

**Assessment of the Organizational Structure and Service Delivery Model of the Minnesota Guardian Ad Litem Program**

**June 2017**

**FINAL REPORT**

**Project Consultants**

**Nora Sydow, J.D.**

**Melinda Taylor, M.S.**

**Daniel J. Hall, Vice President**

Court Consulting Services

707 Seventeenth Street, Suite 2900

Denver, Colorado 80202

**Table of Contents**

Executive Summary i

1. Introduction 1
2. Background 2
   1. The Current Role of Guardians Ad Litem in Minnesota 2
      1. GAL Responsibilities 3
      2. Goals of GAL Service 3
      3. Credentials and Screening 3
      4. Precluded Roles 4
      5. Training 4
      6. Employment Model 4
      7. Program Organization 4
      8. Funding 4
      9. Complaint Procedure 4
   2. History of Guardian Ad Litem Services in Minnesota 5
   3. Guardian Ad Litem Service Delivery In Other States 8
      1. Child Protection Cases 8
      2. Family Law Cases 9
3. Methodology 9
4. Findings 11
   1. Child Protection and Family Law Filings 11
   2. GAL Workload 14
   3. Variations in Service Delivery and Program Administration Across Districts 17
   4. Perceptions of GAL program strengths and challenges 21
5. Recommendations 24

5. Conclusion 27

1. Appendices 28

Appendix A: Structure, organization, and delivery of child representation in child welfare

cases: 50- State Survey 28

Appendix A: Structure, organization, and delivery of GAL services in divorce

and custody cases   
Appendix C: NCSC Interviews 54

Appendix D: Online GAL Survey 55

Appendix E: Online Public Survey 56

Appendix F: District GAL Program Organizational Chart 57

**List of Tables and Figures**

Table 1. Recommendations Summary

Table 2. Number of Stakeholders Interviewed

Table 3. Guardian ad Litem Juvenile Case-Filings FY 2011 - FY 2016

Table 4. Foster Care Population by State, FY 2011-2015

Table 5. Statewide Family Law Filings

Table 6. Statewide GAL appointments in Family Law Cases

Table 7. GAL Appointments in Family Law Cases, 2011-2016 by District

Table 8. Number of Volunteers by District – January 2017

Table 9. GAL Perception of Program Organizational Structure and Service Delivery Model

Table 10. Ratio of Full Time to Part Time Salary Expenditures by District – FY 2016

Table 11. Breakdown of GAL FTE Statewide (As of April, 2017)

Table 12. Ratio of Full-Time to Part-Time Salary Expenditures by District – FY 2016

Table 13. Strengths of GAL program organization and service delivery model identified by GALs (n=158)

Table 14. Challenges of GAL program organization and service delivery model identified by GALs (n=158)

Table 15. Effectiveness Dimensions for GAL Programs

Figure 1. Average Cases Per GAL FTE by District

Figure 2. Child Assignments by District

Figure 3. Average Cases per GAL FTE by District Figure 4. Child Contacts Per Case – January 2017

Figure 4. Average Full Time GAL Caseload by District – January 2017

Figure 5. Unassigned Children – January 2017

Figure 6. Child Contact per Case – FY 2016

Figure 7. Manager Distinct Caseload – January 2017

Figure 8. Coordinator Caseload – January 2017

Figure 9. Cases Served Per Supervisor and Office Staff – FY 2016

Figure 10. Cost per Case Served – FY 2016

**Executive Summary**

Purpose of the Study

The Minnesota Guardian Ad Litem program, and the system within which it operates, has undergone significant changes over the years, including changes in organizational structure, governance, employment model, and caseload trends. The ability of an organization to structure and restructure itself to adapt to changing conditions is an essential component of a high-performing organization. Towards that end, the Minnesota Guardian Ad Litem Board sought the assistance of the National Center for State Courts to conduct an assessment of the organizational structure and service delivery model of its program and make recommendations to improve efficiency and effectiveness.

Methodology

The NCSC Project team conducted interviews, administered online surveys, observed board meetings, reviewed data from the GAL program case management system (COSMOS) and other GAL reports, and analyzed the program structure and model of GAL service delivery in child protection and family law cases in other states.

Findings and Observations

The following are the findings and observations made by the NCSC project team during its assessment.

**a. Child protection and family law filings and court caseloads**

Finding #1: Child protection filings have increased significantly.  
Finding #2: Family law filings have declined.

Finding #3: GAL assignments in family law cases have declined.

**b. GAL Workload**

Finding #4: GAL caseloads are higher than the recommended caseload maximum in many districts.

Finding #5: There is a significant variation in the number of child contacts per case across the districts.

**c. Variations in Service Delivery and Service Delivery Across the Districts**

Finding #6: The supervision practices vary significantly across the districts.

Finding #7: The cost per case served varies across the districts.

Finding #8: The employment model varies significantly across the districts.

Finding #9: GALs in at least some districts are asked by judges to provide services in family law cases

that fall outside their statutory role.

Finding #10: The districts utilize contract attorneys for consultation and representation of GALs at a rate

disproportionate to children served.

**d. Perceptions of the Strengths and Challenges of the Current GAL Program**

Finding #11: There are mixed perceptions of the current GAL service delivery model and organizational

structure.

Recommendations

The NCSC project team makes the following recommendations to improve the efficiency and effectiveness of the GAL program.

|  |  |
| --- | --- |
| **Recommendation** | **Page Number** |
| **(1) The GAL Board should consider limiting the appointment of GAL program guardians to child protection cases and develop a separate system for family law cases outside the GAL program.** The GAL Board should consider identifying alternative methods to provide best interests advocacy in family law cases. The GAL Board should explore working with the legislature and judicial branch on a separate and distinct system of best interests advocacy in family law cases. The excellence in quality of work conducted by GALs is often relied upon by judges who are faced with significant challenges present in complex domestic relations cases and without adequate alternatives that were once available to them through court services, a GAL is seen as the only option available to them. | 25 |
| **(2) The GAL Board should explore moving towards a universal employee model and away from the extensive use of volunteers in some districts.** While the NCSC project team noted some strengths of the volunteer model in the Second and Fourth Districts, the overwhelming majority of evidence suggests that a full-employee model would be more efficient, effective, and ensure the long-term sustainability and viability of the Minnesota GAL program. A universal employee model would promote opportunities for individuals interested in a professional career by further professionalizing the role of GAL, streamline expectations and roles for GALs operating in each district, and promote consistent practice across the state. The GAL Board should explore working with districts relying on large numbers of volunteers to create opportunities for volunteers to increase public awareness and education about the needs of children in child protection cases. If the GAL Board choses to explore this further, a cost-benefit analysis of the volunteer versus employee model is recommended. | 25 |
| **(3) The GAL Board should consider regionalizing the role of program manager.** The NCSC project team recognizes the importance of having program managers who understand the unique culture and need in each of the ten judicial districts. The dedication, background, and role of the program managers is a GAL program strength. However, numerous stakeholders, guardians, and program staff suggested regionalizing the role of program manager to approximately 5-6 positions. It was reported that several managers are retiring soon, and this regionalizing could be easily done through attrition. Regionalization of the GAL service delivery model could greatly enhance the availability and accessibility of GALs across district boundaries. By reducing the number of program managers, GAL services could be better streamlined throughout the state resulting in more effective and efficient use of personnel and operating resources. | 25 |
| **(4) Increase the number of coordinators to provide the supervision of all cases in each district.** There are 21 coordinators statewide, and reducing the number of program managers would create an opportunity to increase the coordinator positions and achieve more consistent coordinator caseloads. The coordinators serve a vital role in the supervision and oversight of GALs, and the complexities of the child welfare system, coupled with the requirements for GALs, require dedicated and consistent supervision by accountable and educated experts in this field. | 26 |
| **(5) The GAL Board should further examine the benefits of encouraging Districts to share resources.** The NCSC project team identified the perception, by many, of an unwillingness in some districts to occasionally utilize guardians who might be geographically much closer but employed in another district. Regionalization of the GAL program managers would allow enhanced opportunities for managers to work together to establish an efficient system for ensuring that guardians ad litem are available where needed and when needed across district lines. | 26 |
| **(6) Provide more opportunities for communication across the districts, not only among program managers, but also among coordinators and GALs.** The most vital asset of the GAL program is the dedication of its guardians to the mission and goals of the program. The NCSC project team received overwhelming reports of the commitment and stewardship of guardians throughout the state. Increased opportunities for formal and informal networking should be established within and across districts. | 26 |
| **(7) Future changes to GAL program administration and structure should be evaluated against measurable criteria such as those found in Table 14.** The NCSC project team met with numerous individuals who expressed a commitment and passion for the GAL program, and using a strategic/futures planning team could help the program decision makers create some objectives, goals, and measures that would allow the GAL program to better assess its effectiveness and efficiency over a period of time. | 26 |
| **(8) Continue to monitor and consider future trends and national recommendations concerning best practices for service delivery of advocacy for children in the child protection system.** For example, on January 17, 2017, the Administration for Children and Families of the federal Department of Health and Human Services issued an Information Memorandum encouraging states to work together to ensure that all children, parents, and child welfare agencies receive high quality legal representation at every stage of every child protection case.[[1]](#footnote-1) The memorandum notes that while CAPTA allows for the appointment of an attorney and/or a guardian ad litem, there is widespread agreement in the field that all children in all stages of child protection proceedings should have attorney representation. There has been considerable research and evaluation on models of child protection representation, and national best practices and recommendations have resulted.[[2]](#footnote-2) Minnesota should continue to collaborate with the courts, child welfare, advocates, and the legislature to examine possible innovations to increase the availability of attorney representation to all children in CHIPS cases. Another trend to follow is the expansion nationally of a multi-disciplinary team approach to representation of children in child protection cases. This approach pairs child attorneys or GALs with independent social workers, and evaluations of models that employ these types of teams are yielding very positive results, including a quicker resolution of more cases, and more successfully preserving family connections.[[3]](#footnote-3) | 26 |

1. **Introduction**

In 1974, the federal government passed the Child Abuse Prevention and Treatment Act (CAPTA) which mandates that states assign a guardian ad litem(GAL)in child protection proceedings to qualify for federal funds for child protective services.[[4]](#footnote-4) At that time, Minnesota delegated this task to the counties with no state oversight.[[5]](#footnote-5) That same year Minnesota statutes were amended to permit the court to appoint a GAL in all actions for divorce or separate maintenance in which custody or visitation of a minor child was in issue.[[6]](#footnote-6) Then in 1986, legislation was enacted mandating appointment of a GAL in every family court proceeding if the court has reason to believe the child is a victim of domestic child abuse or neglect.[[7]](#footnote-7)

Currently in Minnesota, the GAL Board is responsible for administering a statewide GAL program across the ten judicial districts and eighty-seven counties in Minnesota. The Board is responsible for the distribution of funding and the oversight of policies, procedures, and rules for the appointment of GALs in juvenile and family court cases. The Board is independent of the court system and receives funding from the state legislature to oversee best interests advocacy for children in child protection and family law matters.

The Minnesota GAL Board contracted with the National Center for State Courts to conduct an assessment of the organizational structure and service delivery model of the Minnesota GAL program and deliver recommendations to the Board. Specifically, NCSC was asked to address the following:

1. Does the organizational structure of the Board make sense in terms of efficiency and effective service delivery?
2. Could there be alternatives to provide GAL services throughout the state? What are the best options?
3. Should the Board consider increased regionalization for delivery and administration of services? What are the strengths and weaknesses associated with both options?
4. Are there better alternatives for supervision, providing services to children, communicating throughout the state, and managing the GALs and cases?
5. How should the use of volunteers be structured? Some districts rely more heavily on volunteers than others. What are the most effective methods for managing volunteers, and is the reliance on volunteers the best, or right way to provide services?
6. **Background**
7. **The Current Status of Guardians Ad Litem in Minnesota**
8. **GAL Responsibilities**: Consistent with the responsibilities set forth in Minnesota Statutes § 260C.163, subdivision 5(b) and § 518.165, subdivision 2a, Minnesota guardians ad litem shall perform the following responsibilities:
9. Conduct an independent investigation to determine the facts relevant to the situation of the child and the family, which must include, unless specifically excluded by the court, reviewing relevant documents; meeting with and observing the child in the home setting and considering the child's wishes, as appropriate; and interviewing parents, caregivers, and others with knowledge relevant to the case;
10. Advocate for the child's best interests by participating in appropriate aspects of the case and advocating for appropriate community services when necessary;
11. Maintain the confidentiality of information related to a case, with the exception of sharing information as permitted by law to promote cooperative solutions that are in the best interests of the child;
12. Monitor the child's best interests throughout the judicial proceeding; and
13. Present written reports on the child's best interests that include conclusions and recommendations and the facts upon which they are based.

**ii. Goals of GAL Service.** The guardian ad litem in each case works to ensure better outcomes for children served, including:

* 1. Children are safe;
  2. Permanency planning begins on day one;
  3. Children spend the least amount of time under court jurisdiction;
  4. Children receive appropriate services including trauma informed care;
  5. Parents participate in services that reflect the best interests of children;
  6. Physical and mental health, educational and cultural needs of children are met;
  7. Children are reunited with parents if it is in the best interest of the child; and
  8. Children do not re-enter the child protection system.

1. **Credentials and Screening.** The minimum qualifications for GAL service require that GALs have the following:
   * 1. B.A. or B.S. in psychology, social work, education, nursing, law, or child-related discipline;
   1. Access to reliable transportation;
   2. Sufficient listening, speaking, and writing skills to successfully conduct interviews, prepare written reports, and make oral presentations;
   3. Ability to become proficient using relevant computer software programs and databases;
   4. Knowledge and an appreciation of the ethnic, cultural, and socioeconomic backgrounds of the population to be served;
   5. Ability to (1) relate to a child, family members, and professionals in a careful and confidential manner; (2) exercise sound judgment and good common sense; and (3) successfully discharge the duties assigned by the court;
   6. Ability to complete the training and orientation requirements set forth in these requirements and guidelines; and
   7. Able to pass a Bureau of Criminal Apprehension (BSA) and federal background check. (Bases for disqualification are in Minn. Stat. § 245c.14-.15).[[8]](#footnote-8)
2. **Precluded Roles.** A Minnesota guardian ad litem should not:
   * 1. Provide “counseling” or “therapy” to a child or parent;
     2. Foster a friendship or “big brother/big sister” relationship with a child or parent by inviting the child or parent into the home of the guardian ad litem, routinely entertaining the child or parent or giving money or gifts to the child or parent;
     3. Give legal advice or hire an attorney for the child or parent;
     4. Supervise visits between the child and parent or third parties;
     5. Provide child care services for the child;
     6. Make placement arrangements for the child or remove a child from the home;
     7. Provide a “message service” for parents to communicate with each other;
     8. Conduct custody evaluations pursuant to the Rules of Guardian Ad Litem Procedure in Juvenile and Family Court Rule 903.04; or
     9. Transport children.[[9]](#footnote-9)
3. **Training.**[[10]](#footnote-10)Minnesota GALs must attend a minimum of 40 pre-service hours of child protection training. All GALs must also complete a minimum of 6 hours of domestic and family violence within their first 12 months of their service. GALs who serve in family court currently complete an additional 28 hours of training on family court matters within their first twelve months of service.[[11]](#footnote-11) GALs who may be assigned to ICWA cases must complete an additional 6 hours of training in the Indian Child Welfare Act. All training must be approved by the GAL Board. The GAL Program provides a comprehensive training program designed to meet the requirements for a GAL appointment. However, some of the districts supplement the state program with local training and support. The 2nd and 4th Judicial Districts have the largest number of volunteer GALs and coordinate their training with the National CASA program.
4. **Employment Model.** GALs are a mix of full and part time state employees, and the 2nd, 4th, 5th, and 6th districts also utilize volunteer GALs. The 2nd and 4th Districts utilize volunteers extensively.
5. **Program Organization.** The GAL programs are organized by judicial district, and each district is directed by a program manager. Most district programs have at least one GAL coordinator; the Eighth District operates without a coordinator, three districts have one coordinator, two districts have two coordinators, three districts have three coordinators, and the Fourth District has five coordinators. Some programs have other support staff including screener/collectors and a volunteer recruiter position.[[12]](#footnote-12)
6. **Funding.** The GAL program currently has a total biennial budget of $30,578,000 with payroll consisting of 81% and operating expenses 19%. The budget is funded primarily by general fund appropriations.[[13]](#footnote-13)
7. **Complaint Procedure.** Any complaint whether it is a verbal or written complaint must be submitted to the Guardian ad Litem Manager within (30) business days of the issuance of any Order which included consideration of the GAL’s recommendation and report, or within 30 business days of the alleged activity, action, or correspondence of the GAL. Formal complaints are investigated by the Program Manager and findings and a report is issued. The complainant may present detailed objections in writing to the Program Manager who will then issue a Second Report determination. The complainant then has 10 days to request an Appeals Panel review. The Appeal Panel consists of a Senior Judge, a GAL who is not in the District of the complaint, and a Board member. The Panel shall request all pertinent information including interviews with or written statements from the GAL, the Complainant, the GAL Manager, and/or Program Administrator. The panel can request further information, schedule meetings with the GAL and complainant (if the panel meets with one they shall meet with both) or issue its decision based on the information in front of it. The panel then issues a report with its findings and recommendations regarding further action, dismissal of the complaint, or upholding the recommendation of the Manager within 60 business days of receiving the request for an Appeal Panel review.[[14]](#footnote-14)
8. **History of Guardian Ad Litem Services in Minnesota**

Minnesota’s Guardian Ad Litem system has undergone significant change since its inception[[15]](#footnote-15), including the following:

* (1974) The federal government passed the Child Abuse Prevention and Treatment Act (CAPTA) which mandates that states assign GALsin child protection proceedings to qualify for federal funds for child protective services.[[16]](#footnote-16) That same year Minnesota statutes were amended to permit the court to appoint a GAL in all actions for divorce or separate maintenance in which custody or visitation of a minor child is in issue.[[17]](#footnote-17)
* (1986) Legislation was enacted in Minnesota mandating appointment of a guardian ad litem in every family court proceeding if the court has reason to believe the child is a victim of domestic child abuse or neglect.[[18]](#footnote-18)
* (1986) The Minnesota Judges Association adopted *Guidelines for Guardians Ad Litem* partly in response to legislation requiring the use of GALs in family court cases in which child abuse or neglect was at issue.[[19]](#footnote-19) The Guidelines were not mandatory; rather they set forth recommended practices and procedures for recruiting, screening, training, supervising, evaluating, and removing guardians ad litem, as well as recommended guardian ad litem responsibilities and suggestions for effective guardian ad litem program operation. The Guidelines also distinguish the types of cases for which appointment of a GAL is mandatory or discretionary. Included in the Guidelines were numerous appendices setting forth examples of screening interview questions, appointment orders, evaluation forms, and data practices policies, as well as summaries of statutes and rules affecting guardians ad litem.[[20]](#footnote-20)
* (1995) In response to numerous concerns raised by citizens to the Legislature, the Legislative Auditor conducted a statewide review of GAL services and in their report concluded that:

“There are 53 local (county-funded) programs. There is little consistency in how counties recruit, select, and supervise guardians. There is no standard training, no system to process complaints and no uniform procedures to remove a GAL. The Supreme Court needs to develop broad guidelines addressing recruitment, selection, supervision, and evaluation for programs to use in administering their program.”[[21]](#footnote-21)

* (1997) The Supreme Court Advisory Task Force on Guardian Ad Litem System met for a year and concluded that:

“There is growing awareness that guardians ad litem may be better equipped to advocate for the best interests of children if they are part of a well-managed, structured guardian ad litem program operating under clearly defined policies and procedures for selecting, training, supervising, evaluating, and removing guardians ad litem.”[[22]](#footnote-22)

The Task Force recommended Rules of GAL Procedure, training requirements, and administrative standards to improve performance and accountability.

