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August 28, 2014**

**Comments Submitted to the Committee on Child Protection
From the Guardian ad Litem Program**

Thank you for the opportunity for the Guardian ad Litem Program to submit comments to the Committee on Child Protection. The following comments will describe the Guardian ad Litem Program, the role of the Guardian ad Litem in child abuse and neglect cases, program oversight and administration, and recommendations for strengthening our child protection system.

The Vermont Guardian ad Litem Program is administered in the Office of the Court Administrator (CAO) in the Judiciary. I am the statewide coordinator of the program, and there are regional coordinators as described more below. In addition to CAO staff, there is an interdisciplinary Guardian ad Litem Advisory Committee, comprised of guardians ad litem, DCF, Juvenile Attorneys, State's Attorneys, and CAO staff. The Guardian ad Litem Committee is chaired by Judge Thomas Devine and reports to the Family Division Oversight Committee, which operates under a charge from the Supreme Court.

Unlike other states, all of Vermont's guardians ad litem are volunteers. Under Vermont statutes and rules, guardians ad litem are appointed for children in CHINS cases (children alleged to be abused or abandoned, neglected, beyond the control of parents, or habitually truant). Some courts also appoint volunteers in other types of cases. These comments will focus on guardians ad litem in CHINS cases.

GAL Role in CHINS Cases

The Guardian ad Litem (GAL) serves as an independent parental advisor and advocate whose goal shall be to safeguard the child's best interests and rights. The GAL must meet with the child, child's attorney and others necessary for an understanding of issues in the case. The GAL must become familiar with all court pleadings, reports, and case documents. The GAL must discuss with the child and the child's attorney all options which may be presented to the court, and assist the child's attorney in advising the child as to those options. (V.R.F.P. 6(e)) The GAL practices objectivity but is an *advocate*, not a neutral party.

The Role of the GAL in Court Proceedings

The court appoints the GAL from the list of qualified GALS (see screening process below). The GAL may state a position at temporary care hearing and disposition hearing but may not state an opinion on the *merits*. The GAL may give the reasons for their position so long as the reasons are based on the evidence presented. The court

may ask the GAL if they are satisfied with representation by the child's attorney, including the presentation of evidence. At any time, if the GAL is not satisfied that the child's rights are being protected, the GAL must inform the court on the record. (V.R.F.P. 6(e) (3))

GAL Duties Outside of Court

The GAL is trained to gather facts by visiting with the child regularly (at least monthly), attending all social services and school meetings, speaking regularly to family members, foster parents, service providers, care givers, healthcare providers and DCF. The GAL is expected to advocate for the child's safety and well-being until permanency –when a child is in a safe, permanent, “forever” home.

Membership in the National CASA Association

The discussion

Vermont has been a member of the National CASA (Court Appointed Special Advocates) Association since 2002. “CASA” is a national network of 951 programs to support volunteers serving children. The role of CASA programs is to recruit, train and support volunteers in their work with abused children. The CASA mission is “to support and promote court appointed volunteer advocacy so that every abused and neglected child can be safe, establish permanence and have the opportunity to thrive.”

As a CASA member in good standing, Vermont is eligible to compete for Department of Justice grants, receive technical assistance, and use CASA training and marketing tools. Vermont must meet CASA quality assurance standards for screening, training, supervision of GALS, and data collection. The GAL Program is working towards full compliance with CASA standards.

Qualifications

The GAL Program has a rigorous screening process. Volunteers must submit a detailed application, submit to an FBI fingerprint record's check, and undergo an in-depth interview. The screening process is designed to assess:

1. Prior involvement with court and/or child protection systems
2. Personal experience that might affect GAL work
3. Personal biases that might affect GAL work
4. Work, conflict management, and communication styles
5. Ability to make the time commitment

Those who make it through screening must take a mandatory three day pre-service CASA training program. Screening of applicants continues during training. Post Training, GALS shadow a mentor GAL until they qualify for their first case assignment.

