the courts?

	Action needed on Psyc	chotropic medic	eations:				
egal	gal Needs and Rights of the Child						
_	rt ordered visitation occu s No	rring with the pa	arents?				
] Ye	Do you recommend any s No If YES,		you recommend?				
sibli	ing visitation ordered? Yes No N/A Is court ordered visitati Yes No N/A	on occurring wit	h the siblings?				
Ye	Do you recommend any s No If YES,		you recommend?				
oes t	he child want to particip Yes No N/A,		•				
	If so, are they attending Yes No N/A	?					
the o	child receiving all the be	_ ,		N. C. T.			
	SI/SSA (Master trust)	Eligible	Receiving	Not Eligible			

Medic	caid				
Actions ne	eeded to address:				
If YES, pl	any special status issue ease describe what iss Yes No		_	VA that need to	be addressed?
Case Man	agement				
Has there Yes	been an interview with No	n each parent			
Da	te of interview: Mothe	er:	_ Father:	Father:	
Have we d	observed a visit betwee No	en the child and	the parents?		
Yes _		•			
	NO, why?				
NEXT CO	OURT DATE:				

Appendix Four:

Suggestions for Taking Field Notes Regarding GAL Visits and Observations

- 1. Record short phrases and keywords while in the field, as a temporary memory aid. Take note of important quotations; try to record them word for word.
- 2. Place personal feelings or inferences in brackets to separate from description. These will likely not be used in the report.
- 3. Make notes as concrete, complete, and comprehensible as possible.
- 4. Record the mundane. Something that may not seem important now may become significant later.
- 5. Note how long events take within the observation (e.g., a 15-minute car ride from school, a 30-minute wait until the children arrived).
- 6. Rewrite notes as soon as possible after leaving the field. Do not talk to anyone before the entire observation is recorded.
- 7. Type your final field notes with the date and time frame of the observation.
- 8. Break events into small chunks by using frequent paragraph breaks.
- 9. Try to record exact quotations. Use double quotes for exact phrases; use single quotes to paraphrase.
- 10. Avoid evaluative summarizing words. Instead of "Mom didn't clean the house," or "The sink looked disgusting," say, "The sink was rust-stained and looked as if it had not been cleaned in a long time. Pieces of food and dirty dishes looked as if they had been piled in it for several days."
- 11. Keep a backup of all field notes on a password-protected flash drive.
- 12. After finalizing notes, write a plan for the next visit or observation, including questions you'd like to answer, issues you'd like to clarify, and other matters you want to remember to note.

Adapted from:

Neuman, W. L. & Kreuger, L.W. (2003). *Social work research methods: Qualitative and quantitative applications.* Boston, MA: Pearson Education.

Gratch, M. (2002). Practicing the CASA/GAL volunteer role—Reporting & monitoring. In *National CASA/GAL volunteer training curriculum* (chapter 9). Retrieved from http://www.ncjrs.gov/App/publications/abstract.aspx?ID=196351