* (1999) The Supreme Court promulgated Rules of Guardian ad Litem Procedure which stipulated the standards for recruitment, selection, training, supervision, complaint processing, and oversight of the work of GALs in the 53 local, county-based programs which had responsibility for the program(s). Mandatory statewide forty-hour training was required of all GALs in the state.

* (2001) State Funding of Guardian Ad Litem Program and State Funding Subcommittee Report was issued, addressing how to best transition the local programs over to state funding and to address the disparate program models that existed at the county level.

* (2002) A State Supervised and Judicial District Administered GAL Program was designed and implemented by the Conference of Chief Judges. Management and oversight responsibilities are delineated between the state office and the ten district programs. Promoting more consistent, high quality and accountable advocacy became the statewide mission of the program.
* (2003) In light of the creation of the new statewide GAL Program, the Minnesota Supreme Court organized a Subcommittee of the Juvenile Protection Rules Committee (the full Committee) to review and propose revisions to the Minnesota Rules of GAL Procedure and GAL-Related Rules of Procedure. The Subcommittee included some members from the full Committee and others with expertise as a GAL, GAL manager or supervisor, judicial district administrator, and judicial branch labor relations manager.

* (2005) A Statewide “Guardian Ad Litem Quality Assurance Review Procedure” was implemented statewide to ascertain performance issues within the ten district programs and areas of improvement.

* (2005-2007) “GAL System Program Standards” were developed which became the responsibility of the State Court Administrator to implement and which could be adjusted and raised more readily than Supreme Court rules. The Program Standards articulate the requirements of each district GAL program regarding: recruitment, selection, screening, background checks, supervision, performance evaluation, responsibilities, training, and the complaint procedure.
* (2005-2006) A Guardian Ad Litem Employment Model Workgroup was formed by the Judicial Council to look at the disparate staffing approaches still being employed by the district GAL programs and to make recommendations for improvement. The Workgroup recommended to the Council that they:

1. Increase qualifications and training standards (and commensurate reimbursement to attract more qualified individuals);
2. Create a GAL Training Institute and Certificate Program; and
3. Create a GAL Advisory Committee to address the long-term staffing model issue and other systemic challenges.

* (2007-2008) A Guardian Ad Litem Advisory Committee (GALAC) was formed by the Minnesota Judicial Council with a charge to examine the long-term and systemic challenges facing the Guardian Ad Litem Program and to develop and make recommendations to the State Court Administrator regarding possible solutions and the benefits and trade-offs inherent in each option. The GALAC articulated a set of Values and Principles throughout their deliberations, including:
  + The best interests of Children and best possible advocacy model should be the ultimate determining factor in its recommendations;
  + Recommendations should take the “long view” and support the viability and sustainability of the program and the impact on all persons involved;
  + Major change efforts should be carefully planned, fully communicated, and implemented in the most careful and deliberate way possible;
  + The implementation of any change effort should not result in an actual diminishment of services to children and the court;
  + Recommendations that create unnecessary complexity or more ‘bureaucracy’ should be discouraged.[[23]](#footnote-23)

The GALAC final report noted that while the GAL program was functioning well, there were challenges to the future of the program in several areas including: (1) advocacy model, (2) diversity and cultural competence; (3) administrative structure; (4) family court role; and (5) employment model. The GALAC made recommendations in each of these areas.

* (2009) Judicial Council voted to move the Guardian Ad Litem Program out of the court system and create an independent Guardian Ad Litem Board based on GALAC recommendations. The Judicial Council sought legislation to establish the new Board.

* (2010) The Legislature passed Minn. Stat. §480.35 to move the Guardian Ad Litem Program out of the court system and establish an independent Guardian Ad Litem Board.
* (October 2010) The first Guardian Ad Litem Board was convened with seven members, four appointed by the Governor and three appointed by the Chief Justice.

* (January 2011) The Guardian Ad Litem Board hired a Program Administrator.
* (August 2015) The Guardian Ad Litem Board implemented a new complaint procedure.[[24]](#footnote-24)

1. **Guardian Ad Litem Service Delivery in Other States**
2. **Child Protection Cases**

**Appointment and Qualifications**. All States, territories, and the District of Columbia provide in their statutes for the appointment of representation for a child involved in a child abuse or neglect proceeding. According to an August 2014 update from the U.S. Department of Health and Human Services’ Children’s Bureau, 41 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands provide for the appointment of a GAL to represent the best interests of the child.[[25]](#footnote-25) In 15 of these States, the District of Columbia, and the Virgin Islands, the GAL must be an attorney. In other states, volunteers who may or may not be attorneys may serve as GALs.

Seventeen states and Puerto Rico require the appointment of an attorney for the child. Seven states require both an attorney and GAL. Oregon requires the appointment of a CASA. In Wisconsin, a child has the right to counsel, and he or she may not be removed from the home unless counsel has been appointed. If the child is under age 12, the court may appoint a GAL instead of counsel. In four states, if the GAL is not an attorney, counsel may be appointed to represent the GAL. In Louisiana, the attorney may be provided by a Child Advocacy Program. In Maryland, the court appoints an attorney with whom the Department of Human Resources has contracted to provide legal services.

**Program Structure**. There is tremendous variation across the states in the way the provision of GAL services are structured and administered. In the majority of states, the service delivery model is a local one – operated by county or judicial circuit/district. Some states have a statewide program that provides some program administration, such as credentialing, training, and rostering, but where the GALs are not state employees nor contracted by the state. The third category of states has a fully state-administered system.[[26]](#footnote-26) Appendix A provides an overview of the structure of GAL services in child protection cases in each state.

1. **Family Law Cases**

As with child protections cases, there are several models for providing GAL services in family law cases across the states. The NCSC reviewed several models in depth, and Appendix B provides an overview of several state models.

In most states profiled in Appendix B, the GAL is charged with conducting an investigation and providing information in a report to the court to inform the court’s decision. In all the states examined by NCSC, the GAL is tasked with making recommendations to the court regarding the best interest of the child. In Massachusetts, GALs make recommendations when the court expressly authorizes them to do so.

Appointment of a GAL is not mandatory in divorce or custody cases in any of the profiled states other than Wyoming. While courts absorb the costs of the GAL for child protection cases, it is most often the parties’ responsibility to pay the GAL for divorce and custody cases.

**III. Methodology**

In conducting its assessment, the NCSC project team:

1. Conducted interviews;
2. Observed one GAL Board meeting and participated in a second telephonically;
3. Conducted online surveys of GALs and the public;
4. Reviewed the current organizational structure and staffing allocations;
5. Reviewed materials including legislative reports and audits, judicial branch reports, GAL Board meeting minutes, caseload data and trends, reports from the GAL Case Management System (COSMOS), and GAL program budget and financial information; and
6. Conducted a review of GAL service delivery models in child protection and family law cases across the country.

The NCSC project team was on-site in Minnesota from January 17-20, 2017 and conducted 36 interviews including GAL Board members and program staff, GAL District managers and coordinators, judges, State Court Administration staff, a Minnesota Supreme Court Justice, and attorneys.[[27]](#footnote-27) See Table 2 below for interview details.

The purpose of the interviews was to:

1. Further understand the existing organizational structure, as well as prior models;
2. Identify how each District GAL program operates, including staffing, roles and responsibilities, etc.
3. Identify the current strengths and challenges facing the statewide program and in each district; and
4. Solicit ideas for improvement.

**Table 2. Number of Stakeholders Interviewed**

|  |  |
| --- | --- |
| **Stakeholder Group** | **Number of Interviewees** |
| GAL Program Director and Staff | 3 |
| GAL Program Managers | 10 |
| GAL Coordinators | 5 |
| GAL Board Members | 5 |
| District Judges | 7 |
| Minnesota Supreme Court Justices | 1 |
| State Court Administration Staff | 4 |
| Contract Attorneys | 1 |
| TOTAL | 36 |

Following the site visit, the NCSC developed an online survey designed to solicit perceptions from GALs. The GAL survey was intended to supplement the information gathered through the project team’s on-site interviews and observations. The survey questions asked GALs to provide opinions and feedback on the GAL service delivery model and its strengths and weaknesses, and the survey also asked about the role of GALs in juvenile and family cases. The GAL survey response rate was approximately 30 percent.[[28]](#footnote-28)

NCSC also conducted a second online survey to allow the public to provide feedback. The public survey was posted on the GAL program website for the month of March 2017. The public survey asked respondents to comment on the strengths and weaknesses of the current GAL program structure and service delivery model, and solicited any suggestions for improvement. NCSC received 8 completed surveys from members of the public.[[29]](#footnote-29)

1. **Findings and Observations**
   1. **Child protection and family law filings**

**Finding #1: Child protection filings have increased significantly.**

Following a series of reforms recommended by Governor Mark Dayton’s Task Force on Child Protection[[30]](#footnote-30) and passed by the Legislature, there has been a considerable increase in recent yearsin juvenile case filings in every District. See Table 3 and Figure 1 below. Statewide, there has been a five-year increase in filings of 59% and two year increase of 40%. The increase from FY 2011-2016 ranged from a low of 31% in the Ninth District to a high of 93% in the Second District. The increase from FY 2014-2016 ranged from a low of 13% in the Ninth District to a high of 60% in the Second District. This rapid rise in child protection caseloads is straining the foster care system, the court system, and the GAL program. The rapid rise in the child welfare caseload in Minnesota in the past few years is among the highest in the nation. As seen in Table 4 below, when examining national foster care population data from FY 2011-2016, Minnesota ranks 4th in the nation in the growth of its foster care population in those four years.

**Table 3. Juvenile Case-Filings FY 2011 - FY 2016**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| District | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 5-year Change | 5-year Additional Cases | 2-year Change | 5-year Average |  |  |  |
| First | 283 | 320 | 339 | 339 | 401 | 463 | 63.60% | 180 | 36.58% | 372 |  |  |  |
| Second | 290 | 375 | 368 | 351 | 475 | 561 | 93.45% | 271 | 59.83% | 426 |  |  |  |
| Third | 326 | 350 | 324 | 345 | 398 | 495 | 51.84% | 169 | 43.48% | 382 |  |  |  |
| Fourth | 716 | 727 | 734 | 779 | 794 | 1101 | 53.77% | 385+ | 41.34% | 827 |  |  |  |
| Fifth | 247 | 277 | 278 | 290 | 285 | 403 | 63.16% | 156 | 38.97% | 307 |  |  |  |
| Sixth | 334 | 435 | 379 | 378 | 428 | 474 | 41.92% | 140 | 25.40% | 419 |  |  |  |
| Seventh | 355 | 354 | 430 | 379 | 466 | 662 | 86.48% | 307 | 74.67% | 458 |  |  |  |
| Eighth | 142 | 145 | 179 | 151 | 180 | 222 | 56.34% | 80 | 47.02% | 175 |  |  |  |
| Ninth | 434 | 427 | 460 | 500 | 488 | 567 | 30.65% | 133 | 13.40% | 488 |  |  |  |
| Tenth | 343 | 367 | 386 | 422 | 471 | 560 | 63.27% | 217 | 32.70% | 441 |  |  |  |
| **Statewide** | **3470** | **3777** | **3877** | **3934** | **4386** | **5508** | **58.73%** | **2038** | **40.01%** | **430** |  |  |  |
| **Figure 1. Statewide Juvenile Case Filings 2011-2016** | | | | | | | | | | | | | |

**Table 4. Foster Care Population by State, FY 2011-2015**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Location** | **2011** | **2012** | **2013** | **2014** | **2015** | **4-year change** |
| Arizona | 10,883 | 13,461 | 14,398 | 16,246 | 17,737 | 62.98% |
| Montana | 1,781 | 1,926 | 2,222 | 2,336 | 2,798 | 57.10% |
| Indiana | 10,760 | 10,909 | 11,841 | 13,833 | 16,639 | 54.64% |
| **Minnesota** | **4,953** | **5,209** | **5,534** | **6,228** | **7,511** | **51.65%** |
| Maine | 1,291 | 1,509 | 1,786 | 1,860 | 1,863 | 44.31% |
| Alaska | 1,838 | 1,864 | 1,969 | 2,186 | 2,649 | 44.12% |
| Georgia | 7,591 | 7,671 | 7,607 | 9,005 | 10,934 | 44.04% |
| New Hampshire | 694 | 727 | 825 | 871 | 973 | 40.20% |
| Mississippi | 3,365 | 3,410 | 3,564 | 4,179 | 4,586 | 36.29% |
| Vermont | 967 | 940 | 939 | 1,092 | 1,308 | 35.26% |
| Oklahoma | 8,274 | 9,132 | 10,554 | 11,458 | 11,168 | 34.98% |
| New Mexico | 1,858 | 1,918 | 2,077 | 2,366 | 2,471 | 32.99% |
| Missouri | 9,205 | 9,961 | 10,598 | 11,820 | 12,143 | 31.92% |
| North Dakota | 1,042 | 1,082 | 1,201 | 1,342 | 1,335 | 28.12% |
| Wyoming | 853 | 936 | 969 | 967 | 1,075 | 26.03% |
| Kansas | 5,830 | 5,980 | 6,402 | 6,727 | 7,182 | 23.19% |
| Arkansas | 3,732 | 3,711 | 3,797 | 3,806 | 4,545 | 21.78% |
| Hawaii | 1,122 | 1,079 | 1,085 | 1,221 | 1,360 | 21.21% |
| North Carolina | 8,275 | 8,140 | 8,722 | 9,567 | 10,022 | 21.11% |
| Massachusetts | 8,613 | 8,515 | 8,514 | 9,910 | 10,266 | 19.19% |
| Pennsylvania | 12,776 | 13,102 | 12,910 | 13,628 | 14,853 | 16.26% |
| Kentucky | 6,567 | 6,913 | 7,125 | 7,481 | 7,507 | 14.31% |
| Florida | 19,752 | 19,531 | 18,011 | 19,709 | 22,354 | 13.17% |
| West Virginia | 4,441 | 4,517 | 4,341 | 4,512 | 4,905 | 10.45% |
| Rhode Island | 1,657 | 1,589 | 1,636 | 1,822 | 1,825 | 10.14% |
| Ohio | 12,017 | 11,853 | 12,212 | 12,506 | 13,174 | 9.63% |
| Wisconsin | 6,372 | 6,220 | 6,381 | 6,751 | 6,909 | 8.43% |
| Washington | 9,405 | 9,404 | 9,908 | 10,258 | 10,161 | 8.04% |
| New Jersey | 6,416 | 6,845 | 6,943 | 7,138 | 6,874 | 7.14% |
| Tennessee | 7,445 | 7,766 | 8,034 | 7,496 | 7,681 | 3.17% |
| California | 52,167 | 50,813 | 53,060 | 53,405 | 52,910 | 1.42% |
| Utah | 2,496 | 2,555 | 2,513 | 2,758 | 2,516 | 0.80% |
| Louisiana | 4,531 | 4,044 | 3,955 | 4,325 | 4,544 | 0.29% |
| Idaho | 1,354 | 1,229 | 1,334 | 1,204 | 1,349 | -0.37% |
| Texas | 30,012 | 29,433 | 29,411 | 30,158 | 29,784 | -0.76% |
| Virginia | 4,769 | 4,546 | 4,315 | 4,581 | 4,721 | -1.01% |
| South Carolina | 3,791 | 3,098 | 3,168 | 3,452 | 3,707 | -2.22% |
| Illinois | 15,157 | 14,382 | 14,563 | 14,988 | 14,650 | -3.34% |
| Nevada | 4,628 | 4,738 | 4,770 | 4,532 | 4,471 | -3.39% |
| Iowa | 6,269 | 6,182 | 6,287 | 5,920 | 5,884 | -6.14% |
| Colorado | 5,423 | 5,030 | 4,964 | 4,985 | 4,988 | -8.02% |
| South Dakota | 1,388 | 1,384 | 1,236 | 1,159 | 1,265 | -8.86% |
| Oregon | 8,061 | 8,206 | 7,719 | 7,290 | 7,266 | -9.86% |
| Alabama | 5,175 | 4,460 | 4,415 | 4,438 | 4,608 | -10.96% |
| New York | 21,690 | 20,893 | 19,993 | 19,481 | 18,613 | -14.19% |
| Michigan | 14,154 | 13,282 | 13,049 | 12,619 | 12,093 | -14.56% |
| Delaware | 831 | 770 | 677 | 611 | 664 | -20.10% |
| Connecticut | 4,217 | 3,855 | 3,531 | 3,444 | 3,356 | -20.42% |
| Nebraska | 4,752 | 4,789 | 4,304 | 3,732 | 3,691 | -22.33% |
| Maryland | 5,351 | 4,806 | 4,304 | 3,868 | 3,734 | -30.22% |
| D.C. | 1,341 | 1,157 | 966 | 828 | 837 | -37.58% |

**Finding #2: Family law filings have declined.**

Statewide filings in family law matters where the court can appoint a GAL has declined 13% from FY 2011-2016. See Table 5 below. Reports from other states also indicate a general decline in family court filings, and a report from NCSC indicates that domestic relations caseloads have declined 14% nationally from 2006-2015.[[31]](#footnote-31)

**Table 5. Statewide Family Law Filings**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **5-yr change** |
| Domestic Abuse | 10958 | 11467 | 11138 | 10648 | 11097 | 11034 | 0.7% |
| Support | 15385 | 15391 | 14357 | 13201 | 11392 | 11534 | -25.0% |
| Dissolution with Child | 8841 | 8715 | 8254 | 7777 | 7838 | 7612 | -13.9% |
| Family Court Other | 3549 | 3549 | 3098 | 2935 | 3241 | 3340 | -5.9% |
| ***Totals*** | **38733** | **39122** | **36847** | **34561** | **33568** | **33520** | **-13.5%** |

**Finding #3: GAL appointments in family law cases have declined.**

GAL appointments in family law cases have declined in recent years. As seen in Table 6 below, GAL appointments statewide in domestic abuse, custody, dissolution with child, paternity, and ‘family court other’ declined 43% between 2011-2016. The combination of a decline in overall family law filings statewide and a stronger adherence to the GAL Board policy on case prioritization, adopted in 2011 and amended in 2015, help explain this decline. It should be noted that the decline in appointments across the districts was not uniform. See Table 7 below.

