

The Guardian ad Litem in Vermont

Sandra Hack, Vermont Guardian ad Litem, August 8, 2014

I have grouped the Child Protection Committee's questions into three general headings and will respond to them from my experience and perspective as a guardian ad litem, better known as a GAL. In Vermont GALS are volunteers. We are reimbursed for our mileage but, otherwise, are not paid. We function as extra eyes and ears to make sure the children in our cases are protected and to make recommendations to the court that are in the child's best interests. I have been doing this work for five years. I currently have six cases and thirteen children. There are some GALS who have a lot more and some have less. We tend to take on the number of cases we feel we can successfully handle at one time.

The Role and Scope of the Guardian ad Litem:

As a guardian ad litem we are given the opportunity to represent the best interests of children who are in the custody of the state of Vermont. We visit with the child each month to observe the child's well being and make sure the child's living environment is safe and healthy. We meet with the child's social worker to keep current on the case and to make sure the worker is doing all that can be done to ensure the best interests of the child. We attend meetings at the particular Department of Children and Families Division that services the child and attend meetings of other agencies and teams that are involved with the child in our care. Depending on the child we may also meet with school staff, medical personnel and mental health workers. We keep the child's lawyer informed of our findings in meetings with the child, the caretakers and all of the other parties involved with the child.

We form an opinion for each court hearing. With the exception of a Merits Hearing, the judge always asks if the guardian has any recommendations for the court. Often my concerns are addressed during the hearing by the child's lawyer or others, in that case it is not necessary to address the court when the judge asks for my opinion. Sometimes I make a comment that is actually intended for the ears of a parent who might benefit from hearing my remarks or concerns in court, where they seem to have more weight. This is particularly true of drug addicted parents who have good parenting skills but are unable to parent due to their addiction problems.

We form a trusting relationship with the child over time. I make it a practice to visit with the child in opened environments which offer privacy but are not closed off from the view or attention of others. The purpose of the visit is to observe the child's well being, to listen to the child's comments and to gather information through broad, general, open-ended questions that help to reveal the child's perspective. If the child is young, we play together with toys or games during this process. If I visit them in school, we often walk the halls, with the principal's permission. My visits usually last a half hour. School visits are often shorter. When meeting with older children who have reached the age where they are able to express their concerns and desires about the case, I solicit their perspectives more directly and make sure to pass them on to the child's attorney. While on a visit, I frequently talk to the people who are providing care for the child and attempt to gather information about the child or the case.

The GAL is often the adult who has had the most long term association and knowledge of the child throughout the case. Social workers are sometimes changed or they retire, the child may move from one living situation to another but the GAL is usually still on the case.

Becoming a Guardian ad Litem, Case Assignment and Supervision:

I was recruited to be a GAL at my local senior center where I go to study French and Italian with friends who share similar interests. One of them was a GAL and hosted a recruitment meeting with someone from the family court. I attended a training session in White River Junction. It was about five years ago. My memory is that it lasted for two weeks. There was a disconnect after the training. In those days we did not have a GAL supervisor to help us to move to the next step. I was supposed to shadow another GAL and then take a case. I waited but did not receive further information so I called the person at the family court who had spoken at the recruitment meeting and we finally decided that I would just take a case and see how it went. We would deal with problems as they occurred. That solution worked for me because I was lucky to have an easy first case.

GALS can choose their cases from emails they receive from the court that give a very brief outline of the case, and the ages of the children. I choose a nine year old child and met up with the child's lawyer and a DCF social worker from the Hartford office. I only took that one case for the first year while I learned from observation and conversations with the lawyer, the social worker and the foster parents. The case ended, very successfully, a year later.

After my first case closed I took a new case which lasted three years. It was during this period that we had a GAL supervisor, Nathalie Lindgren, assigned to the Windsor Family Court. It was wonderful to finally have someone, close at hand, to run to with questions or problems. Nathalie was very careful to return telephone calls and emails. She met with me many times to go over cases and to provide another perspective. She is currently moving on to another position. I fervently hope that another supervisor will be provided. The supervisor is particularly needed to keep the GAL role clear to all, to help the new GAL'S introduction to the work and to provide support with difficult cases. Another important part of the supervisor's role is to provide on-going training for GALS. We have had many "Brown Bag" lunch meetings with various people who are involved in the process including judges, lawyers, DCF officials, mental health workers, and other human service organizations. These meetings have helped me to broaden my perspective of my role and to gain better practices.

During the course of my second case I started to take on other cases. It's important to select carefully, to avoid having too many children. Sometimes they close after a few months but often they last for a year or more. Sometimes the children are spread to distant places. I try to visit them all, even those living out of state, once a month.

What Works Well / What Doesn't Work /What Could be Changed:

I feel that the GAL'S presence on a case is vital and does work well. I have not experienced judges who ignore me or my opinions. I don't understand that comment in the list of questions

posed by the committee. It's possible that I have not yet had the misfortune to meet up with a judge who does not work well with the GAL. It's also possible that whoever made the comment to the committee may not have understood the court process. As I understand it, at the end of a contested hearing a GAL may only comment on the testimony that was presented during that hearing. Also, GALS may not make comments or recommendations at a Merits hearing. In terms of what happens in a hearing, where the effort is to arrive at the truth, it is important not to muddy the water with unsupported opinion. Perhaps this person did not understand that requirement.

The social worker is crucial to the success of a case. I have seen a gradual improvement in the skill levels of social workers, over the five years that I have been a GAL. A good social worker has strong communication skills, is sensitive to the needs of others, approaches the case with a positive perspective and has a clear understanding of the best approaches to support the child and the families in a case.

I always tell the social worker that I am a GAL who likes to be kept informed of events in the case and to attend all meetings. I try to form a positive working relationship with the worker. If I feel that something needs attention, I call or email and we discuss my concern. If I have a problem with a worker I call the person's supervisor. I have only had to do that once.

What does not work in the child protection system is to have social workers so overloaded with cases that they cannot properly attend to all aspects of the case. They are often put in stressful triage situations of having to deal with the most outstanding problems or needs of their case load and have difficulty finding the time to investigate the best methods or solutions that may be helpful in a particular case. I think this is improving but I don't think there have been enough new hires, as yet, to finally correct this problem.

In my opinion the most important improvement in the child protection system would be to lower the social workers case loads to a more reasonable level. I know that there is data on the best practices concerning case load levels. Vermont needs to meet the standard. We have had a great increase in the number of cases due to the drug situation in the state. The child protection system has been impacted by this problem both at the level of the social worker and that of the judiciary.

I think it is very important to continue to support the work of the GAL and to encourage an atmosphere of positive interactions between the GAL, the social worker and the judiciary to work toward the best interests of children in custody. I also feel that it is very important to continue to have a GAL supervisor present in the court house, at least on specific days to be available to respond to the needs of the guardian ad litem.