

Thank you for the opportunity to participate in the important work the Child Protective Committee has undertaken. In preparation for being here, I was provided questions that the committee would like addressed. My comments are aggregated to cover those areas of interest to the committee.

My name is Kathy Elkins. I have been a Guardian ad Litem (GAL) for approximately 4 ½ years in the Lamoille County Court. At times the work has been the most difficult, and at other times the most profound, work of my life. It is a privilege as a GAL to have the opportunity to positively influence and change a child's life path for the better.

Recruitment, Training, Supervision, Role, Responsibilities

I saw an ad placed in a church bulletin by a then-GAL in my community. I had wondered about this role a few years earlier, when seeing a recruitment ad in a local paper, and decided to look into the possibility, as my work schedule was more flexible. I applied, was interviewed in person by the program director, attended a 3 day training, was fingerprinted, and was assigned to an experienced GAL to shadow and learn the court process. I started taking my own cases about a month after working with my mentor.

Assignments are made by the juvenile docket clerk, typically via a phone call. If we are able to take a new case when asked, we get a few particulars via phone, and then receive the packet of related documents in the mail, or in court if that would be quicker.

As to supervision, when I first started we had a designated, experienced coordinator, who held regular group and individual meetings with each of us GALs. I really needed the support the coordinator gave me those first few months, when I was on my own. Each case was different, and the situations and questions that arose could seem daunting. While the program director was always available to call, having a local, go-to person, whose specific role was to mentor us, was invaluable. I have often thought that I might not have made it through the first year without this support. Unfortunately funding went away, so anyone who's joined Lamoille in the last couple of years has not had a designated coordinator (although the Superior Court Clerk has been identified as someone to whom we can go with questions). Sometimes I need to talk through an aspect of a case and might seek out an experienced GAL or my former coordinator to talk through hypotheticals.

Since completing my training and mentoring in the spring of '10, I have been assigned 44 children. Currently I am the GAL for 13 children, in 9 different families. As I take this volunteer role very seriously, with my current load I am easily spending 10-15 hrs a week on my cases. Additionally, I am the Educational Surrogate for 4 children on my caseload, and attend educationally focused meetings for 1 other, who is not currently on an IEP.

Our role is to advocate for what is in the best interests of a child, who enters the legal system, oftentimes under very difficult circumstances. In my experience the duration of a case can be a couple of months to several years.

The GAL must establish a relationship with the child and seek out parents, siblings, other family members, foster parents, legal guardian, teachers, counselors, appropriate records, reports, protective orders etc., in order to be positioned to best advocate for the child as the legal process continues. Connecting with DCF, reviewing their related files on the child, and speaking with the child's attorney, are also important components in the advocacy process. The GAL attends all court hearings, case plan reviews, treatment team meetings, and other meetings related to the child's situation, all of which allow the GAL to be able to inform the child's attorney, and if asked, the judge, as to what the GAL feels is in child's best interest.

What works well and should not be changed?

*The DCF focus on the needs of children and families; the idea that the best place for a child is with family and the goal to support the family, if at all possible, in being able to provide a safe and consistent environment.

*Integrative services – when a child is in custody, providing medical, educational, emotional and other related professional supports.

*Team based approach DCF uses to assess the needs of a child and provide related services.

*Opportunities for training are offered several times throughout the year, allowing for learning about best practices, new approaches and other programs available for addressing the needs of at risk/vulnerable children.

What does not work well and should be changed?

*Unsubstantiated. That is, reports (ex: teachers/neighbors, etc.) by concerned people trying to do the right thing, reporting observations re: a child's safety/well-being, then finding that the issue is not being investigated, or, it is, and is found 'unsubstantiated'. Realizing that there must be parameters, guidelines, and privacy protections, I've had cases that over time, and more than once, where issues/concerns were brought to the attention of DCF, but nothing changed for the child involved. In my view earlier intervention should have happened.

*Sometimes it is just *not* in the child's best interest to return to a home with multiple, long term, sometimes generational problems, yet unless something extreme is demonstrated or a person is 'caught' flagrantly violating agreed upon rules, the child is returned home when he/she would be better off elsewhere.

*In homes where opiate addiction and related issues have caused removal of a child/ren – the children should remain elsewhere unless an extended period of drug free time has passed. Given the known issue of predictable relapse, sometimes numerous times, we need to rethink how/when/if a child can return to such an environment and be adequately cared for.

*There are not enough mental health workers or facilities to deal w/the opiate addiction issue. If an addicted parent gets to the point of seeking rehab, there is typically a wait...while the person is waiting,

s/he still is an addict, still will seek out drugs, potentially getting in more trouble. All of this has impact on not only the parent, but the children involved.

Addressing the above would need to be by policy and resources.

*Mandatory and demonstrated opiate-free timeframe before a child/ren can go home.

*Available and on-going mental health support to those addicted.

*Hiring additional mental health workers.

*Show a cost analysis/justification re: cost of children in custody vs. cost of getting addicts help so they can care for their children.

Input re: views of Guardians ad Litem

I feel my input is valued and listened to by the 3 judges I've worked before, as well as the majority of the DCF staff and other professionals I've encountered.

As a new GAL communications were sometimes challenging re: DCF for me, but once I figured out who prefers email, who prefers phone, and demonstrated my commitment to being a true team member, things went more smoothly. I find that with some people a little more effort is required. The group I feel has been most challenging to work with has been the court appointed attorneys. Some NEVER return calls or emails, some do so sporadically, and one or two are completely responsive. It is very typical in my experience that the guardian, child, parent, etc., never hears from or sees an attorney until right before court. I somehow think if a person were a paying client, the treatment and responsiveness would be quite different.

Where the judges specifically were concerned, one always directly asked my opinion, one assumed the child's lawyer had my input (I could indicate w/non verbals if I wanted to say something) and one asked directly for my input most of the time.

Re: the committee's question re: GAL input being ignored – I just won't be. There's too much at stake. If I need something and I'm not being responded to, I'll work the chain, work around, or do what it takes to get an answer or to make my concern known. In this role you have to be assertive....and given the stakes, you have to hold your colleague/team members accountable.

The role of the GAL, whose entire focus is what is best for the child, is critical. The question should not be why continue having them, but rather what further supports should be in place to ensure there are enough GALs, that the perspective they bring is considered and valued.

Respectfully submitted,

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Lamoille County Guardian ad Litem
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