**Table 6. Statewide GAL Appointments in Family Law Cases**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **5-yr change** |
| Domestic Abuse | 918 | 976 | 936 | 800 | 750 | 545 | -40.6% |
| Custody | 545 | 566 | 612 | 558 | 518 | 381 | -30.1% |
| Dissolution with Child | 653 | 607 | 652 | 563 | 496 | 350 | -46.4% |
| Paternity | 289 | 308 | 277 | 255 | 219 | 143 | -50.5% |
| Family Court Other | 119 | 93 | 79 | 61 | 45 | 20 | -83.2% |
| ***Totals*** | **2524** | **2550** | **2556** | **2237** | **2028** | **1439** |  |

**Table 7. GAL Appointments in Family Law Cases, 2011-2016 by District**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **District** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **5-yr change** |
| 1 | 367 | 313 | 355 | 249 | 226 | 180 | -51.0% |
| 2 | 110 | 108 | 106 | 152 | 119 | 107 | -2.7% |
| 3 | 173 | 170 | 177 | 171 | 162 | 80 | -53.8% |
| 4 | 815 | 862 | 772 | 659 | 612 | 459 | -43.7% |
| 5 | 62 | 96 | 113 | 126 | 94 | 98 | 58.1% |
| 6 | 162 | 151 | 127 | 94 | 118 | 76 | -53.1% |
| 7 | 111 | 136 | 129 | 133 | 114 | 107 | -3.6% |
| 8 | 57 | 39 | 32 | 29 | 29 | 25 | -56.1% |
| 9 | 190 | 192 | 188 | 180 | 169 | 107 | -43.7% |
| 10 | 476 | 481 | 555 | 444 | 385 | 211 | -55.7% |
| ***Totals*** | **2523** | **2548** | **2554** | **2237** | **2028** | **1450** |  |

* 1. **GAL Workload**

**Finding #4: GAL caseloads are higher than the recommended caseload maximum in many districts.**

Average GAL caseloads surpass the recommended program goal of 30 cases per full-time GAL.[[32]](#footnote-32) See Figures 2 and 3 below. In addition to the high caseloads across the districts, some districts have a high number of unassigned cases. See Figure 5 below.

**Figure 2. Child Assignments by District**

**Figure 3. Average Cases Per GAL FTE by District**

**Figure 4. Average Full Time GAL Caseload – January 2017**

**Figure 5. Unassigned Children – January 2017**

**Finding #5: There is a significant variation in the number of child contacts per case across the districts.**

However, there does not appear to a strong relationship between district or GAL caseload and the number of child contacts per case. See Figure 6 below. The range is 3.28 – 6.06 child contacts per case in FY 2016 across the districts.[[33]](#footnote-33) The district average is 4.58 contacts per case in FY 2016. Rule 905.1(a)(ii) of the Rules of Guardian ad Litem Procedure in Juvenile and Family Court require a GAL to meet with and observe the child in the home setting, but there are no mandates specifying timeframes and numbers of contacts.

**Figure 6. Child Contact Per Case – FY 2016**

* 1. **Variations in Service Delivery and Program Administration Across the Districts**

**Finding #6: The supervision practices varies significantly across the districts.**

In some districts, the program manager carries a high supervision caseload, while in other districts, program managers do not typically supervise any cases. See Figure 7. The 7th District program manager has, by far, the highest supervision caseload with close to 350 cases. The 7th is followed is the 3rd, 10th, 5th and 6th respectively. The 4th and 1st district program managers carry virtually no distinct caseloads. See Figure 5 below. The coordinator caseloads also vary significantly by district. Among the districts with the highest coordinator supervision caseloads are the 4th, 5th, 7th, and 1st. See Figure 8 below. See also, Figure 9 below for cases served per supervisor/office staff in FY 2016. This also shows a wide variation across the districts.

**Figure 7. Manager Distinct Caseload, January 2017**

**Figure 8. Coordinator Caseload**

**Figure 9. Cases Served per Supervisor and Office Staff – FY 2016**

**Finding #7: The cost per case served varies across the districts.**

The cost per case served varies across the districts, with a high of $1600 per case in the Tenth District to a low of just over $1000 in the sixth district. See Figure 10 below. Although it was speculated by some that the use of volunteers could reduce the cost of service delivery, there doesn’t appear to be a strong relationship between cost per case served and the utilization of volunteer GALs. As one interviewee noted, “Volunteer GAL programs should be eliminated as cost ineffective and difficult to supervise.”

**Figure 10. Cost Per Case Served – FY 2016**

**Finding #8: The employment model varies significantly across the districts.**

The utilization of volunteers varies significant across the districts, with the Second and Fourth relying predominantly on volunteer GALs. The other districts use few, if any, volunteers. See Table 8 below. Further, the mix of full-time and part-time employees varies across the districts. See Table 9 for a breakdown of GALs statewide by FTE status. See Table 10 for a ratio of full time to part time salary paid for all staff in FY 2016 by District. Table 10 demonstrates a considerable variation across the districts of full time versus part time salary expenditures. (Note that Table 10 data includes Manager and Coordinator Salaries, in addition to GALs and other support positions.)

**Table 8. Number of Volunteers by District – January 2017**

|  |  |
| --- | --- |
| **District** | **Number of Volunteers** |
| 1 | 0 |
| 2 | 123 |
| 3 | 0 |
| 4 | 255 |
| 5 | 3 |
| 6 | 3 |
| 7 | 0 |
| 8 | 0 |
| 9 | 0 |
| 10 | 0 |

**Table 9. Breakdown of FTE and PTE Guardians Ad Litem Statewide (As of April, 2017)**

|  |  |
| --- | --- |
| **Full Time Equivalent** | **Number of Positions** |
| 1.00 | 98 |
| 0.90 | 1 |
| 0.80 | 3 |
| 0.75 | 10 |
| 0.65 | 1 |
| 0.60 | 3 |
| 0.50 | 29 |
| 0.49 | 2 |
| 0.48 | 1 |
| 0.45 | 1 |
| 0.40 | 13 |
| 0.35 | 1 |
| 0.33 | 3 |
| 0.25 | 10 |
| 0.20 | 1 |
| 0.05 | 1 |

**Table 10. Ratio of Full Time to Part Time Salary Expenditures by District – FY 2016**

|  |  |
| --- | --- |
| **District** | **Full Time : Part Time Salary Paid FY 2016** |
| 2 | 8.98 |
| 4 | 7.78 |
| 10 | 6.25 |
| 9 | 4.87 |
| 1 | 4.35 |
| 7 | 2.20 |
| 6 | 1.73 |
| 3 | 1.29 |
| 5 | 1.20 |
| 8 | 0.35 |

**Finding #9: GALs in at least some districts are asked by judges to provide services in family law cases that fall outside of their statutory role.**

NCSC found through interviews that it appears that adherence to the GAL Board policy adopted in 2011 and amended in 2015 on case prioritization varies across and within districts. It was reported that some judges don’t always follow the policy on case prioritization that directs that CHIPS matters as provided in M.S.260C.163, Subd. 5 be given priority and assigned before any other case types. The policy stipulates that if resources are available after CHIPS matters are assigned, prioritization for assignment of a guardian ad litem shall be: mandatory family court matters as provided in M.S. 518.165, Subd. 2; M.S. 518.179, Subd. 1 and M.S. 631. 52, Subd. 1; delinquency cases as provided in M.S. 260B.163 Subd. 6; and voluntary placement cases as provided in M.S. 260D.06 Subd. 2(j). The policy also grants GAL Managers/Coordinators the discretion to determine how unassigned cases will be prioritized for assignment as resources become available.

Further, it was clear through interviews and surveys that GALs are often tasked with performing tasks outside of their role.[[34]](#footnote-34) For example, as one GAL noted in the survey, “[W]e are being used as parenting time evaluators, and often are requested to step outside of our roles as guardians ad litem. We often are requested to identify parenting time, set a schedule, monitor the parenting schedule, and have control over parenting time. It was my understanding that we make recommendations for parenting time, but it appears that the court is using our role in a way that it should not be used. It appears that we are being requested to step outside of our roles are GALs in family law cases, and it does not appear to meet the statutory requirements of GALs.” The excellence in quality of work conducted by GALs is often relied upon by judges who are faced with significant challenges present in complex domestic relations cases and without adequate alternatives, a GAL is seen as the only option available to them.

**Finding #10: The districts utilize contract attorneys for consultation and representation of GALs at a rate disproportionate to children served.**

The Minnesota GAL Board contracts with attorneys to provide legal consultation and/or representation for GALs throughout the state. Through interviews and a review of budget information, NCSC found a wide range across the districts in the expenditures for attorney consultation and representation, and a range that didn’t correlate with children served. Some interviewees and survey respondents suggested that districts that rely heavily on volunteers use a disproportionate amount of attorney consultation and representation. However, it should be noted that in the 4th District, it has been the policy of the Juvenile Court bench that an attorney be assigned to the GAL for the trial. For FY 2012-2016, approximately $2.3 million was spent on attorney consultations and representation in all ten districts. Approximately $1.5 million of that was spent in the 2nd and 4th Districts.

**d. Perceptions of GAL Program Strengths and Challenges**

**Finding #11: There are mixed perceptions of the current GAL service delivery model and organization.**

Interviews conducted by the NCSC project staff, along with survey responses, uncovered mixed perceptions of the strengths of the current service delivery model and organizational structure. For example, as seen in Table 11 below, responses by GALs on whether the current structure is efficient and effective ranged from a low in District 10 of 2.79 to a high of 4.44 in District 8. When the survey responses were examined by volunteer, full time, and part time status, there was a notable distinction among full time GALs. Full time GALs were more likely than volunteers and part-time GALs to disagree with the statement that the organization and service delivery model of the current GAL system is efficient and effective. See Table 12 below.

**Table 11. The organization and service delivery model of the current GAL system is efficient and effective. (1 = Strongly Disagree and 5 = Strongly Agree)**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **District 1 N=11** | **District 2 N=27** | **District 3 N=10** | **District 4 N=59** | **District 5 N=8** | **District 6 N=10** | **District 7 N=12** | **District 8 N=9** | **District 9 N=5** | **District 10 N=14** | **Overall Average** |
| 3.36 | 3.30 | 3.60 | 3.58 | 4.00 | 3.10 | 3.33 | 4.44 | 3.00 | 2.79 | 3.45 |

**Table 12. GAL Perception of Program Organizational Structure and Service Delivery Model**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Strongly Disagree** | **Disagree** | **Neither agree nor disagree** | **Agree** | **Strongly Agree** | **Rating Average** | **Response Count** |  |
| a. The organizational structure and service delivery model of the current GAL system is efficient and effective. | 0 | 11 | 13 | 42 | 6 | 3.60 | 72 | Volunteer |
| 5 | 19 | 10 | 28 | 3 | 3.08 | 65 | Full Time |
| 1 | 1 | 1 | 20 | 5 | 3.96 | 28 | Part Time |

When GALs were asked in the survey to elaborate about the strengths of the current organizational and service delivery model of the GAL program, the most reported strength was the support and supervision they receive from their supervisors, followed by the confidence of the judges, attorneys, and stakeholders; committed staff; and the charge/role of GALs. See Table 13 below. One GAL noted in a survey response,

A significant strength in our service delivery model is that we employ people who truly have a passion for advocating for children. Our GALs are required to possess a multifaceted skill level and work under pressure with large case volumes. Our GALs are valued for their ability to do their work independently in an unbiased fashion that leads to the uncovering of information about children that the court would not have learned without us.

**Table 13. Strengths of GAL program organization and service delivery model identified by GALs (n=158)**

|  |  |
| --- | --- |
| **Strength Topic** | **Percentage of responding GALs identifying the topic** |
| Supervision/Coordinator | 35% |
| Confidence of judges, attorneys, other stakeholders | 22% |
| Committed staff | 16% |
| Charge/Role of GAL | 11% |
| E-technologies | 4% |
| Ability to home office | 4% |
| Professional, paid GALs | 4% |
| Assignment of cases | 3% |
| Education/training | 3% |
| COSMOS | 2% |
| Variation across districts | 2% |
| Communication within district | 2% |

**Table 14. Challenges of GAL program organization and service delivery model identified by GALs (n=158)**

|  |  |
| --- | --- |
| **Challenge Topic Identified** | **Percentage of responding GALs identifying topic** |
| High caseloads | 25% |
| Retention/burnout | 9% |
| Unassigned cases | 8% |
| Supervision | 6% |
| Isolated/lack of networking events | 6% |
| Recruitment | 6% |
| Educational requirements for GALs | 4% |
| Top-heavy GAL program administration | 4% |
| Volunteer system | 3% |
| Travel/driving time | 3% |
| Family cases | 3% |
| COSMOS | 3% |
| Communication with child welfare workers | 3% |
| Inconsistency across districts | 3% |
| Lack of diversity | 3% |
| Board system | 2% |

**IV. Recommendations**

Based uponinterviews, survey results, observations, and other information-gathering and review by the NCSC project team, the below recommendations are offered to improve the efficiency and effectiveness of the Minnesota GAL program. Key principles used by the NCSC project team in the development of specific recommendations were based on the following guiding principles:

1. Streamline organizational structure without sacrificing quality service delivery;
2. Centralize internal services where efficiency or effectiveness benefits could be achieved;
3. Institutionalize flexibility to adapt to future demands and program threats; and
4. Enable the GAL program to focus on their core services and achieve its program goals.

Furthermore, because the NCSC team was asked to provide recommendations to improve the efficiency and effectiveness of the GAL program, the NCSC project team thought it important to operationalize *effectiveness*. The following matrix is an example of the factors that could be used to assess the GAL program’s effectiveness.

**Table 15. Effectiveness Dimensions for GAL Programs**

|  |  |
| --- | --- |
| **Perceptual Domains** | **Examples of Objective Measures** |
| 1. Stakeholder/Client Satisfaction | Number/type of parent/stakeholder complaints  Judge satisfaction with program  Children (age appropriate) satisfaction |
| 1. Staff Satisfaction | Turnover rate  Recruitment effort success  GAL morale and motivation  Manager/supervisor morale and motivation  Goal consensus among staff  Career Incentive |
| 1. Organization health | Levels of trust within the organization  Typical communication patterns  Use of talents and expertise  Planning, goal setting, and measurement of goals |
| 1. Ability to acquire resources | Funding granted by the legislature  Other funding opportunities (*e.g*., grants) |
| 1. Ability to achieve identified program goals (child and family outcomes) | a. Children are safe;  b. Permanency planning begins on day one;  c. Children spend the least amount of time under  court jurisdiction;  d. Children receive appropriate services including  trauma informed care;  e. Parents participate in services that reflect the  best interests of children;  f. Physical and mental health, educational and  cultural needs of children are met;  g. Children are reunited with parents if it is in the  best interest of the child; and  h. Children do not re-enter the child protection system. |

**Recommendation #1: The GAL Board should consider limiting the appointment of GAL program guardians to child protection cases and develop a separate system for family law cases outside the GAL program.** The GAL Board should consider identifying alternative methods to provide best interests advocacy in family law cases. The GAL Board should explore working with the legislature and judicial branch on a separate and distinct system of best interests advocacy in family law cases. The excellence in quality of work conducted by GALs is often relied upon by judges who are faced with significant challenges present in complex domestic relations cases and without adequate alternatives that were once available to them through court services, a GAL is seen as the only option available to them.

One option to consider would be to operate a contract appointment system of qualified family attorneys, and name them *attorneys ad litem* to distinguish them from GALs in child protection cases. Many other states have shifted the burden of a centralized system for appointing professionals in family cases to individual courts or the State Administrative Office of the Courts.[[35]](#footnote-35) The NCSC project team recognizes the need for independent investigation and advocacy on behalf of children in complex family law disputes. However, the current system of family law appointments harms the reputation and future sustainability of the current GAL program, and causes role confusion among advocates and judges. This role confusion ultimately leaves children and families unsure of what they should expect from GALs. Role confusion also affects the parties, stakeholders, the public and the legislature’s perception of GAL performance, and undermines the ability of GALs to work effectively and within the boundaries of their statutory role.

**Recommendation #2: The GAL Board should explore moving towards a universal employee model and away from the extensive use of volunteers.** While the NCSC project team noted some strengths of the volunteer model in the Second and Fourth Districts, the overwhelming majority of evidence suggests that a full-employee model would be more efficient, effective, and ensure the long-term sustainability and viability of the Minnesota GAL program. A universal employee model would promote opportunities for individuals interested in a professional career by further professionalizing the role of GAL, streamline expectations and roles for GALs operating in each district, and promote consistent practice across the state. The GAL Board should explore working with districts relying on large numbers of volunteers to create opportunities for volunteers to increase public awareness and education about the needs of children in child protection cases. If the GAL Board choses to explore this further, a cost-benefit analysis of the volunteer versus employee model is recommended.

**Recommendation #3: The GAL Board should consider regionalizing the role of program manager.** The NCSC project team recognizes the importance of having program managers who understand the unique culture and need in each of the ten judicial districts. And the dedication, background, and role of the program managers is a GAL program strength. However, numerous stakeholders, GALs and program staff suggested regionalizing the role of program manager to approximately 5-6 positions. It was reported that several managers are retiring soon, and this regionalizing could be easily done through attrition. Regionalization of the GAL service delivery model could greatly enhance the availability and accessibility of GALs across district boundaries. By reducing the number of program managers, GAL services could be better streamlined throughout the state resulting in more effective and efficient use of personnel and operating resources.

**Recommendation #4: Increase the number of Coordinators to provide the supervision of all cases in each district.** There are 21 coordinators statewide, and reducing the number of program managers would create an opportunity to increase the coordinator positions and achieve more consistent caseloads for the coordinator positions. The coordinators serve a vital role in the supervision and oversight of GALs, and the complexities of the child welfare system coupled with the requirements for GALs require dedicated and consistent supervision by accountable and educated experts in this field.

**Recommendation #5: The GAL Board should further examine the benefits of encouraging Districts to share resources.** The NCSC project team identified the perception, by many, of an unwillingness in some districts to occasionally utilize guardians who might be geographically much closer but employed in another district. Regionalization of the GAL program managers would allow enhanced opportunities for managers to work together to establish an efficient system for ensuring that GALs are available where needed and when needed across district lines.

**Recommendation #6: Provide more opportunities for communication across the districts, not only among program managers, but also among coordinators and GALs.** The most vital asset of the GAL program is the dedication of its guardians to the mission and goals of the program. The NCSC project team received overwhelming reports of the commitment and stewardship of guardians throughout the state. Increased opportunities for formal and informal networking should be established within and across districts.

**Recommendation #7: Future changes to GAL program administration and structure should be evaluated against measurable criteria such as those found in Table 15.** The NCSC project team met with numerous individuals who expressed a commitment and passion for the GAL program, and using a strategic/futures planning team could help the program decision makers create some objectives, goals, and measures that would allow the GAL program to better assess its effectiveness and efficiency over a period of time.