Recruitment and Training

The GAL Program uses a combination of recruitment methods to attract suitable applicants to the program. This includes television and radio public service announcements, print and electronic media ads, news articles, outreach to local community groups, and dissemination of program materials. Many of our GALs are referred to our program through word of mouth. We use National CASA public relations designs, logos, and written copy to design our marketing materials.

The training program utilizes the National CASA curriculum. The pre-service training covers:

- CHINS Judicial Proceedings; the “life of a CHINS case”
- Role of the GAL and other Justice Players
- Judiciary Ethics and Professionalism
- GAL Code of Conduct
- Conflict Management
- Appropriate Relationship with child, parents
- Child Development
- Family Dynamics: Child Abuse, substance abuse, mental health, poverty
- Domestic Violence, including in the child protection context
- Interviewing children and parents
- Communication/Collaboration/Facilitation
- Cultural Competency
- Personal Safety and Self-care
- Program Supports, Policies, Procedures, Prohibited Acts

In-Service Training

In courts where there are coordinators, GALs are provided with regular in-service training through monthly meetings with guest speakers on child welfare and legal topics. When there are opportunities, the CAO sponsors a limited number of GALs to attend statewide and regional child welfare conferences.

Quality Assurance

The GAL Program undergoes a CASA Self-Assessment every 4 years. The next review will be in 2016. Examples of Self-Assessment standards for Volunteer Management are:

- Screening
- Volunteer training
- Number of cases/volunteer
- Evaluation
- Using volunteers in other case types (see below)

There is a Volunteer GAL Program Policies and Procedures Manual covering for example:

- Duties of CHINS GAL
- Prohibited Acts/Ground for Dismissal
- Complaint Procedure
- Rules of Ethics/Professionalism/Confidentiality
- GAL Code of Conduct

Strategic Plan

The GAL Program engages in strategic planning every 5 years. The current strategic plan incorporates Results Based Accountability Performance Measures in four key areas: whether volunteers are properly supervised; caseloads, monthly contacts with children; and whether volunteers are properly trained for different case types.

Funding

The Guardian ad Litem Program receives funding from the general fund and federal grants from National CASA and the Court Improvement Program. In recent years there have been severe cuts to the federal CASA budget. As a result, Vermont's grant funding was reduced from \$80,000 in the highest year to \$30,000 last year. An annual \$55,000 grant to states was eliminated. The GAL Program also receives a \$4,000/year JABG training grant for GALS serving youth in delinquency or charged as adults. The program has been awarded Children's Justice Act grants for training and outreach. All of the above grants are of limited duration and do not fully fund the GAL Program.

Supervision of GALS

There are currently 290 volunteer guardians ad litem with active cases. There are four part-time GAL coordinators, for the equivalent of 1.7 positions. These part-time regional coordinator positions cover (1) Bennington/Rutland/Addison; (2) Chittenden/Franklin/Grand Isle; (3) Windsor/Orange; and (4) Caledonia/Essex, about 60% of the state. The program is supported with a .5 temporary administrative assistant. The part-time coordinators are supervising between 22-60 GALS in their respective regions. CASA standards require thirty volunteers per full-time coordinator. Coordinators are responsible for local recruitment, interviewing applicants, in-service training, community/justice partner relations and supervision of GALS. Coordinators serve as primary facilitators for pre-service training.

GAL Program Strengths

- CASA Membership (Quality Assurance, Funding, Technical assistance, Marketing Materials and Use of Logos)
- Active, engaged oversight committee
- Comprehensive Training

- Regional GAL Coordinator Positions
- Strategic Plan using RBA to address challenges
- Continued work to reduce case loads
- Diversity Plan in place
- Development of Policies and Practices
- Advocacy for funding positions for supervision of GALS

GAL Program Challenges

- Sustainability of coordinator positions
- Needing more coordinator positions
- Volunteer Caseloads are too high
- Depleting volunteer resources (assignments in other dockets)
- Limited Judiciary personnel resources
- Status as a court-based program limits funding sources

Coordinators are necessary for oversight and accountability in the GAL Program. Coordinators provide coaching support if a GAL is not actively engaged with their cases consistent with training and policies. While case load ratios have improved, courts assign too many cases to some GALS. Some Courts assign GALS to serve in case types other than CHINS, further depleting our GAL reserves for abused and neglected children. Vermont is one of a small minority of states with its CASA program in the court system so we are restricted from engaging in any private fundraising and must rely on the state general fund or grants. Next year the state will not receive a CASA grant and there are not enough general funds to hire the supervisors we need for oversight of volunteers.