**Recommendation #8: Continue to monitor and consider future trends and national recommendations concerning advocacy on behalf of children in the child protection system.** For example, on January 17, 2017, the Administration for Children and Families of the federal Department of Health and Human Services issued an Information Memorandum encouraging states to work together to ensure that all children, parents, and child welfare agencies receive high quality legal representation at every stage of every child protection case.[[36]](#footnote-36) The memorandum notes that while CAPTA allows for the appointment of an attorney and/or a guardian ad litem, there is widespread agreement in the field that all children in all stages of child protection proceedings should have attorney representation. There has been considerable research and evaluation on models of child protection representation, and national best practices and recommendations have resulted.[[37]](#footnote-37) Minnesota should continue to collaborate with the courts, child welfare, advocates, and the legislature to examine possible innovations to increase the availability of attorney representation to all children in CHIPS cases. Another trend to follow is the expansion nationally of a multi-disciplinary team approach to representation of children in child protection cases. This approach pairs child attorneys or guardians ad litem with independent social workers, and evaluations of models that employ these types of teams are yielding very positive results, including a quicker resolution of more cases, and more successfully preserving family connections.[[38]](#footnote-38)

1. **Conclusion**

The GAL program in Minnesota is more comprehensive than found in many other states. Minnesota has established minimum qualifications, mandatory training, a statewide system of oversight and accountability, appointment requirements, and a refined complaint procedure. The GAL program has undergone significant changes over last two decades, and the Minnesota Guardian Ad Litem Board and program leadership are commended for their interest in improving the efficiency and effectiveness of the GAL Program in Minnesota. The findings, recommendations, and information contained in this report are offered to assist the GAL Board improve the organizational structure and service delivery model of the Guardian Ad Litem program, with the ultimate goal of providing the highest quality services in an efficient and effective manner. Many of these recommendations can be implemented by GAL Board action alone. Others will require working with the legislature and judicial branch.

|  |  |
| --- | --- |
| **Appendix A:**  **Structure, organization, and delivery of child representation in child welfare cases: 50- State Survey[[39]](#footnote-39)** | |
| **Alabama** | **By judicial circuit.**  (a) The director may recommend that a contract counsel system be used as the method to provide indigent defense services within a circuit or part thereof. The indigent defense advisory board shall be consulted and make a determination on the selection and appointment of contract counsel for the circuit. The director may appeal the determination of the indigent defense advisory board to the Indigent Defense Review Panel. The Indigent Defense Review Panel shall make a decision in a timely manner, which decision shall be deemed final. ALA. CODE § 15-12-26 |
| **Alaska** | The Office of Public Advocacy is in charge of providing legal representation to children throughout the state. The office of public advocacy shall…provide guardian ad litem services to children in child protection actions. ALASKA STAT. ANN. § 44.21.410(a)(3), (5)-(6).    The Alaska Legislature founded the Office of Public Advocacy in 1984. One of OPA's primary functions is to serve as guardian ad litem for children in court cases. Before OPA was founded the court system provided guardian ad litem services to children in the state. OPA has staff offices in Anchorage, Juneau, and Fairbanks and a satellite office in Palmer (supervised by the Anchorage office). In areas of the state where there are not staff offices, OPA retains contract GALs to represent children. Office of Public Advocacy, About Us.    If the Office of Public Advocacy (OPA) is appointed, OPA shall, in accordance with the qualifications set forth in subsection (c) of this rule, designate a specific person to serve as the guardian ad litem for the child. If OPA designates an OPA employee to be the GAL, the GAL for the child is deemed to be OPA. If OPA designates an independent contractor, or another person who is not employed by OPA, to be the GAL, the GAL for the child is deemed to be that designated person. In all cases in which the GAL is to be appointed at public expense, the court must appoint the Office of Public Advocacy, which must designate a specific person to serve as the GAL. Alaska CINA R. 11(a)(2) and Commentary.    Because the Office of Public Advocacy has staff GALs in only four locations in the state, the agency retains contractors to provide local representation for children and adults in other areas of the state. In addition, staff GALs in regional offices at times have legal conflicts and a GAL outside of the office is required to provide conflict free representation. Contract GALs are paid by OPA as part of a pre-arranged contract or, in some areas, on a case-by-case basis (sometimes called "court-appointed" work). All contractors are screened, retained, and trained by OPA before being assigned cases. Contractors are not employees of the agency, are not supervised by OPA staff, and are not provided benefits or office space. OPA does provide oversight, provide legal advice and representation if needed, and receive and respond to complaints about contractors. OPA divides the state into three regional areas for the selection process for contract GALs. Office of Public Advocacy, Contract Guardians ad Litem.    Anchorage, the Kenai Peninsula, Kodiak, Bethel, Dillingham, Cordova, Valdez, Glen Allen, Nome and Kotzebue areas are handled by the Anchorage Regional office. The southeast Alaska region is handled by the Juneau office and the Barrow and Fairbanks area is handled from the Fairbanks office. Every two years, OPA requests bids for contracts for both attorneys and GALs. If a contract GAL is needed in a particular area outside of the normal RFP cycle, the regional office will recruit, screen, and retain a contract GAL. Office of Public Advocacy, Contract Guardians ad Litem.    Contract and court-appointed GALs are independent contractors with OPA, and are expected to act as independent professionals and to exercise their independent judgment. Contract and court-appointed GALs are also expected to have their own offices, with their own supplies and administrative staff. By virtue of the independent contractor status, OPA does not have direct supervisory responsibility or authority over the GALs. Rather, OPA has limited oversight responsibility and authority over the GALs. Office of Public Advocacy, Guidelines for Contract and Court-Appointed Guardians ad Litem in CINA Proceedings, § 1. |
| **Arizona** | The presiding judge of the juvenile court in each county may appoint an adult as a special advocate to be the guardian ad litem for a child who is the subject of a dependency action. ARIZ. REV. STAT. § 8-522(A).    Each county maintains a list of contract attorneys to serve as guardians ad litem. See, e.g., Maricopa County, Pima County.    A. The court appointed special advocate program is established in the administrative office of the supreme court. The program shall establish local special advocate programs in each county. The supreme court shall adopt rules prescribing the establishment of local programs and the minimum performance standards of these programs. ARIZ. REV. STAT. § 8-523(A). |
| **California** | The court must appoint counsel for the child absent a finding that the child would not benefit from counsel. This determination is within the court’s discretion and is based on the best interest of the minor. In order to find that the child would not benefit, the court must find that the child understands the nature of the proceedings and is able to communicate and advocate effectively with the court, all counsel, and the professionals involved. (Cal. Rules of Court, rule 5.660(b).) Practically speaking, independent counsel will be appointed in virtually all dependency cases. (In re S.D. (2002) 102 Cal.App.4th 560, 563.) Counsel may be any member of the bar, including a district attorney or public defender, so long as that attorney does not represent any party or county agency whose interests conflict with the child’s. Dependency DQG Book, H-11.    The Dependency Representation, Administration, Funding, and Training (DRAFT) program was implemented to address critical trial court needs with respect to attorney quality, availability, and cost through the establishment of partnerships between participating courts and the AOC [Administrative Office of the Courts]. Under DRAFT, courts retain responsibility for juvenile dependency counsel selection while the AOC is responsible for direct attorney contracting and service administration. Primary components of DRAFT include competitive bidding for court-appointed counsel services, the execution of standardized appointed counsel contracts, and the development and promulgation of attorney performance and training standards. DRAFT Fact Sheet, 1.    With the passage of the Trial Court Funding Act in 1997, funding for the courts shifted from the counties to the state. The funding for court-appointed dependency counsel services was included as part of that transition; thus, local courts continued to administer—and began to directly fund—attorney services for juvenile cases. DRAFT is now a permanent program. Currently, 20 court systems are participating in the program, and dependency cases under the jurisdiction of these 20 courts involve more than a third of the state’s juvenile dependency population.    Courts contract with local attorneys and/or organizations to provide counsel to children in dependency proceedings. See, *e.g*., Alameda County. |
| **Colorado** | **Statewide.** (1) The office of the child's representative is hereby created and established as an agency of the judicial department of state government. It shall be the responsibility of the office of the child's representative to work cooperatively with local judicial districts, attorneys, and any contract entity in order to form a partnership between those entities and persons and the state for the purpose of ensuring the provision of uniform, high-quality legal representation and non-legal advocacy to children involved in judicial proceedings in Colorado. Colo. Rev. Stat. Ann. § 13-91-104(1).    While judges make appointments in individual cases, the Office of the Child’s Representative contracts with attorneys and provides courts with lists of attorneys that may serve as the child’s representative. Col. Chief Justice Directive 04-06(II). |
| **Connecticut** | Chief Public Defender assigns counsel to each child in child welfare actions. See CONN. R. SUPER. CT. JUV. § 33A-7(A)(4) (page 348).    (2) (A) A child shall be represented by counsel knowledgeable about representing such children who shall be assigned to represent the child by the office of Chief Public Defender, or appointed by the court if there is an immediate need for the appointment of counsel during a court proceeding. CONN. GEN. STAT. § 46b-129a(2).    (c) (1) The division [Division of Public Defender Services] shall provide, pursuant to section 51-296a: (A) Legal services and guardians ad litem to children, youths and indigent respondents in family relations matters in which the state has been ordered to pay the cost of such legal services and guardians ad litem, provided legal services shall be provided to indigent respondents pursuant to this subparagraph only in paternity proceedings and contempt proceedings; and (B) legal services and guardians ad litem to children, youths and indigent legal parties in proceedings before the superior court for juvenile matters. To carry out the requirements of this subsection, the office of Chief Public Defender may contract with (i) appropriate not-for-profit legal services agencies, (ii) individual lawyers or law firms for the delivery of legal services to represent children and indigent legal parties in such proceedings, and (iii) mental health professionals as guardians ad litem in family relations matters. Any contract entered into pursuant to this subsection may include terms encouraging or requiring the use of a multidisciplinary agency model of legal representation. CONN. GEN. STAT. § 51-296(c)(1). |
| **Delaware** | **State-organized system of representation**    The General Assembly has recognized the need to safeguard the welfare of abused, neglected and dependent children in this State. As such, it has charged the Office of the Child Advocate and the Court-Appointed Special Advocate Program with ensuring representation of children's best interests in child welfare proceedings through appointment of guardians ad litem. To this end, the Office shall coordinate with the Family Court and the Court-Appointed Special Advocate program to implement and administer a program for guardian ad litem representation of children. DEL. CODE ANN. tit. 29, § 9007A(a)(1). |
| **Florida** | **Statewide office**    (1) Legislative findings and intent.-- (a) The Legislature finds that for the past 20 years, the Guardian Ad Litem Program has been the only mechanism for best interest representation for children in Florida who are involved in dependency proceedings. (b) The Legislature also finds that while the Guardian Ad Litem Program has been supervised by court administration within the circuit courts since the program's inception, there is a perceived conflict of interest created by the supervision of program staff by the judges before whom they appear. (c) The Legislature further finds that the Governor's Blue Ribbon Task Force concluded that “if there is any program that costs the least and benefits the most, this one is it,” and that the guardian ad litem volunteer is an “indispensable intermediary between the child and the court, between the child and DCF.” (d) It is therefore the intent of the Legislature to place the Guardian Ad Litem Program in an appropriate place and provide a statewide infrastructure to increase functioning and standardization among the local programs currently operating in the 20 judicial circuits. (2) Statewide Guardian Ad Litem Office.--There is created a Statewide Guardian Ad Litem Office within the Justice Administrative Commission. The Justice Administrative Commission shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the commission. The Statewide Guardian Ad Litem Office shall not be subject to control, supervision, or direction by the Justice Administrative Commission in the performance of its duties, but the employees of the office shall be governed by the classification plan and salary and benefits plan approved by the Justice Administrative Commission. … (b) The Statewide Guardian Ad Litem Office shall, within available resources, have oversight responsibilities for and provide technical assistance to all guardian ad litem and attorney ad litem programs located within the judicial circuits. FLA. STAT. § 39.8296(1),(2), 2(b). |
| **Georgia** | **Mixed system**    The Office of the Child Advocate trains attorneys and non-attorney GALs. Office of the Child Advocate.    Guardians Ad Litem are appointed one of three ways: the Judge may appoint a Guardian, the attorneys can agree upon a Guardian or the Guardian Ad Litem office may appoint a Guardian from a list of certified Guardians. Once a Guardian Ad Litem is appointed to a case the appropriate orders are filed and copies are sent to the counsel for each party or to the individual party if he is not represented. Cobb County GAL.    The Guardian Ad Litem Unit provides staff attorneys to represent children who are alleged to be deprived. The Guardian Ad Litems also represent children in cases involving custody issues in Juvenile and Superior Court. Gwinnet County. |
| **Hawaii** | **By judicial circuit**. Each circuit maintains its own list of child representatives. There is not requirement that the child representative be an attorney. See, e.g., First Circuit informational package, Third Circuit RFP. |
| **Illinois** | Courts appoint the child representative. Each circuit may create its own requirements, and maintains its own lists of GALs. (a) Statement of Purpose. This rule is promulgated to insure that counsel who are appointed by the court to participate in child custody and visitation matters, as delineated in Rule 900(b)(2), possess the ability, knowledge, and experience to do so in a competent and professional manner. To this end, each circuit court of this state shall develop a set of qualifications and educational requirements for attorneys appointed by the court to represent children in child custody cases and guardianship cases when custody or visitation is an issue and shall further develop a plan for the procurement of qualified attorneys in accordance with the plan. ILL. SUP. CT. R. 906. |
| **Idaho** | Idaho does not require attorneys to represent children in child welfare proceedings: Idaho law requires appointment of attorneys for parents in child protection cases. In addition, Idaho law requires the appointment of a guardian ad litem or an attorney for the child. Where a guardian ad litem is appointed, best practice recommends appointing counsel for the guardian ad litem as well. Idaho Child Protection Manual, 1.2.    Idaho law requires that a guardian ad litem be appointed for the child in a child protection case. The court should consider appointing an attorney for the guardian. If no guardian is available, Idaho law requires that an attorney be appointed for the child. In Idaho, courts generally appoint trained citizen volunteers as GALs through the Court Appointed Special Advocates (CASA) program. Idaho Child Protection Manual, 1.3.    A judge appoints a volunteer [GAL] to be the eyes and ears of the court and help the judge make a more informed decision. Since the volunteer is an integral part of the court system, the state Guardian ad Litem office is located within the Idaho Supreme Court. Guardians ad Litem are also called Court Appointed Special Advocates (CASA). The CASA organization is a national organization dedicated to providing support for Guardians ad Litem/Court Appointed Special Advocates across the country. There are seven GAL programs in the state and each program has chosen to associate with the CASA organization. Each local GAL/CASA program is a non-profit 501(c)(3) corporation governed by a Board of Directors. Funding for the programs consists of foundation grants, government grants, state funds and fundraising support from the community. About Our Program. |
| **Indiana** | Child representatives are not required to be attorneys. While a state office of GAL/CASA provides oversight and organization, counties establish their own GAL services.    … [T]he state office [of GAL/CASA] provides training and support services for local GAL/CASA programs. To date, there are certified GAL/CASA volunteer programs in 77 of Indiana’s 92 counties. An advisory commission, which includes program directors and judges appointed by the Indiana Supreme Court, provides guidance. The Advisory Commission has been involved in strategic planning over the past two years, setting goals and objectives for the statewide network and creating program standards and a code of ethics, which programs must comply with to be certified. Indiana law requires the appointment of either a guardian ad litem or a trained court appointed special advocate in abuse and neglect cases. Moreover, if a child becomes the subject of a petition to terminate the parent/child relationship and the parent objects, the court shall appoint a guardian ad litem or CASA for the child. About GAL, Division of State Court Administration.    Sec. 1. Juvenile courts situated in adjacent counties may establish joint or multiple county guardian ad litem or court appointed special advocate services to carry out IND. CODE ANN. 31-34 and IND. CODE ANN. 31-37. IND. CODE ANN. § 3131-7-1. |
| **Iowa** | Statewide: Attorneys and firms/organizations can contract with the Office of the State Public Defender to serve as court-appointed counsel in juvenile cases. However, individual counties can maintain their own lists and appoint non-contract attorneys: Any attorney authorized to practice law in Iowa may request a contract with the State Public Defender to represent indigents. If your contract is approved your name will be placed on a list of attorneys eligible to accept appointments in a particular county. … Under IOWA CODE section 815.10 the court first appoints the local public defender to a case. If the local public defender has a conflict of interest or if the local public defender is unable to handle a case because of a temporary overload of cases, the local public defender returns the case to the court. The court must first appoint a contract attorney. Appointments by the court should be on a rotational or equalization basis considering the experience of the attorney and the difficulty of the case. If no contract attorney is able or available to take the case, the court may appoint a private non-contract attorney who has agreed to take the case. Each month the state public defender's office sends an updated list of contract attorneys to each county by e-mail. Contracting Process, Office of the State Public Defender. |
| **Kansas** | Each county attorney’s office creates their own list of court appointed attorneys. See, e.g., Leavenworth County Attorney, Johnson Cty. Dist. Ct. Juv. R. 4. |
| **Kentucky** | The statewide Administrative Office of the Courts is the agency that oversees training of GALs and sets out best practices for them: The Legal Training for Dependency, Neglect and Abuse Cases Program prepares attorneys to provide legal representation to abused and neglected children throughout the state. The Administrative Office of the Courts has overseen this training seminar program since 1999. Legal Training for Dependency, Neglect and Abuse. |
| **Louisiana** | The statewide Louisiana Child Representation System is hereby established under the oversight of the Louisiana Supreme Court. LA. CHILD. CODE ANN. art. 558.    The purpose of this Part is to provide for an effective and efficient system of providing qualified legal representation for children in child abuse and neglect cases. LA. CHILD. CODE ANN. art. 557.    A. A program designated by the Louisiana Supreme Court shall provide child representation services to each court exercising jurisdiction over abuse and neglect cases in accordance with a plan for service delivery developed by the program and approved by the supreme court. B. Representation of children in child abuse and neglect cases shall comply with the provisions of Part III of Rule J of the Administrative Rules of the Supreme Court, including qualifications of appointed counsel and child attorney standards. LA. CHILD. CODE ANN. art. 560.    A. The Child Protection Representation Commission, referred to hereinafter as the “commission”, is hereby established for the purpose of reviewing the system of representation of children and indigent parents in child protection cases as provided in Chapters 5 and 6 of this Title…. … C. The commission shall request and have the authority to obtain all information necessary to review the system of representation and shall meet periodically but in no event less than once annually. The commission shall ascertain the continued effectiveness and efficiency of the system and the adequacy of funding and may, at its discretion, issue such reports and recommendations as it deems necessary to ensure the programmatic efficacy and fiscal viability of the system. LA. CHILD. CODE ANN. art. 581.    A. Full implementation of the new statewide system of legal representation of children and indigent parents in child protection cases is effective July 1, 2010. LA. ADMIN. CODE, tit. 67, § 5901. |
| **Maine** | [Guardians ad litem appointment and training is administered by the courts. For more information, see http://www.courts.state.me.us/court\_info/gal/index.shtml].    There are two ways to become eligible for appointment as a Guardian ad litem in Maine's courts. • The Chief Judge of the Maine District Court maintains a roster of individuals approved to serve as a GAL in Maine's courts. Unless rostered, and individual is not authorized to be appointed to serve as a GAL in an individual case. Actual case appointments are made, however, by the presiding Judge or Case Management Officer who signs a written court order which sets forth the GAL's rights and responsibilities. • Maine's Court Appointed Special Advocate (hereinafter, "CASA") maintains a list of volunteers who are eligible for appointment only in Title 22 child protection cases on a volunteer basis. Maine Courts, Guardian ad litem FAQ.    The Chief Judge shall screen applications utilizing the criteria set forth in this section. The Chief Judge may waive one or more of the particular criteria for a specific applicant, who is otherwise deemed qualified. Maine Rules for Guardians ad litem, Rule II(2)(B) & (C). |
| **Maryland** | Statewide program contracts with child representatives:    [Maryland Legal Services Program] ensure[s] legal representation in the Circuit Courts to children and indigent adults when the local department of social services … is a party to a case. This program provides quality, cost effective legal representation in court proceedings for Children in Need of Assistance (CINA) and Termination of Parental Rights (TPR) cases. MLSP, Maryland Dep’t. of Human Resources.    Request for Proposals (RFP’s) for legal representation are issued and awarded for MLSP services. The requests are for individuals with extensive experience in child welfare, child disability, family law, and/or related representation fields. Once contracts have been awarded, the program ensures the quality of its contracted legal services by: • Monitoring the number of hours dedicated to each case • Monitoring the number of contacts the attorney has with the client • Overseeing the attorney client ratio • Meeting with the Judiciary, local Departments, Legislature, and legal services providers to assess the quality of services performed • Auditing contracted services; and • Providing training sessions for the legal services contractors. How Services Are Provided: Maryland Dep’t. of Human Resources. |
| **Massachusetts** | The Committee for Public Counsel Services of the Public Defender Agency of Massachusetts is a statewide office that organizes and certifies child representatives. In order to receive court appointments to represent children or parents in child welfare proceedings, attorneys must be employed or certified by the Committee for Public Counsel Services’s Child and Family Law Division (“CAFL”).    Lawyers in CPCS’s Children and Family Law Division (CAFL) represent children and parents in cases in which the Department of Children and Families (DCF) removes children from their homes because of claims of neglect or abuse. These cases are called care and protection (C&P) cases or termination of parental rights cases. … Most CAFL lawyers are private attorneys. Others are CPCS staff members, who work in partnership with CPCS staff social workers. What We Do, Children and Family Law Division. |
| **Michigan** | Each county maintains its own list of child representatives it may appoint. See, e.g., Livingston County. |
| **Minnesota** | Children ten years and older are entitled to be representation by the public defender. Minn. Stat. § 260C.163, Subd. 3; Minn. Stat. § 611.14(4); see, e.g., Hennepin County Public Defender.    The State Guardian Ad Litem Board is an umbrella office that oversees non-lawyer GALs in the state. |
| **Mississippi** | The Administrative Office of Courts shall maintain a roll of all attorneys and laymen eligible to be appointed as a guardian *ad litem* under this section and shall enforce the provisions of this subsection. Miss. Code. Ann. § 43-21-121. |
| **Missouri** | Each circuit organizes its own child representatives, but standards for GALs were promulgated by the State Supreme Court hand have been adopted statewide: Recognizing that Missouri children have a right to adequate and effective representation in child welfare cases, the September 17, 1996, Missouri supreme court standards for representation by guardians ad litem shall be updated and adopted statewide and each circuit shall devise a plan for implementation which takes into account the individual needs of their circuit as well as the negative impact that excessive caseloads have upon effectiveness of counsel. These plans shall be approved by the supreme court en banc and fully implemented by July 1, 2011 Mo. Ann. Stat. § 484.350; see, e.g., 7th Judicial Circuit Implementation Plan; 11th Judicial Circuit Implementation Plan; 16th Judicial Circuit Implementation Plan; 25th Judicial Circuit Implementation Plan. |
| **Montana** | Statewide public defender/contract system: (1) There is a statewide public defender system, which is required to deliver public defender services in all courts in this state. The system is supervised by the commission and administered by the office. (2) The commission shall approve a strategic plan for service delivery and divide the state into not more than 11 public defender regions. The commission may establish a regional office to provide public defender services in each region, establish a contracted services program to provide services in the region, or utilize other service delivery methods as appropriate … (3) When a court orders the office or the office of appellate defender to assign counsel, the appropriate office shall immediately assign a public defender qualified to provide the required services. The commission shall establish protocols to ensure that the offices make appropriate assignments in a timely manner. MCA 47-1-104 (5)(a) A public defender may not be assigned to act as a court-appointed special advocate or guardian ad litem in an abuse and neglect proceeding; 5(b) however a private attorney who is contracted with under the provisions of 47-1-216 to provide public defender services under this chapter may be appointed as a court-appointed special advocate or guardian ad litem in a proceeding described in subsection (5)(a) if the appointment is separate from the attorney's service for the statewide public defender system and does not result in a conflict of interest. MCA 47-1-104 |
| **Nebraska** | Governed by local rules in individual juvenile courts: (A) Every judicial district shall have a transparent process for appointment of counsel as provided by Neb. Rev. Stat. § 43-272. (B) On or before January 1, 2015, the separate juvenile court judges of each separate juvenile court shall adopt a local rule for the juvenile court regarding appointment of counsel in juvenile cases. Such local rule shall be made public and shall include, but not be limited to: (1) Provision for maintenance of a list of all licensed attorneys who may be expected to accept appointments in juvenile cases, and information on obtaining such list from the court; (2) The separate juvenile court’s process for appointments under Neb. Rev. Stat. § 43‑272; and (3) Information as to how an attorney may be added to or, if permitted, removed from the court-appointed attorney list. Neb. Ct. R. § 6-1704. |
| **Nevada** | Judicial district system determines whether a volunteer is adequately trained to become a guardian *ad* *litem*. In counties of over 100,000 residents, volunteers must first complete a 12 hour training approved by the court and subsequent annual 6 hour trainings thereafter. In counties of under 100,000 residents, a volunteer may be qualified under the National CASA Association standards. NRS 432B.505 |
| **New Hampshire** | There is hereby established a guardian ad litem board which shall be responsible for overseeing the credentialing and activities, and discipline of guardians ad litem in New Hampshire who are or have been certified by the board. RSA 490-C:1    The board shall: (a) Compile and maintain a list of those guardians *ad litem* statewide who are certified and in good standing and make such list available to the general public online through the official Internet site for the state of New Hampshire. The board may further make available to the general public, online or through other means, additional information relative to other activities and functions of the board, including but not limited to information concerning guardians *ad litem*, whether or not presently certified or in good standing, who have been subject to sanction by the board. RSA 490-C:4    Immediately upon the filing of a petition, the clerk shall appoint a guardian ad litem (GAL) or court appointed special advocate (CASA GAL). The clerk shall: (1) determine whether a GAL or CASA GAL has been appointed for the child named in the petition for other purposes, including prior abuse or neglect cases involving this family; and, if so, shall appoint the same GAL or CASA GAL in the abuse and neglect case; (2) telephonically notify the GAL or CASA GAL program of the appointment; and (3) fax copies of all pertinent documents and pleadings to the GAL or CASA GAL program before the end of the business day on which the petition is filed. Protocols Relative to Abuse and Neglect Cases and Permanency Planning Ch. 2, Protocol 5. |
| **New Jersey** | One important right a child has is the right to have an attorney, known as a Law Guardian, represent the child in court, present the child's wishes to the judge, and protect the child's interests throughout the legal proceedings. Located within the NJOPD, the Office of Law Guardian (OLG) is responsible for providing this legal representation to children in family court matters involving allegations of abuse and neglect against parents or other caregivers, or in cases involving possible termination of parental rights. http://www.state.nj.us/defender/structure/olg/ OLG offices are organized county-by-county: <http://www.state.nj.us/defender/regional/index.shtml#2> The NJOPD also maintains a "pool" of private attorneys who can be called upon to accept cases that, because of conflicts or other reasons, staff attorneys cannot handle. Pool attorneys are independent contracting state vendors. |
| **New Mexico** | **By judicial district.** Each Judicial District enters into contracts with attorneys to serve as GALs and Youth Attorneys, using state funds appropriated to the court system. Occasionally the court may appoint an attorney in a given case who does not have a contract. The Administrative Office of the Courts (AOC) accepts proposals from licensed New Mexico attorneys or firms to provide professional legal services, including guardian ad litem services, in various judicial districts. New Mexico Administrative Office of the Courts, Request for Proposals. |
| **New York** | The office of court administration may enter into an agreement with a legal aid society for the society to provide attorneys to represent children in the family court or appeals in proceedings originating in the family court in a county having a legal aid society. Fam. Ct. Act, Art. 2, Part 4, § 243    Organized by judicial departments, which each have an Attorney for the Child Program. The Attorney for the Child Program (formerly known as the Law Guardian Program) provides legal counsel to minors in certain Family Court matters, including juvenile delinquency and child protective proceedings. For more information, contact your local Family Court. http://www.nycourts.gov/admin/nycourts-introguide.pdf    The purpose of the Attorneys for Children (hereinafter AFC) Program is to provide representation to minors in many kinds of court proceedings (such as juvenile delinquency, custody and visitation, and child protective proceedings). <https://www.nycourts.gov/courts/ad4/AFC/AFC-index.html> |
| **North Carolina** | The appointment shall be made pursuant to the program established by Article 12 of this Chapter unless representation is otherwise provided pursuant to G.S. 7B-1202 or G.S. 7B-1203. Gen. Stat. § 7B601(a).    There is established within the Administrative Office of the Courts an Office of Guardian ad Litem Services to provide services in accordance with G.S. 7B-601 to abused, neglected, or dependent juveniles involved in judicial proceedings and to assure that all participants in these proceedings are adequately trained to carry out their responsibilities. Each local program shall consist of volunteer guardians ad litem, at least one program attorney, a program coordinator who is a paid State employee, and any clerical staff as the Administrative Office of the Courts in consultation with the local program deems necessary. The Administrative Office of the Courts shall adopt rules and regulations necessary and appropriate for the administration of the program. Gen. Stat. § 7B-1200    (a) Local Programs. - The Administrative Office of the Courts shall, in cooperation with each chief district court judge and other personnel in the district, implement and administer the program mandated by this Article. Where a local program has not yet been established in accordance with this Article, the district court district shall operate a guardian ad litem program approved by the Administrative Office of the Courts. (b) Advisory Committee Established. - The Director of the Administrative Office of the Courts shall appoint a Guardian ad Litem Advisory Committee consisting of at least five members to advise the Office of Guardian ad Litem Services in matters related to this program. The members of the Advisory Committee shall receive the same per diem and reimbursement for travel expenses as members of State boards and commissions generally. Gen. Stat. § 7B-1201 |
| **North Dakota** | **By judicial district**. Lay Guardian Ad Litem Program: The court will notify, by phone, e-mail or fax, project staff of the need for a Guardian ad Litem (GAL) for a specific case. The court will provide identifying information including name(s) and age(s) of the child(ren) and parents names and addresses, reason for request for action, location of the child(ren) and date, time and location of the upcoming hearing. The project staff will contact a GAL in an effort to assign the case. The GAL will accept or reject a request for appointment. The staff will assign a GAL and arrange for a GAL to appear at the upcoming hearing. Project staff will notify the court of the assignment. Staff will log the appointment, as well as the date, time and type of hearing in the appropriate management information system (case tracking form) … The court scheduling secretary will contact the staff of the Lay Guardian ad Litem Program and request a Guardian ad Litem be assigned to a specific deprivation case. The court will provide the following information over the phone: name(s), age(s), primary concern, and date/time of hearing. The Director of the Program will assign the case and notify the court of the assignment. https://www.ndguardian.net/about.html    For Attorney-GALs, the North Dakota Court Administrator maintains a roster of eligible GALs organized by judicial districts. |
| **Ohio** | **County-by-county** |
| **Oklahoma** | **By judicial district.** Each judicial district shall be responsible for developing and administering procedures and rules for such courses for attorneys identified in this subsection whose duties routinely include juvenile court docket responsibilities. The chief judge of each judicial district, or any designee judge with juvenile docket responsibilities, shall carry out this mandate within one (1) year of the effective date of this legislation. O. S. § 1-8-101 |
| **Oregon** | If a juvenile court does not have a sufficient number of qualified court appointed special advocates available to it, the court may, in fulfillment of the requirements of this section, appoint a juvenile department employee or other suitable person to represent the child or ward’s interest in court pursuant to ORS 419A.012 or 419B.195. |
| **Pennsylvania** | **County-by-county**. In Pennsylvania, each county (there are 67) is responsible for implementing the requirements regarding appointment of a GAL and counsel for children. E.g., <http://www.pacourts.us/assets/files/setting-812/file-2846.pdf?cb=7e9abe> |
| **Rhode Island** | **Statewide.** The CASA program was initiated in 1978 by the Family Court. It was modeled after a program developed in Seattle, Washington and was the second program of its type in the United States. The program is based on a unique and innovative format involving trained volunteer advocates who work with full-time staff attorneys and social workers as a team to represent the best interests of dependent, neglected, and abused children who are under the jurisdiction of the Family Court. Since its inception, staff has been expanded several times to meet ever increasing caseloads. Staff attorneys carry an average caseload of 300 children. Staff social workers carry an average caseload of 125 children and act as a resource for CASA volunteers and staff attorneys. CASA volunteers investigate the circumstances surrounding a case to which they are assigned by conducting home visits and contacting other service providers involved in a case. The volunteers provide ongoing advocacy for the child and submit written reports to the Family Court with recommendations as to the best interests of the child. <https://www.courts.ri.gov/Courts/FamilyCourt/Pages/default.aspx> |
| **South Carolina** | The South Carolina Guardian ad Litem program is state-funded and is part of the Governor's Office. We currently operate in 45 counties within the state’s 16 judicial circuits. The Richland County Guardian ad Litem Program operates independently from the statewide program and is funded as a public-private partnership through various county funds, grants and donations. <http://scgal.org/state/faqs.html> |
| **Tennessee** | **County-by-county**. For example, the Public Defender’s Office in Nashville runs a GAL program, which handles cases in metropolitan Nashville and Davidson County, Tennessee. More information on this program can be found at: http://publicdefender.nashville.gov/about-us/juvenile-division/gal-program/    In Memphis the Judicial Department oversees the Office of the Guardian Ad Litem, which “assur[es] competent guardian ad litem representation for children in required Juvenile Court cases in compliance with federal and state laws and Juvenile Court policy and procedure.” https://www.shelbycountytn.gov/index.aspx?NID=362    In other cases, courts maintain rosters of qualified, private attorneys who are able to serve as Public Defenders and GALs. TENN.S.CT.R.13.    CASA: Currently there are 28 CASA programs serving 48 counties in Tennessee. This means 47 counties do not have a CASA program available for their children. http://www.tncasa.org/fileLibrary/file\_22.pdf CASA volunteers are appointed by the [County] juvenile court judge to watch over and advocate for children, to make sure they don’t get lost in the overburdened legal and social service system or languish in inappropriate groups or foster homes. The court notifies CASA and asks for a volunteer to be assigned. CASA lets the court know its capacity to accept cases. |
| **Texas** | **County-by-county**. The State Bar of Texas maintains a database of qualified Guardians ad Litem that can be accessed by Courts when appointing a Guardian ad Litem. See https://www.texasbar.com/AM/Template.cfm?Section=Guardianship\_Ad\_Litem.    In a suit filed by a governmental entity requesting termination of the parent-child relationship or to be named conservator of a child, the court shall appoint an attorney ad litem to represent the interests of the child immediately after the filing, but before the full adversary hearing, to ensure adequate representation of the child. TEX. FAM. CODE § 107.012. |
| **Utah** | **Statewide.** (2) There is created the Office of Guardian ad Litem under the direct supervision of the Guardian ad Litem Oversight Committee.  (3)(a) The Guardian ad Litem Oversight Committee shall appoint one person to serve full time as the guardian ad litem director for the state. The guardian ad litem director shall serve at the pleasure of the Guardian ad Litem Oversight Committee, in consultation with the state court administrator. (b) The director shall be an attorney licensed to practice law in this state and selected on the basis of: (i) professional ability; (ii) experience in abuse, neglect, and dependency proceedings; (iii) familiarity with the role, purpose, and function of guardians ad litem in both juvenile and district courts; and (iv) ability to develop training curricula and reliable methods for data collection and evaluation. (c) The director shall, prior to or immediately after the director's appointment, be trained in nationally recognized standards for an attorney guardian ad litem.  (4) The guardian ad litem director shall: (a) establish policy and procedure for the management of a statewide guardian ad litem program; (b) manage the guardian ad litem program to assure that minors receive qualified guardian ad litem services in abuse, neglect, and dependency proceedings in accordance with state and federal law and policy; (c) develop standards for contracts of employment and contracts with independent contractors, and employ or contract with attorneys licensed to practice law in this state, to act as attorney guardians ad litem in accordance with Section 78A-6-902; (d) develop and provide training programs for volunteers in accordance with the National Court Appointed Special Advocates Association standards; (e) develop and update a guardian ad litem manual that includes: (i) best practices for an attorney guardian ad litem; and (ii) statutory and case law relating to an attorney guardian ad litem; (f) develop and provide a library of materials for the continuing education of attorney guardians ad litem and volunteers; (g) educate court personnel regarding the role and function of guardians ad litem; (h) develop needs assessment strategies, perform needs assessment surveys, and ensure that guardian ad litem training programs correspond with actual and perceived needs for training; (i) design and implement evaluation tools based on specific objectives targeted in the needs assessments described in Subsection (4)(h); (j) prepare and submit an annual report to the Guardian ad Litem Oversight Committee and the Child Welfare Legislative Oversight Panel regarding: (i) the development, policy, and management of the statewide guardian ad litem program; (ii) the training and evaluation of attorney guardians ad litem and volunteers; and (iii) the number of minors served by the office; (k) hire, train, and supervise investigators; and (l) administer the program of private attorney guardians ad litem established by Section 78A-2-705.  (5) A contract of employment or independent contract described under Subsection (4)(c) shall provide that attorney guardians ad litem in the second, third, and fourth judicial districts devote their full time and attention to the role of attorney guardian ad litem, having no clients other than the minors whose interest they represent within the guardian ad litem program. UT CODE 78A-6-901 |
| **Vermont** | **Statewide.** GALs are volunteer non-attorneys. GAL's are under the supervision of the Vermont GAL program administered through the Office of the Court Administrator and receive formal training in many aspects of Juvenile Court and the issues surrounding children at risk. VT JUV LAW & PRAC. MANUAL, THE OFFICE OF THE DEFENDER GENERAL (June 2013)  Attorneys for children are either on staff of the Office of the Defender General or have a contract with that office. The Office of the Defender General is also statutorily required to provide counsel consistent with its attorney’s ethical obligations and the Rules of Civil and Criminal Procedure in the following matters: … to parties in juvenile proceedings including children in need of care and supervision (CHINS) as required by the interests of justice; to children in the custody of the Commissioner of the Department of Children and Families… <http://defgen.vermont.gov/about-us> |
| **Virginia** | **By judicial district**. State-maintained list of GAL attorneys. The Judicial Council shall maintain a list of attorneys admitted to practice law in Virginia who are qualified to serve as guardians *ad litem* based upon the standards and shall make the names available to the courts. If no attorney who is on the list is reasonably available, a judge in his discretion, may appoint any discreet and competent attorney who is admitted to practice law in Virginia. VA Code § 16.1-266.1 |
| **Washington** | **By county**. In any judicial proceeding under this chapter or chapter 13.34 RCW in which it is alleged that a child has been subjected to child abuse or neglect, the court shall appoint a guardian ad litem for the child as provided in chapter 13.34 RCW. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by counsel in the proceedings. Wash. Rev. Code § 26.44.053(1).  Statutes govern appointment of GALs…Each superior court maintains a list, or registry, of individuals who are qualified to serve as GALs. Appointments are made by agreement or by rotation from the GAL registry. The GAL's responsibilities and duties are set forth by statute, court rule, and the order appointing the GAL. Each superior court has a procedure for filing a grievance against a GAL. <http://www.courts.wa.gov/committee/?fa=committee.display&item_id=314&committee_id=105>    A Court Appointed Special Advocate (CASA) or volunteer Guardian ad Litem (GAL) is a specially trained citizen appointed by the Juvenile Court judge to represent a child victim in cases of abuse and neglect. <http://dev.wacasa.org/?page_id=1729> |
| **West Virginia** | GAL attorneys are appointed by the court from a list and are paid by the state Public Defender Services agency. (a) In any proceeding under the provisions of this article, the child, his or her or parents and his or her legally established custodian or other persons standing in loco parentis to him or her shall have the right to be represented by counsel at every stage of the proceedings and shall be informed by the court of their right to be so represented and that if they cannot pay for the services of counsel, that counsel will be appointed. W.V. Code § 49-6-2.    CASA Program: County-by-county. However, there is not a CASA Program in each county in West Virginia. See <http://www.wvcasa.org/index.php/local-programs> |
| **Wisconsin** | GALs are licensed attorneys appointed by the state public defender. (3)(a) The guardian ad litem shall be an advocate for the best interests of the person or unborn child for whom the appointment is made. The guardian ad litem shall function independently, in the same manner as an attorney for a party to the action, and shall consider, but shall not be bound by, the wishes of that person or the positions of others as to the best interests of that person or unborn child. If the guardian ad litem determines that the best interests of the person are substantially inconsistent with the wishes of that person, the guardian ad litem shall so inform the court and the court may appoint counsel to represent that person. The guardian ad litem has none of the rights or duties of a general guardian. WI STAT § 48.235 Wisconsin also has a CASA program. Ann. Stat. § 48.236 |
| **Wyoming** | **Statewide.** The Wyoming Guardian Ad Litem Program is an autonomous division of the Office of Public Defenders. <http://gal.state.wy.us/> The GAL Program contracts with attorneys throughout the state to provide legal representation for children.    (a) The office of the state public defender shall administer a guardian ad litem program. The program shall employ or contract with, supervise and manage attorneys providing legal representation as guardians ad litem in the following cases and actions: (i) Child protection cases under W.S. 14-3-101 through 14-3-440; (ii) Children in need of supervision cases under W.S. 14-6-401 through 14-6-440, to the extent an attorney has been appointed to serve only as a guardian ad litem; (iii) Delinquency cases under W.S. 14-6-201 through 14-6-252, to the extent an attorney has been appointed to serve only as a guardian ad litem; (iv) Termination of parental rights actions under W.S. 14-2-308 through 14-2-319, brought as a result of a child protection, child in need of supervision or delinquency action; (v) Appeals to the Wyoming supreme court in the cases or actions specified in this subsection. (b) The program shall be administered by an administrator appointed by the state public defender. The administrator shall be an attorney in good standing with the Wyoming state bar with experience in guardian ad litem representation, child welfare and juvenile justice. (c) The office shall adopt policies and rules and regulations governing standards for the legal representation by attorneys acting as guardians ad litem in cases under the program and for the training of those attorneys. The policies and rules shall ensure that the program will be separate and distinct from the office's performance of duties involving criminal defense and representation of a juvenile other than as a guardian ad litem in delinquency proceedings. To the maximum extent possible, the policies and rules shall ensure all fiscal and information technology duties for the program are kept separate from the fiscal and information technology duties for the office of the public defender. Any attorney providing services to the program as a guardian ad litem shall meet the standards established by the office for the program. WY Stat. § 14-12-101.    - Appointment of program to provide guardian ad litem services. (a) In cases specified in W.S. 14-12-101(a), if the county in which the court is located participates in the program: (i) The court shall appoint the program to provide services when appointing a guardian ad litem; (ii) The administrator or designee shall assign an attorney to act as guardian ad litem in accordance with the court's order. (b) The program shall cooperate with juvenile courts in developing a case appointment system in each participating county for all applicable cases requiring the appointment of a guardian ad litem. (c) An attorney accepting a guardian ad litem assignment under the program shall be employed by or contract with the program to provide services in accordance with program requirements. The contract shall specify the fees to be paid for the assignment, which may be a defined hourly or per case rate or a defined sum. Fees paid by the program may vary based upon the type and difficulty of the case, location, work required and experience. WY Stat. § 14-12-102.    (a) The Office shall provide necessary administrative support and supervisory oversight for the Program. The Office shall provide for oversight of the Program. Supervisory attorney guardians ad litem, or any other attorney guardian ad litem designated by the State Public Defender or her designee, or the Director or her designee, are authorized and may attend all proceedings in an action, including closed proceedings, to oversee attorney guardians ad litem, unless a conflict of interest exists. (b) The Office shall require any attorney who seeks to contract with or be employed by the Office for legal representation of children as a guardian ad litem to meet the standards for guardians ad litem established by the Office. (c) The Office shall, in its discretion, set standard fee schedules for guardian ad litem services. (d) The Office shall establish standards for attorney guardians ad litem that will ensure their advice remains independent of private providers and that their recommendations consider cost impacts and savings to the state of Wyoming. (e) The Office will cooperate with the state’s juvenile courts in developing a case appointment system in each county for all applicable cases requiring the appointment of an attorney guardian ad litem. In such cases, the Office will develop a case contact system, utilizing contact attorneys or supervising attorneys in each county to find a Program guardian ad litem available to take a new case and appear at the shelter care/detention hearing. (i) If the court appoints the Program as the representative guardian ad litem, the Program shall assign the appointment to an attorney with whom it has contracted to serve as a guardian ad litem.   (ii) The Program shall maintain a list of qualified attorneys with whom it has contracted, the GAL Panel, and shall post the GAL Panel on the Program’s website. The Program shall also furnish that list to each juvenile court in the state and to the county/district attorney in each county annually periodically. Any attorney appointed by the court that is not on the Program’s list will not be reimbursed or compensated. . . . WY GAL Program Rules & Regulations, Wyoming Secretary of State’s Office, Ch. 1, Section 8. |