Systems Strengths and Challenges

Strengths

1. Specialized Domestic Violence Unit in DCF and positions being restored
2. Responsive and well documented DCF policy development
3. DCF Strengthening Families Efforts
4. Community based prevention efforts
5. Access to national technical assistance to improve child safety
6. Collaboration and accessibility between justice partners (training, communication, conflict resolution, problem solving)
7. Innovative Court Initiatives
 - “Safe Babies” Project-Judge Manley, Caledonia County
 - Older Youth Permanency Project-Judge Devine, Washington County

Our child protection system has a number of strengths. DCF has an innovative and centralized Domestic Violence Unit available to provide expertise to social workers, GALS, and attorneys around safety planning for children impacted by domestic violence. The Family Services Division creates responsive and well documented safety policies. There is a remarkable level of accessibility between the justice partners in our state. We support and collaborate in many ways, locally and between central offices. We come together to train staff, Judges, and attorneys. We engage in problem solving and conflict resolution at the local level regularly. With this high level of accessibility and cooperation, we are well positioned to improve information sharing across systems to strengthen child safety.

Recommendations for Strengthening Child Safety

GAL Program Accountability

There needs to be sufficient oversight of our GALS to ensure they adhere to their role and are sufficiently involved in their cases to be able to make fact-based recommendations to support child safety and/or challenge the status quo. As stated above, this is tied to budget resources for staffing. For purposes of statewide consistency and fairness, all counties/regions should have a dedicated GAL Coordinator.

Strengthening the GAL Role in Court

Judges should consistently request a status update from the GAL at pre-trial proceedings if the child's attorney has not provided a complete one. This would increase the amount of information available to the court and the parties concerning the safety and well-being of children.

Judges should consistently ask the GAL whether the evidence presented at hearings is sufficient. The GAL may know of a witness who should be called, but has not been called by the attorney.

Legal Supports

In general, attorneys for children are dedicated and care enormously about their clients. However, child attorneys are expected to maintain very high case loads, preventing sufficient contact with their child-client. In most of the state, contracted attorneys cover juvenile cases in multiple counties, sometimes spreading over a wide geographical area. In Vermont, there are no pre-qualifying or certification requirements for attorneys assigned to represent children and parents in juvenile court. Attorneys should be certified to represent children or parents in juvenile court. The Public Defender should adopt standards to reduce attorney case loads and the number of counties they have to cover. These changes would allow attorneys to have sufficient contact with their child clients and the GAL and to be sufficiently prepared in advance of hearings.

Information Sharing and Access

1. Notice of DCF's change in a child's placement, the reasons for the placement change and related information on the child's well-being and safety, as well as new location, should be provided to the GAL and the child's attorney soon after the placement change.
2. DCF files should include social worker case notes which are made online (and if appropriate, Child and Family Supports (CFS) records and case notes) so justice partners may review case plan progress.
3. DCF should establish "return call" and "reply to email" standards to respond to GALS, attorneys, family members, foster parents, and service providers in an appropriately timely manner.
4. GALS and Attorneys should be consistently added to the DCF family team distribution lists and notified of all meetings. Meeting minutes should be distributed to the team members after each meeting.
5. DCF family engagement strategies used after a child becomes court involved (e.g., family safety planning meetings, family group conferencing) should include GALS and the child's attorney unless there is an emergency.
6. CFS providers should provide information to GALS and attorneys for children upon request.
7. DCF staff and CFS should be trained to understand not only what information is confidential, but when sharing with justice partners is permissible as it promotes child safety.
8. Support DCF's ongoing efforts to establish consistent standards for DCF's role in monitoring and oversight of children placed with parents or relatives under conditional custody orders; amend statute to create standard protective conditions when children are placed with parents or relatives under conditional custody orders.