**Appendix B:**

**Structure, organization, and delivery of GAL services in divorce and custody cases.[[40]](#footnote-40)**

### 

### **ARIZONA**

**In Arizona, GALs in divorce and custody cases are called Court Appointed Advisors (CAA). CAAs may or may not be attorneys. In Maricopa County, CAAs must have a master’s degree and are required to perform clinical evaluations. Two particularly effective practices, established in Maricopa County, Arizona are: (1) Setting fees based on equivalent work rates for mental health professionals; and (2) A newly developed judicial committee that reviews complaints and takes action accordingly.**

Program Oversight

Program oversight is provided by the local court judges.

Role/Responsibilities/Duties of the CAA

Arizona’s CAAs may testify or submit a report setting forth recommendations regarding the best interests of the child and the basis for their recommendations.  The CAA may also be called as a witness for the purpose of cross-examination regarding the advisor’s report without the advisor being listed as a witness by a party.

Roster

Arizona does not have a statewide GAL roster. Some of the smaller or rural counties may not have formal rosters. Many of the qualified CAA’s are known to the court community and are willing to be appointed.

In Maricopa County**,** a committee of judicial officers reviews all of the applications of candidates for the CAA roster. The committee determines which applicants are included on the roster and the county contracts for their services.

Qualifications

The court may appoint as a CAA for a child only a qualified individual or a non-profit or governmental organization of qualified individuals.[[41]](#footnote-41) To be qualified, an individual must have received training or have experience in the type of proceeding in which the appointment is made, according to any standards established by Arizona law or rule. An attorney appointed as CAA may take only those actions that may be taken by a CAA who is not an attorney.[[42]](#footnote-42)

Education and Training

To be qualified as a CAA, an individual must have received training or have experience in the type of proceeding in which the appointment is made, according to any standards established by Arizona law or rule.

In Maricopa County, the CAAs must meet the minimum requirements of the contract, which include a master’s degree in social services, nursing, psychology, education, counseling, or other related field, and a minimum of five years of experience working with children who are at risk of abuse or neglect. There is an informal CAA training to acquaint the CAAs with the specifics of the job and to introduce new CAAs to veteran CAAs. There is no formal mentoring program.

Appointment

As outlined in Arizona’s Rules of Family Law Procedure, Rule 10,[[43]](#footnote-43) the court may appoint a CAA to represent the best interests of the child in a family law case pursuant to A.R.S. § 25-321[[44]](#footnote-44) if it finds any of the following:

1. There is an allegation of abuse or neglect of a child.
2. The parents are persistently in significant conflict with one another.
3. There is a history of substance abuse by either parent or family violence.
4. There are serious concerns about the mental health or behavior of either parent.
5. The child is an infant or toddler.
6. The child has special needs.
7. Any other reason deemed appropriate by the court.

Fees

The court may allocate fees and expenses between the parties in accordance with all Arizona law and rules.[[45]](#footnote-45)

In Maricopa County, in the case of the non-attorney CAAs, the court looked at the rates of other master’s level social workers and then set a flat fee based upon that rate and the average number of hours they expected the CAA to expend on a case. Smaller counties or rural counties may not have this type of guidance.

Complaint Process

Each county may have differing complaint processes and some of the smaller or rural counties may not have a process in place.

Maricopa County is piloting a judicially-led complaint process. If a judge receives a complaint about a CAA, he/she determines if the nature of the complaint is such that there is concern with regard to other cases to which the CAA has been appointed. If so, the first action is to suspend the CAA’s case assignments until the investigation is complete. The judge obtains details from the party making the complaint. Inquiries are made to members of the bench to determine if there have been similar or other complaints about the CAA in question. Further research is conducted to see if any of the statements made are confirmed with objective data. The judges then speak with the CAA. The actions that can be instituted as a result of the investigation depend on the findings of the investigation, the nature of the complaint, the CAA’s history, and feedback from the bench. The results range from no action taken to termination of the contract and reassignment of the CAA’s cases.

### COLORADO

**In Colorado, GALs are called Child and Family Investigators (CFI). Processes were overhauled in November 2011 and again in December 2012. Oversight of the appointment process, fees, and standards of practice for CFIs is provided by the Chief Justice. Oversight over the complaint process is provided by the trial court judges and the judicial district administrator, and, when a CFI is a privately paid attorney, by the Office of Attorney Regulation Council, and when a CFI is a state paid attorney, by the Office of the Child’s Representative. Colorado has established fee caps and has established standards for CFI communication with the parties, with counsel, and with the court.**

Program Oversight

The Chief Justice of the Supreme Court and the State Court Administrator oversee the program. The Chief Justice, by Chief Justice Directive 04-08, has defined the role and duties of a CFI, has established the trial court’s responsibilities when appointing a CFI, and has adopted a form order of appointment.[[46]](#footnote-46)

The trial court judge’s responsibilities for the program include:

* Appointing a qualified CFI, and issuing an order defining the subject matter and scope of the CFI’s investigation.
* Making clear to all parties, orally and in writing, how the CFI fees will be apportioned and paid and enforcing its orders for payment by all available means.
* Ensuring the confidentiality of CFI reports.
* Monitoring any complaints concerning that person’s services.[[47]](#footnote-47)

Role/Responsibilities/Duties of the CFI

The CFI is tasked with investigating, reporting, and making recommendations in the child’s best interests on issues as specifically directed by the court. The CFI is effectively the neutral investigative arm of the court, responsible to the court, and not to either parent. After issuing a report, the CFI may be called as a witness to testify. If a more extensive evaluation is needed, a Parental Responsibility Evaluation must be ordered by the court and performed by a mental health professional.[[48]](#footnote-48)

Chief Justice Directive 04-08 establishes the role and duties of the CFI.

The Role:

* The CFI serves as an investigative arm of the court. He or she is to gather information, formulate recommendations, and report to the court concerning a child’s best interests with regard to whatever issues were set forth in the court’s order of appointment.
* The CFI shall not serve inconsistent dual roles. The CFI shall not serve as a formal mediator, provide psychotherapy, nor provide legal advice.

Duties:

* Maintain competence through training.
* Acknowledge when an issue is beyond his or her competence.
* Collect data and conduct an investigation sufficient to allow the CFI to provide competent opinions.
* Have age-appropriate communication with the child/children involved.
* Report child abuse to the proper agency and the court.
* Prepare a clear, concise, and timely report.
* Provide copies of his or her file to counsel or a party not represented.
* Shall not conduct psychological testing or drug and alcohol evaluations.
* Maintain confidentiality.[[49]](#footnote-49)

Roster

The procedure to become an “approved CFI” requires the person who wants to be considered to apply to the judicial district in which they seek to practice. The State Court Administrator’s Office (SCAO) runs a criminal background check with the Colorado Bureau of Investigation. Inclusion in this roster only indicates eligibility for consideration of appointment by a judicial district or the Office of the Child’s Representative.

Qualifications

The CFI must submit an affidavit documenting experience, education, or skills as it pertains to “relevant areas” including but not limited to:

The effects of divorce, single parenting, and remarriage in children, adults, and families; Dynamics of high conflict divorce; Child development, including cognitive, personality, emotional and psychological development; Child and adult psychopathology; Family dynamics and dysfunction; Domestic violence; Substance abuse; Child abuse; Parenting capacity; Diversity issues; Available services for the child/children and parties including medical, mental health, educational, and special needs; The legal standards applicable in each case in which the CFI is appointed; Interview techniques for interviewing children and others.[[50]](#footnote-50)

Education and Training

New CFIs must complete 40 hours of training in relevant areas prior to accepting appointments. Attorneys and mental health professionals and other members of the community who are working as CFIs must complete no less than 15 hours of continuing education in relevant areas every three years.[[51]](#footnote-51)

Appointment

Judicial districts and the Office of the Child’s Representative determine final eligibility for appointment of any CFI. A number of judicial districts have regular or annual CFI meetings where the magistrate or district judge will communicate expectations, affirm the guidelines contained within Chief Justice Directive 04-08, discuss any issues or questions, and review any recent statutory or case law changes.

Form Order

Chief Justice Directive 04-08 sets forth an “Order Appointing Child and Family Investigator, Pursuant to §14-10-116.5, C.R.S.” The order enables the judge or magistrate to identify specific issues for the CFI to investigate, report, and make recommendations. It sets forth the presumptive fees and also enables the judges or magistrate to set a flat fee and/or an hourly rate for each party and a date by which payment must be made.[[52]](#footnote-52)

Communication

When first appointed, the CFI is expected to review the court’s order of appointment and ask for clarification or modification of the order when necessary. The CFI must then provide the parties with written information about his or her policies and procedures. The information must include the nature of the services provided, the CFI’s qualifications, where complaints should be directed, fees and billing procedures, how communication will be handled, how sensitive information will be handled, and the CFI’s reporting obligations.

The CFI is required to provide written information about how communications and sensitive information from counsel or parties acting as their own counsel will be handled. The CFI may not have any private or ex parte communications with the court.[[53]](#footnote-53)

Fees

The Colorado Judiciary has established a presumptive fee for conducting an investigation and for filing a report at $2,000, absent a finding of extraordinary circumstances. If called upon to testify, the presumptive fee for the total testimony and preparation time is $500 unless absent a judicial finding of “extraordinary circumstances” that justifies the excess fees. Every order appointing a privately paid CFI must state the CFI’s hourly rate. If either of the parties is indigent, the Colorado Judicial Branch may pay that party’s fees at the state rate, as established by the Office of the Child’s Representative.[[54]](#footnote-54)

Complaint Process

The presiding judicial officer oversees CFI performance on a case-by-case basis, noting compliance with timelines and conformity of the CFI reports with the requirements of the appointment order and the Chief Justice Directive.

For complaints filed against privately paid CFIs and state paid non-attorney CFIs:

* Complaints are submitted electronically to the judicial district and to the SCAO via a form on the SCAO website, in person, or by mail.
* Within 10 days of receiving the complaint, the District Administrator forwards the complaint to the judge presiding over the matter in which the CFI was appointed to determine whether any immediate preventative or corrective action needs to be taken in the matter.
* The judicial district then begins an investigation to determine whether the complaint is founded or unfounded, and to determine whether to take any action necessary to resolve the concerns or issues raised by a founded complaint. A judicial district’s decisions as to whether a complaint is founded or unfounded and as to what, if any, action is necessary are final decisions and are not appealable.
* If the complaint involves a privately paid attorney CFI and if it is determined after investigation that the complaint concerning the attorney CFI was founded, the District Administrator informs the Colorado Supreme Court Office of Attorney Regulation Counsel and so notifies the complainant. The District Administrator requests that the Attorney Regulation Counsel inform the judicial district and the SCAO of the final outcome of any professional conduct investigation.
* No later than 60 days after receiving a “Child and Family Investigator Complaint Procedures and Form,” the judicial district’s District Administrator sends a written response of some kind to the complainant.
* No later than 10 days after a final decision is reached by a judicial district regarding a complaint, the judicial district’s District Administrator forwards to the SCAO a copy of the complaint file and the results of the investigation.

Complaints against state paid attorney CFIs are to be filed and processed according to the complaint procedures of the Office of the Child’s Representative (OCR).[[55]](#footnote-55)

All information about fees and complaints is available on the Colorado courts website along with additional information to parties about how to resolve concerns with one’s CFI.[[56]](#footnote-56)

Sanctions

Failure of a CFI to comply with the Chief Justice Directive may result in removal of the CFI from the Statewide Eligibility Roster, from one or more of the judicial district eligibility rosters, or from the OCR District List. The OCR maintains sole discretion to determine sanctions as they apply to state paid attorney CFIs. Neither the SCAO nor a judicial district may sanction a state paid attorney CFI.

### MASSACHUSETTS

**In Massachusetts, the Chief Justice of the Probate and Family Court Department oversees the GAL program and has established standards for GAL investigators, including mandatory training and continuing education requirements. GAL investigators must be attorneys. The Chief Justice of the Probate and Family Court Department oversees the complaint process.**

Program Oversight

The Chief Justice of the Probate and Family Court Department has authority over the GAL program. The Chief Justice of the Department has promulgated standards for GAL investigators. In its 23 pages, the standards establish the role of the GAL investigator, compensation, GAL expectations, communications with the parents and the child, and the scope and content of the investigation and report.[[57]](#footnote-57)

Role/Responsibilities/Duties of the GAL

The role of the “Category F GAL investigator” is to gather and report factual information that will assist the court in making custody, visitation, or other decisions related to the welfare of a child. Unless the appointing judge specifies otherwise, the GAL investigator’s role is limited to gathering and reporting information to the court. The GAL may include recommendations in the report if the order of the court authorizes inclusion of such recommendations.[[58]](#footnote-58)

Massachusetts also has “Category E GAL evaluators” whom the judge can appoint to offer clinical opinions in custody cases.

Roster/Certification/Appointment to the Roster

Persons wishing to serve as a GAL submit an application to the Administrative Office of the Probate and Family Court Department. Upon approval of the application and upon completion of the mandatory training, a person’s name may be added to the roster. Every individual court department maintains a list of persons eligible to be appointed by the court as a GAL. The Chief Justice of each trial court department submits the list of categories and qualifications to the Chief Justice for Administration and Management (CJAM) for approval. The CJAM compiles the listings into an annually published report. The appointment lists are public.

Qualifications

To be eligible to serve as a GAL investigator, a person must be an attorney with at least three years of experience in the domestic relations field, or a clinician with at least three years experience conducting evaluations or therapy with family members.[[59]](#footnote-59)

Education and Training

*Initial Training*: GALs must attend a two-day mandatory training established by the Probate and Family Court Department prior to submitting an application. Topics for the mandatory training are attachment and parenting plans, interviewing, abuse, preference and alienation in custody disputes, and report writing.

*Continuing Education*: Once approved for the list, GALs must attend an annual 3-hour continuing education program established by the Probate and Family Court Department.[[60]](#footnote-60)

Appointment

Generally, courts make appointments from the roster in rotation or sequential order.

Communication

The GAL must explain the GAL’s role and the purpose of the investigation to the parties. The GAL must inform the parties how the information gathered by the GAL will be used. The GAL must provide a “Lamb warning” that explains there are no “off the record” discussions and that any information collected by the GAL may appear in the GAL report and be disclosed in court or to the other party. As appropriate based on the child’s level of maturity, the GAL should provide a similar explanation of the investigative process and a Lamb warning to a child, but modified to reflect the child’s age and level of understanding. If the GAL interviews other witnesses, they also must receive a Lamb warning.[[61]](#footnote-61)

Fees

The judicial branch has a limited amount of money in its budget to pay for GAL fees. Fees paid by the Commonwealth are set by the Administrative Office of the Trial Court. If the order specifies that compensation will be paid by the Commonwealth, the GAL is prohibited from charging additional fees to the parties. Because the Judiciary’s funding is limited, in practice, judges on occasion ask the parties to pay some or all the GAL’s fees. If so, the judge, in the appointment order, may cap the number of compensable hours. The GAL determines the hourly rate.

Complaint Process

All requests for the involuntary removal of an individual from the roster must be in writing, must specify the grounds upon which the request for removal is based, and must be addressed to the Chief Justice of the Trial Court Department. If the request raises serious concerns as to the individual’s qualifications or suitability, the Chief Justice may temporarily suspend the individual from the roster.

*Investigation Process*: The Chief Justice of the Trial Court Department sends a copy of the complaint to the individual, along with a notice that the individual may file a written response. After receiving a response, or after 30 days, the Chief Justice determines if an investigation should be conducted. If further investigation is ordered, the Chief Justice, upon receiving the investigative report, may meet with the individual or may conduct a hearing. If the Chief Justice determines that the individual should be removed from the roster, the Chief Justice so recommends to the Chief Justice of Administration and Management (CJAM), and sends the investigative report to the CJAM. The CJAM makes a decision within 60 days. The CJAM’s decision is final. The request, the investigative report, and any hearing are confidential and not open to the public.

Sanctions

If the Chief Justice of the Trial Court Department determines that the individual should be removed from the roster or that a lesser sanction should be imposed, the Chief Justice so recommends to the CJAM. Lesser sanctions could include limited time suspension from the roster, assignment of a mentor, a directive to obtain additional training, or further investigation.

### NEW HAMPSHIRE

The New Hampshire GAL program includes a Guardian Ad Litem Board located in the Executive Branch that oversees the credentialing, activities and discipline of GALs, and investigates and resolves complaints against GALs. Complaints are investigated and resolved by the Board. The Supreme Court and Administrative Judge exercise authority over the duties of GALs in court cases. Fee arrangements must be in writing and any changes must be approved in advance by the court. Sixty-one allegations of misconduct received since January 2007 were resolved by June 2011. The Board expended $27,475 in FY11, with revenues of $7,531.

Program Oversight

The Supreme Court and the Administrative Judge for the Circuit Court have authority over GAL duties in court cases. Judges and marital masters appoint the GALs to cases, determine the scope of the GAL’ work, set deadlines, and approve GAL fees. A judge or marital master can remove a GAL from a case, hold them in contempt of court, or impose a fine against a GAL.

A Guardian Ad Litem Board is responsible for overseeing the credentialing activities, and discipline of GALs who are or have been certified by the Board.[[62]](#footnote-62) The Board is located in the Executive Branch, administratively attached to the Department of Administrative Services, and has nine members:

* One member representing the New Hampshire Supreme Court, appointed by the Chief Justice of the New Hampshire Supreme Court.
* One member of the New Hampshire State Senate, appointed by the president of the Senate.
* One member of the New Hampshire House of Representatives, appointed by the Speaker of the House.
* The Executive Director of the New Hampshire Judicial Council.
* One member of Court Appointed Special Advocates (CASA), nominated by the director of CASA and appointed by the Governor.
* One member representing the Division of Children, Youth, and Families, or Casey Family Services, or another child protection agency in New Hampshire, appointed by the Governor.
* One member representing the interests of GALs, appointed by the Governor.
* Two members of the general public representing the interests of those individuals receiving the services of GALs, appointed by the Governor.[[63]](#footnote-63)

The New Hampshire Office of Legislative Budget Assistant conducted an audit of the GAL Board in January 2012. The Office identified weaknesses in the Board’s structure, administration, and operations, which resulted in its inability to operate efficiently and effectively.

“There are no national models for the qualification, training, and oversight of GALs. However, the Board consisted of nine unpaid members with a part-time secretary for support and was uniquely structured and insufficiently supported when compared to most similar State entities regulating professions, occupations, and trades. The statutory makeup of the Board and how members were appointed was also atypical.”

“There is considerable diversity of guardian ad litem (GAL) programs and services throughout the country. As a result of this diversity, there is no single best practice or standard service model. GAL services may be centralized or decentralized; overseen by the state, county, or district; or provided through non-profits, volunteer programs, independent contractors, or state employees. Depending on the state, a GAL may be certified, require licensure in another profession, or have limited to no required qualifications.”

In cases closed during fiscal years 2010 and 2011, there were 1,900 marital/parental rights cases in which a GAL had been appointed. The Board expended $20,548 in SFY 2010 and $27,475 in SFY 2011 with revenues of $5,152 and $7,531, respectively.

The Board received 129 initial and renewal applications in SFYs 2010 and 2011; 95 % of the GALs held a bachelor’s degree or higher, with 60 % having a juris doctorate.

The Office reviewed the Board’s handling of 61 allegations of misconduct it received since January 2007 that it considered closed by June 2011. The Board combined three allegations into one complaint. The Board did not accept 22 of the allegations (37 %) because the complainant did not use the required form (12), the GAL was not certified by the Board (7), the allegations were non-jurisdictional (2), or the allegation was unsupported (1). Of the 37 complaints accepted by the Board, 26 were dismissed (70 %), 6 resulted in discipline (16 %), 2 were withdrawn (5 %), and there were 3 with no evidence of official closure (8 %).

The Office made 18 observations related to the administration, structure and operations of the GAL Board. Observations included:

* Relocating the GAL Board to the state’s Joint Board of Licensure and Certification.
* Altering Board composition to include more public members.
* Ensuring that complaints are processed according to requirements and are processed timely.
* Reevaluating the $100 complaint filing fee.
* Disciplining GALs for late court reports.[[64]](#footnote-64)

Role/Responsibilities/Duties of the GAL

The GAL conducts an investigation which may include interviewing the parents, the children, and other persons who may have information relevant to the issues involved. In most cases, the GAL prepares a written report which includes a recommended resolution of custody and visitation issues that, in the GAL’s estimation, is in the best interests of the children.[[65]](#footnote-65)

Roster

The GAL Board compiles and maintains a list of those GALs who are certified and in good standing and makes the list available to the general public. The list is available on the court website.

Qualifications

The person must:

1. Have a bachelor’s degree plus three years of experience in activities dealing with children of incapacitated adults consisting of at least 200 hours of experience in each of the three years, or an associate’s degree plus five years of experience or an advance degree plus one year of experience.
2. Be at least 25 years of age.
3. Never have been convicted of a felony or certain misdemeanors.
4. Be of good character.
5. Never have been suspended as a GAL.[[66]](#footnote-66)

Education and Training

The Board has established initial and continuing training requirements. Initial training consists of at least 16 hours of training. GALs requesting renewal of an existing certification must complete at least 30 continuing education credits.[[67]](#footnote-67) Continuing education is not a set curriculum, but can be a variety of training opportunities, ranging from trainings offered by the New Hampshire Bar Association to trainings on domestic violence. GALs submit a training request form to the Board, who reviews the request, considering the topic and presenter for relevancy and quality. If approved, the Board posts the training on the website so other GALs know that the training has been approved for continuing education credits.

Appointment/Form Order

In every case in which a GAL is appointed, the parties and the guardian must file a stipulation as to the following issues:

1. Expenses for which the GAL will be reimbursed.
2. GAL hourly billing rate and maximum fee.
3. Frequency of billing, terms of payment, and payment of retainer.
4. The names of the individuals requested to be interviewed by the GAL, including names, addresses, telephone numbers, and relationship to each party or child, listed in order of importance. The GAL has the discretion to decide which individuals to interview.
5. Manner in which the GAL will communicate with each party’s references (e.g., office conference, telephone call, letter).
6. Action(s) the GAL will take if unable to contact a reference.
7. Whether the GAL will visit each party’s home.
8. Whether conversations between the GAL and the children will be confidential.
9. Other orders necessary to protect confidentiality.
10. Dates by which parties will execute authorizations for reports. Specify records to be requested.[[68]](#footnote-68)

Fees

The GAL is compensated at the rate of $60 per hour. The maximum fee (including costs) is $1,000 for any case absent prior approval from the court. When the parties are paying the cost of the GAL, the parties and counsel may file an agreement with the court, subject to court approval, for a different hourly rate and maximum fee.[[69]](#footnote-69)

The parties are expected to pay unless the parties are indigent, in which case the GAL is paid from the Guardian Ad Litem Court Fund. The court has established eligibility guidelines for payment from the Fund.[[70]](#footnote-70) Fees for evaluations are not paid from the Fund.

However, the legislature has recently eliminated funding for GAL services in marital cases involving indigent parents. By Administrative Order, GALs are no longer appointed in any new or reopened marital matter where both parents are indigent. If one party is indigent, the party wishing to pay may petition the court for appointment of a GAL.[[71]](#footnote-71)

In the case of a private fee arrangement relating to the services of a GAL, the GAL must execute with the responsible parties or party and provide to them a written agreement regarding fees and expenses which specifies:

1. The person or personsresponsible for payment.
2. The amount of the rate to be charged.
3. The method for calculating the fees and expenses billed.
4. Either:
   1. An estimate of the cost of anticipated expenses and services expected to be performed; or
   2. A specific amount to be charged which will not be exceeded absent an order of the court.

The private fee arrangement must also specify either:

1. The allocation of responsibility for payment between or among the parties; or
2. That the designation or allocation of responsibility for payment may be made by the court and that the court’s order relative to payment will be binding.

If the GAL, in order to fulfill his or her obligations, must charge fees in excess of the estimated cost of anticipated expenses and services, or in excess of the specified amount originally stated, the GAL must:

* 1. Provide, in writing, to the party or parties responsible for payment either:
     1. An adjusted written estimate of the cost of anticipated expenses and services expected to be performed; or
     2. A new specific amount to be charged which will not be exceeded absent an order of the court.
  2. File a motion with the appointing court requesting authorization to charge a specific amount in excess of the initial fee agreement, specifying therein:
     1. The amount of the original estimate or specification.
     2. The specific amount in excess of the original estimate or specification that the GAL wishes to charge and the reason for the adjustment.
     3. A statement as to whether or not each of the responsible party or parties consents to the motion.
  3. Provide a copy of the motion to the person or persons who are or may be responsible for the payment of any fee or cost, at or before the time of the filing of the motion.

The New Hampshire Judicial Branch has adopted as an official form a statement to be submitted by the GAL, itemizing fees and expenses.[[72]](#footnote-72)

Complaint Process

The GAL Board investigates and resolves complaints against certified GALs. The Board may refer the complaint to the appropriate court for investigation, resolution, or other action. The Board may pursue its own investigation or disciplinary procedures. The Board may resolve the complaint by agreement.

The Board has established disciplinary procedures, penalties, and sanctions for certified GALs, which may include revocation of certification, suspension, imposition of supplemental training requirements or supervised training requirements, supplemental education, fines, written reprimand, and treatment and counseling. Appointment and removal of persons from actual service as a GAL are functions of the court.

Persons wishing to file a complaint against a certified or formerly certified GAL may file a complaint with the Board along with a filing fee of $100 or a request for a waiver of the fee.

Within 120 days, the Board will either dismiss the complaint or begin an investigation. The Board will then notify the complainant of its determination and, in the case of a dismissal, will provide a brief statement of the reason(s) for dismissal. A person whose complaint has been dismissed, or whose complaint has not been accepted for filing, may request an oral argument before the Board within 10 days of the date of the dismissal or non-acceptance. Requests must be in writing.

If the Board accepts the complaint and determines that it will be further investigated, the Board will provide the GAL who is the subject of the complaint (either in hand or by first class mail):

* 1. A written and dated notification that an investigation is being conducted into the allegations.
  2. An Answer Form to be executed by the GAL.
  3. A copy of the complaint and a list of supporting documents.
  4. Written notice that the supporting documents filed in connection with the complaint are available for review at the Board’s office during normal business hours.

The GAL must provide an answer within 30 days. The GAL may address the specific allegations of the complaint in the answer or instead indicate that he or she elects not to submit a substantive answer to the allegations at that time. The 30-day period in which to provide an answer to the complaint may be extended.

Sanctions

Should a certified or formerly certified GAL be found by the Board to have engaged in an action that was prohibited by the Ethical Standards and Standards of Practice, the Board may impose as a sanction:

* Revocation of certification
* Suspension of certification
* Supplemental training
* Supervised training
* Supplemental education
* A fine of not more than $1,500 per offense
* Treatment and counseling
* Written reprimand

Appointment and removal of persons from actual service as a GAL are functions of the court.

### 

### WASHINGTON

**Washington has outlined training requirements for potential GALs in family law cases that include a mentoring component, a thorough content focus, and continuing education requirements. A number of counties in the state also use a formal complaint process with a committee or board to handle the complaint process.**

Program Oversight

The Washington Administrative Office of the Courts does not have an overarching state level authority for GAL matters. State statute and rules define the role and function of the GAL in family law cases and broadly outline guidelines for GAL programs to follow, in addition to providing training requirements.[[73]](#footnote-73) Administration of the program, from selection to appointment to grievances to removal, all happens at the county level. Each county may establish its own local rules addressing the application process for the GAL registry, requirements for being on/remaining on the registry, GAL appointment processes, GAL duties, GAL compensation, grievances against GALs, grievances by GALs, conflicts of interests, evaluation procedures, and other topics. Each superior court is the final arbiter of GAL grievances.

Role/Responsibilities/Duties of the GAL

**Thurston County:** A GAL is a person appointed by the court to investigate and report factual information to the court regarding parenting arrangements and what is in the best interests of children.

A GAL reviews the court file, meets with each parent, contacts others who have information related to the parents or children, and may meet with the children. In some cases, a GAL will want to make a home visit.[[74]](#footnote-74)

The court has established a Guardian ad Litem Code of Conduct.[[75]](#footnote-75)

Roster

The superior court in each county maintains a registry of individuals who are qualified to serve as Family Law GALs. A Registry Manager is assigned to provide administrative oversight of the registry. Application must be made to each superior court in which a GAL wishes to serve.

**Thurston County:** Thurston County uses a Registry Committee, which consists of the GAL coordinator and two others designated by the presiding family court judge. The Committee is responsible for approving requests to be put on the GAL registry, conducting interviews with applicants, and conducting annual evaluations of GALs. Appointments are made from the court’s GAL registry on a rotational basis.[[76]](#footnote-76)

Qualifications

Local courts may establish requirements, such as minimum education. A GAL is required to provide information such as related training, criminal history, experience and previous appointments as a GAL, and whether he/she was removed from a registry because of a grievance.

Family Law GALs in Washington are expected to have read and understood the statutes, local rules, and order of appointment prior to any investigation. Furthermore, GALs are expected to be familiar with the basic elements the court will weigh in on in each case type and gather information accordingly.

**Thurston County:** Thurston County Family Law GALs must have a bachelor’s degree and experience working with children and families. Additionally, the state of Washington requires that all GALs be trained on a curriculum developed by Washington’s Administrative Office of the Courts (AOC).[[77]](#footnote-77)

Education and Training

The AOC developed a training facilitator’s guide (in RCW 2.56.030(15)) upon which King County Bar Association’s training is based. King County is the most regular provider of training. Other courts provide training infrequently, on an as-needed basis. The training requirements in the guide include 19.5 hours of initial training curriculum, a writing requirement on a hypothetical dissolution case, and practicum with a mentor that includes court observation. The topics of the initial training are:

* Introduction to Service as a GAL
* Ethics and Professional Conduct
* The Law and Legal Process
* Investigation
* Interviewing
* Report Writing
* Systems and Resources
* Child Development
* Chemical Dependency and Mental Illness
* Child Abuse and Neglect
* Domestic Violence
* Personal Safety
* Cultural Competency

Six hours of continuing professional education are required annually. The topics may include any of the existing AOC curricula or any other topics that relate directly to Title 26 GAL work. Updates on case law should be addressed in the continuing education programs. Additionally, program managers are directed to devise ways for delivering notification of changes to GALs in their registry. GALs must submit annually to GAL program managers, for each county in which they are registered, a statement made under penalty of perjury that they have complied with this requirement.

Fees and Fee Disputes

GALs can be paid for their services, serve as volunteer GALs, or serve as family law court appointed special advocates. Policies and regulations about pay rates and payment procedures vary widely from county to county. Paid GALs might be employed by a county (perhaps family court services), but more often are individuals who accept appointments as independent contractors. The AOC has not provided any guidance on capping fees; it is at the discretion of each court. Court practices on the cap vary to a considerable degree. The governing statute, RCW 26.12.183, states that:

"*The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month."*

**Whatcom County:** The court uses an order appointing the GAL that includes a section on fees and costs, including the cap, which is established at the court’s discretion. Should a party disagree with an amount billed, he or she shall immediately contact the GAL to discuss the billing. If the matter is not resolved, the party shall note the matter upon the court’s calendar for review and notify the GAL of the date and time of the hearing. A party shall be liable to the GAL for court costs, interest, and attorney fees if collection action is required because payment was not made on time.

Performance Evaluations

**Thurston County:** Thurston Countyuses case evaluations and annual evaluations as oversight tools. All parties and judicial officers in a case where the GAL is discharged are encouraged to submit an evaluation of the GAL, which will be returned to the Family Court Administrator. The GAL is able to review and respond to the evaluations, which will be kept in the GAL’s file, for purposes of maintaining the registry. In addition, the Registry Committee conducts yearly evaluations of the GAL files. If there are issues that need to be addressed, the Committee must write a report and have an in-person interview with the GAL. If there are no issues apparent in the file, the report and interview are not required.[[78]](#footnote-78)

Complaint Process

Complaint processes vary by county, but the GAL rules provide that courts must develop local court rules spelling out the grievance procedure. GALs who are attorneys or are licensed to practice in a profession such as psychology, social work, or other professions may be disciplined for work done as a GAL.

**Thurston County:** Thurston County has a court-convened Guardian Ad Litem Advisory Committee to handle GAL complaints. The Committee consists of the Superior Court Administrator or designee, two county citizens, a member of the county bar association, and a GAL who is active on the county registry and who has not received a sanction through the GAL complaint process in the past 3 years, selected by a judicial officer. Service on the Committee is voluntary. After a written complaint is submitted, the Superior Court Administrator convenes the Committee. If the Committee determines the complaint has merit on its face, they request a specific response from the GAL. If it lacks merit on its face, they decline to review the complaint. If the complaint pertains to an ongoing case, the Committee declines to review the case and informs the complainant that the only form of redress available at the stage in the proceedings is to seek removal of the GAL from the case or contesting the information or recommendation in court before the judge. In determining whether the complaint has merit, the Committee reviews factors including whether a code of conduct, state, or local law has been violated, or whether the GAL has “taken or failed to take any other action which would reasonably place the suitability of the person to serve as a GAL in question.” After reviewing the GAL’s written response, the Committee can then “issue a written admonishment, a written reprimand, refer the Guardian ad Litem to additional training, or recommend to the Presiding Judge that the Court suspend of remove the Guardian ad Litem from the registry.” The complainant and the GAL are notified of the Committee’s decision, but no appeals process is outlined.[[79]](#footnote-79)

Sanctions

If a GAL is removed pursuant to a grievance, the court is to notify the AOC, and the AOC then notifies all the other courts. The AOC also sends out a yearly reminder for courts to notify of having removed a GAL pursuant to a grievance.

**Appendix C: NCSC Interviews**

|  |  |
| --- | --- |
| Ms. Suzanne Alliegro  State Program Administrator  Minnesota Guardian ad Litem Board | Ms. Dana Ahlness  2nd District Manager  Minnesota Guardian ad Litem Program |
| Mr. Brian Ansberry  7th District Manager  Minnesota Guardian ad Litem Program | Mr. Blair Anderson  Board Member  Minnesota Guardian ad Litem Board |
| Mr. Jeff Bergman  Finance Division  Minnesota State Court Administrator’s Office | Hon. Paul Benshoof  District Judge  9th Judicial District |
| Mr. Andrew Buss  Training Coordinator  Minnesota Guardian ad Litem Board | Ms. Korina Barry  Board Member  Minnesota Guardian ad Litem Board |
| Hon. Pete Cahill  District Judge  4th Judicial District | Mr. John Day  Board Member  Minnesota Guardian ad Litem Board |
| Ms. Lindsay Flint  Board Member  Minnesota Guardian ad Litem Board | Ms. Sherry Haley  Board Member  Minnesota Guardian ad Litem Board |
| Ms. Tiffany Halligan  District Coordinator  2nd Judicial District | Ms. Lisa Johansson  Finance Division  Minnesota State Court Administrator’s Office |
| Ms. Traci Kapella  District Manager  9th Judicial District | Mr. Greg King  District Manager  10th Judicial District |
| Hon. David Knutson  District Judge  1st Judicial District | Ms. Laurie Kusek  District Manager  4th Judicial District |
| Ms. Ann LeRette  District Manager  6th Judicial District | Justice Anne McKeig  Associate Justice  Minnesota Supreme Court |
| Hon. Susan Miles  District Judge  10th Judicial District | Ms. Laura Miles  District Coordinator  1st Judicial District |
| Hon. Leslie Metzen  Chair  Minnesota Guardian ad Litem Program | Mr. Alex Miller  District manager  5th Judicial District |
| Hon. Paul Nelson (ret.)  8th Judicial District | Ms. Sabrina Nissen  District Manager  3rd Judicial District |
| Mr. Thom Nolan  GAL Contract Attorney  Minnesota Guardian ad Litem Program | Ms. Judy Nord  CJI Staff Attorney |
| Mr. Dan Ostiek  Finance Division  Minnesota State Court Administrator’s Office | Ms. Mary Pfeiffer  District Coordinator  10th Judicial District |
| Ms. Linda Potter  HR Manager  Minnesota Guardian ad Litem Board | Hon. John Scherer  District Judge  7th Judicial District |
| Ms. Jody Skindelien  District Manager  8th Judicial District | Ms. Cindy Slivnik  District Coordinator  7th Judicial District |
| Hon. Shari Schluchter  District Judge  9th Judicial District | Ms. Jennifer Taylor  District Coordinator  4th Judicial District |
| Hon. Sally Tarnowski  District Judge  6th Judicial District | Hon. Jodi Williamson  District Judge  3rd Judicial District |

**Appendix D: Online GAL Survey**

1. **In what District do you serve as a GAL?**
2. **How long have you served as a GAL?**

* Less than 1 year
* 1-3 years
* 4-6 years
* 7-10 years
* 11+ years

1. **Are you a:**

* Volunteer
* Full-time employee
* Part-time employee

**4. Please indicate your level of agreement with the following statements:**

a. The organization and service delivery model of the current GAL system is efficient and effective.

Strongly Disagree Disagree Neither agree nor disagree Agree Strongly Agree

Comments:

b. I am clear about what my role should be in juvenile cases.

Strongly Disagree Disagree Neither agree nor disagree Agree Strongly Agree

Comments:

c. I am clear about what my role should be in family cases.

Strongly Disagree Disagree Neither agree nor disagree Agree Strongly Agree

Comments:

1. **Describe the strengths of the current GAL organization and service delivery model.**
2. **Describe the challenges of the current GAL organization and service delivery model.**
3. **Provide any recommendations to improve the organizational structure or service delivery model.**

**Appendix E: Online Public Survey**

1. Describe the strengths of the current GAL organization and service delivery model.
2. Describe the challenges of the current GAL organization and service delivery model.
3. Provide any recommendations to improve the organizational structure or service delivery model.

**Appendix F: District GAL Program Organizational Chart**

**Minnesota Guardian ad litem Program Structure**

**First District**

**Minnesota Guardian ad litem Program Structure**

**Second District**

**Minnesota Guardian ad litem Program Structure**

**Third District**

**Minnesota Guardian ad litem Program Structure**

**Fourth District**

**Minnesota Guardian ad litem Program Structure**

**Fifth District**

**Minnesota Guardian ad litem Program Structure**

**Sixth District**

**Minnesota Guardian ad litem Program Structure**

**Seventh District**

**Minnesota Guardian ad litem Program Structure**

**Eighth District**

**Minnesota Guardian ad litem Program Structure**

**Ninth District**

**Minnesota Guardian ad litem Program Structure**

**Tenth District**

1. <https://www.acf.hhs.gov/sites/default/files/cb/im1702.pdf> [↑](#footnote-ref-1)
2. See Duquette, Don, et al., *Children's Justice: How to Improve Legal Representation of Children in the Child Welfare System*. Chicago: ABA Publications, 2016. [↑](#footnote-ref-2)
3. For example, see the study of the Child Advocacy Team in Flint, Michigan. <http://www.improvechildrep.org/DemonstrationProjects/TheFlintMDTStudy.aspx> [↑](#footnote-ref-3)
4. U.S. Code Title 42, Chapter 67. Originally enacted in P.L. 93-247; most recently amended and reauthorized on December 20, 2010, by the CAPTA Reauthorization Act of 2010 (P.L. 111-320). [↑](#footnote-ref-4)
5. Minn. Supreme Court Advisory Task Force on the Guardian Ad Litem System, Final Report (1996), 13. [↑](#footnote-ref-5)
6. MINN. STAT. 518.165 (1974). [↑](#footnote-ref-6)
7. MINN. STAT. 518.165 (1986). [↑](#footnote-ref-7)
8. Guardian ad Litem Program Requirements and Guidelines (Non-statutory) (last updated 8/21/2015). <https://mn.gov/guardian-ad-litem/assets/GAL%20Program%20Requirements-2016_tcm27-230175.pdf> [↑](#footnote-ref-8)
9. Id. [↑](#footnote-ref-9)
10. Id. [↑](#footnote-ref-10)
11. While GAL program policy mandates 16 hours of family court training for family court GALs, since 2015 all GALs who serve in family court have received an additional 28 hours of family court training. [↑](#footnote-ref-11)
12. See Appendix F for organizational charts of each district’s GAL program. [↑](#footnote-ref-12)
13. State Guardian Ad Litem Board, Small Agency Profile, 2018-2019 Biennial Budget (January 2017). <https://mn.gov/mmb-stat/documents/budget/2018-19-biennial-budget-books/governors-recommendations-january-2017/guardian-ad-litem-board.pdf> [↑](#footnote-ref-13)
14. Complaint Investigation and Appeals Procedure. Minnesota Guardian ad Litem Board, last updated Feb. 11, 2016. <https://mn.gov/guardian-ad-litem/assets/GALP%20GAL%20Complaint%20Process%20revised%202_11_16_tcm27-194231.pdf> [↑](#footnote-ref-14)
15. Chronology of Key Events in the History of the Minnesota Guardian ad Litem Program. Minnesota GAL Program (accessed Feb. 15, 2017). < <https://mn.gov/guardian-ad-litem/assets/GAL%2520Program%2520History_tcm27-26386.pd>> [↑](#footnote-ref-15)
16. U.S. Code Title 42, Chapter 67. Originally enacted in P.L. 93-247; most recently amended and reauthorized on December 20, 2010, by the CAPTA Reauthorization Act of 2010 (P.L. 111-320). [↑](#footnote-ref-16)
17. MINN. STAT. 518.165 (1974). [↑](#footnote-ref-17)
18. MINN. STAT. 518.165 (1986). [↑](#footnote-ref-18)
19. Guidelines for Guardians Ad Litem, Minnesota Judges Association (June, 1986). [↑](#footnote-ref-19)
20. Id. [↑](#footnote-ref-20)
21. Guardians Ad Litem: Evaluation Report. State of Minnesota, Office of the Legislative Auditor, Program Evaluation Division (Feb. 1995), p. 47.<<http://www.auditor.leg.state.mn.us/ped/pedrep/9503all.pdf>> [↑](#footnote-ref-21)
22. *Supra*, note 5, at 6. [↑](#footnote-ref-22)
23. Guardian ad Litem Advisory Committee: A Report to the Minnesota Judicial Council (March, 2009), 4. [↑](#footnote-ref-23)
24. <http://mn.gov/guardian-ad-litem/assets/GALP%20GAL%20Complaint%20Process%20revised%202_11_16_tcm27-194231.pdf> [↑](#footnote-ref-24)
25. See Representation of Children in Child Abuse and Neglect Proceedings: State Statutes Through August 2014. Child Welfare Information Gateway. <<https://www.childwelfare.gov/pubPDFs/represent.pdf>>. [↑](#footnote-ref-25)
26. Examples include Minnesota, Wyoming, and Utah. [↑](#footnote-ref-26)
27. See Appendix C for interview schedule. [↑](#footnote-ref-27)
28. The full GAL survey is found in Appendix D. [↑](#footnote-ref-28)
29. The full public survey is found in Appendix E. [↑](#footnote-ref-29)
30. <https://mn.gov/dhs/general-public/about-dhs/advisory-councils-task-forces/governors-child-protection-task-force.jsp> [↑](#footnote-ref-30)
31. Court Statistics Project, Examining the Work of State Courts (Williamsburg, VA: National Center for State Courts, 2016). < <http://courtstatistics.org/~/media/Microsites/Files/CSP/EWSC%202015.ashx>>. Domestic relations caseloads in this analysis included dissolution, divorce, custody, and child support. [↑](#footnote-ref-31)
32. For many years, the GAL program had a recommended maximum caseload of 40 cases per full-time GAL. More recently, the GAL program has established an aspirational goal of 30 cases per full-time GAL to best meet the needs of children. However, it should be noted that given the current budget constraints and rapidly rising child protection caseloads, that aspirational goal has been hard to achieve. [↑](#footnote-ref-32)
33. Data for child contacts was obtained through reports from the COSMAS GAL case management system, and it was reported during interviews that there are varying levels of compliance with data entry protocols across and within districts. [↑](#footnote-ref-33)
34. See page 3 of this report. [↑](#footnote-ref-34)
35. See Appendix A and B. [↑](#footnote-ref-35)
36. <https://www.acf.hhs.gov/sites/default/files/cb/im1702.pdf> [↑](#footnote-ref-36)
37. See Duquette, Don, et al., *Children's Justice: How to Improve Legal Representation of Children in the Child Welfare System*. Chicago: ABA Publications, 2016. [↑](#footnote-ref-37)
38. For example, see the study of the Child Advocacy Team in Flint, Michigan. <http://www.improvechildrep.org/DemonstrationProjects/TheFlintMDTStudy.aspx> [↑](#footnote-ref-38)
39. See *50 State Summary of Legal Authority Governing ChildRep*. National Quality Improvement Center on the Representation of Children in the Child Welfare System. University of Michigan Law School. (rev. 2016) available at <http://www.improvechildrep.org/LawsLiterature/StateLaws.aspx> [↑](#footnote-ref-39)
40. See Davis, Alicia, et al. Guardians Ad Litem Appointed to Represent the Best Interest of Children in Maine Domestic Relations Cases. National Center for State Courts (Oct. 2013). [↑](#footnote-ref-40)
41. Organizations such as CASA. [↑](#footnote-ref-41)
42. See <http://www.azcourts.gov/portals/20/ramd_pdf/R-05-0008CorrOrd10-27-05.pdf> [↑](#footnote-ref-42)
43. See pg. 15. <http://azdnn.dnnmax.com/Portals/0/NTForums_Attach/1102341637958.pdf> [↑](#footnote-ref-43)
44. See <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/25/00321.htm&Title=25&DocType=ARS> [↑](#footnote-ref-44)
45. http://www.azcourts.gov/portals/20/ramd\_pdf/R-05-0008CorrOrd10-27-05.pdf [↑](#footnote-ref-45)
46. Chief Justice Directive 04-08, amended 12/12; http://www.courts.state.co.us/Courts/Supreme\_Court/Directives/Index.cfm [↑](#footnote-ref-46)
47. Chief Justice Directive 04-08, amended 12/12; <http://www.courts.state.co.us/Courts/Supreme_Court/Directives/Index.cfm>, Section IX. [↑](#footnote-ref-47)
48. C.R.S. 14-10-127; <http://search.jurisearch.com/NLLXML/getcode.asp?userid=GUEST9&interface=&statecd=CO&codesec=14-10-127&sessionyr=2012&Title=14&datatype=S&noheader=1&nojumpmsg=0>. [↑](#footnote-ref-48)
49. Chief Justice Directive 04-08, amended 12/12; <http://www.courts.state.co.us/Courts/Supreme_Court/Directives/Index.cfm>, Section VIII.B and C. [↑](#footnote-ref-49)
50. Chief Justice Directive 04-08, amended 12/12; <http://www.courts.state.co.us/Courts/Supreme_Court/Directives/Index.cfm>, Section VIII. C.6. [↑](#footnote-ref-50)
51. http://www.courts.state.co.us/userfiles/file/Administration/Executive/CFI/04-08\_Memo\_Effective\_1\_2\_13.pdf [↑](#footnote-ref-51)
52. Chief Justice Directive 04-08, amended 12/12; <http://www.courts.state.co.us/Courts/Supreme_Court/Directives/Index.cfm>, Page 22. [↑](#footnote-ref-52)
53. Chief Justice Directive 04-08, amended 12/12; <http://www.courts.state.co.us/Courts/Supreme_Court/Directives/Index.cfm>, Section VIII.D. [↑](#footnote-ref-53)
54. See Section III of Chief Justice Directive 04-08, amended 12/12; <http://www.courts.state.co.us/Courts/Supreme_Court/Directives/Index.cfm> [↑](#footnote-ref-54)
55. <http://coloradochildrep.org/images/uploads/complaintform_2012.11.28.pdf> [↑](#footnote-ref-55)
56. <http://www.courts.state.co.us/Administration/Section.cfm?Section=jp3domprog> [↑](#footnote-ref-56)
57. <http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/galstandards012405.pdf> [↑](#footnote-ref-57)
58. Standards for Category F GAL Investigators, 1.1; <http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/galstandards012405.pdf> [↑](#footnote-ref-58)
59. <http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/fee-categories-qualifications-methods-application.pdf> [↑](#footnote-ref-59)
60. <http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/documents/lettertoallrecontinuingedrequirements.pdf> [↑](#footnote-ref-60)
61. Standards for Category F GAL Investigators, 5.1; <http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/galstandards012405.pdf> [↑](#footnote-ref-61)
62. See GAL Board website: http://www.nh.gov/gal/ [↑](#footnote-ref-62)
63. New Hampshire Statutes, Chapter 490-C:2. [↑](#footnote-ref-63)
64. State of New Hampshire Guardian Ad Litem Board Performance Audit, Office of Legislative Budget Assistant, January, 2012. <http://www.gencourt.state.nh.us/LBA/AuditReports/PerformanceReports/GALB_2012_fullS.pdf> [↑](#footnote-ref-64)
65. http://www.courts.state.nh.us/fdpp/gal.htm [↑](#footnote-ref-65)
66. See Chapter GAL 300. http://www.gencourt.state.nh.us/rules/state\_agencies/gal.html [↑](#footnote-ref-66)
67. http://www.nh.gov/gal/continuing\_ed.htm [↑](#footnote-ref-67)
68. Judicial Branch Family Division Administrative Order 2005-01. [↑](#footnote-ref-68)
69. Judicial Branch Family Division Administrative Order 2005-03; Superior Court Administrative Order Number 17. [↑](#footnote-ref-69)
70. Judicial Branch Family Division Administrative Order 2005-04; Superior Court Administrative Order Number 17. [↑](#footnote-ref-70)
71. Judicial Branch Family Division Administrative Order 2011-03. [↑](#footnote-ref-71)
72. http://www.courts.state.nh.us/forms/nhjb-2340-dfs.pdf [↑](#footnote-ref-72)
73. <http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=sup&set=GALR> [↑](#footnote-ref-73)
74. <http://www.co.thurston.wa.us/fjc/guardians-ad-litem/index.htm> [↑](#footnote-ref-74)
75. <http://www.co.thurston.wa.us/fjc/guardians-ad-litem/gal-code-of-conduct.htm> [↑](#footnote-ref-75)
76. <http://www.co.thurston.wa.us/fjc/guardians-ad-litem/index.htm> [↑](#footnote-ref-76)
77. <http://www.co.thurston.wa.us/fjc/guardians-ad-litem/index.htm> [↑](#footnote-ref-77)
78. <http://www.co.thurston.wa.us/fjc-docs/local-court-rules/03Guardians%20Ad%20Litem/LGALR-11-Evaluation-Of-Title-26-Guardian-Ad-Litem-Work.pdf> [↑](#footnote-ref-78)
79. <http://www.co.thurston.wa.us/fjc-docs/local-court-rules/03Guardians%20Ad%20Litem/LGALR-7-Guardian-Ad-Litem-Grievance-And-Complaint-Procedures.pdf> [↑](#footnote-ref-79)