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FINAL REPORT ON THE VALIDATION AND EFFECTIVENESS STUDY OF LEGAL REPRESENTATION THROUGH GUARDIAN AD *LITEM*

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children and Families
Administration on Children, Youth and Families
National Center on Child Abuse and Neglect
Washington, DC

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EXECUTIVE SUMMARY

The Child Abuse Prevention and Treatment Act (CAPTA) (Public Law [P.L.] 93-247, as amended by P.L. 95-266) began Federal involvement in the area of child abuse and neglect and required that "in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem [GAL] shall be appointed to represent the child in such proceedings..." (42 U.S.C. 5106a). However, neither CAPTA nor subsequent regulations specifically define the role of the GAL. In fact, the regulations only require States to "ensure the appointment of a guardian ad litem or other individual whom the State recognizes as fulfilling the same functions as a guardian ad litem, to represent and protect the rights and best interests of the child" (45 CFR 1340.14). The ambiguity surrounding the role of the GAL has left States to define the role themselves, resulting in a variety of interpretations across the Nation.

The absence of clear role definitions prompted questions to arise concerning the adequacy and effectiveness of GAL representation. In the 1988 reauthorization of CAPTA, Congress addressed some of these issues by mandating that the National Center on Child Abuse and Neglect conduct a study of "the effectiveness of legal representation through the use of guardians *ad litem* and court appointed special advocates [CASAs]" (P.L. 100-294). In October 1989 the Office of Human Development Services (now merged within the Administration for Children and Families) contracted with *CSR, Incorporated,* with the American Bar Association saving as subcontractor to CSR, to conduct a two-phase study of the issues. Phase I involved collecting data at the State and county levels on GAL legislation, program structures, and roles. The report on Phase I, *National Study of Guardian* ad Litem *Representation,*[1] *is* included as Appendix A to this report (separately bound).

The Phase I report documented the three major program models of GAL representation as follows: (1) the private attorney model, in which the court appoints an attorney in private practice to represent each child, with compensation by the court; (2) the staff attorney model, in which each county employs a staff of attorneys either directly or through contracts with law firms; and (3) the CASA model, in which lay volunteers are selected and trained by the court or an independent CASA organization. The Phase I report also documented the five major roles described in the literature[2] for GALs: (1) factfinder and investigator, (2) legal representative, (3) case monitor, (4) mediator and negotiator, and (5) resource broker. Phase II of

[1]CSR, Incorporated. October 1990. National *Study of Guardian* ad Litem *Representation*. Washington, DC: CSR, Incorporated.

[2]Duquette, D. 1990. *Advocating for the Child in Protection Proceedings*. Lexington, MA: Lexington Books.

the study was designed to measure the effectiveness of GAL representation and to validate selected Phase I findings.

The data presented in this report were collected in a randomly selected 23-county sample from interviews with GALs, caseworkers, and judges and from case record extractions. GALs were randomly selected from lists in each of the 23 counties and asked to report on two child abuse and/or neglect cases: (1) a "new" case, defined as one that recently had completed the dispositional or factfinding hearing, and (2) a 'review case," defined as one that had had at least one review hearing. A total of 259 GALs provided data on 458 cases, of which one-half were new and one-half were review, out of a planned sample of 518 cases. The planned sample was not attained because not all GALs had both new and review cases. Caseworkers were interviewed for 415 of these cases, and case record data were extracted for 408.

An important study design issue was the definition of effectiveness. This part of the design is somewhat problematic because 'effectiveness" can have different connotations. Phase II of this study adopted a criterion-referenced or procedural definition of effectiveness, as opposed to one examining outcome. Effectiveness, for study purposes, was defined as the degree to which the GAL performed the five roles listed previously and the related tasks and activities. The procedural effectiveness indicators wae refined and prioritized by the Technical Expert Group (TEG) for the study—a panel of academics, attorneys, judges, and lay volunteers who also reviewed the preliminary findings and the draft final report of the study.

1. MAJOR FINDINGS

The study had the following findings regarding the backgrounds of GALs who participated in the study, the structure of the programs the GALs served in, and the case placement goals:

- *Recruitment.*—Private attorneys were most likely to be involved in GAL representation as a result of their own request to be placed on the court list of GALs. The private attorneys in this study were compensated by the courts. Almost all of the staff attorneys reported that they were involved as GALs because this was part of their jobs as employees of a firm or agency. CASAs alone reported becoming involved as volunteers.

- *Previous experience.*—Fewer than 30 percent of all GALs surveyed had any prior experience in child welfare or advocacy. Staff attorney GALs were most likely to report having had such experience (34.2 percent). Areas of experience included family/child law, social work, and (ii the case of CASAs) foster parenting.

- *Specialized training.*—Virtually all CASAs and the overwhelming majority of private attorneys and staff attorneys reported that they received some specialized. GAL training. Staff attorneys reported the greatest amount of training, with a median of 20 days, compared to 5 days for each of the other two models. CASAs received training on a wider variety of topics than GALs in the other two models.

- *Experience as a GAL.*—Private attorneys had the longest tenure as GALs, with a median of 5 years, followed by staff attorneys with 2 years' experience and CASAs with 1.5 years.

- *Timeliness of appointment.*—The appointments of GALs were delayed, especially in the CASA model, where three-quarters of the appointments were made more than 30 days after the petition was filed.

- *Caseload and hours worked.*—The median GAL caseload reported by staff attorneys was 500, compared to 15 for private attorneys and 4 for CASAs. To some extent the differences in caseload were offset by the hours per week spent as a GAL. Staff attorneys reported working a median reported of 40 hours per week performing GAL activities, while private attorneys and CASAs reported medians of 3 hours and 4 hours, respectively. The median reported number of hours per week spent on the cases included in the sample was 1 hour for both of the attorney models and 2.5 hours for the CASA model.

- *Compensation.*—Private attorneys may be compensated on a per case basis, but an hourly rate with a differential between in-court and out-of-court time was more typically reported in this study. Most counties have a maximum limit on compensation, ranging from $300 to $1,500 per case. As indicated by the relatively long tenure of private attorney GALs cited above, these limits seem to impact the number of cases private attorneys accept rather than their willingness to serve as GALs. Staff attorneys in the study were compensated by salary, and CASAs worked as unpaid volunteers.

- *Supervision and evaluation.*—Private attorneys typically were not supervised or evaluated, except in the context of compensation. Staff attorneys were supervised by their employing agency or firm, and more than one-half received formal evaluations from their supervisors. CASAs were supervised by a GAL or CASA program director, but less than one-quarter received formal evaluations.

- *Case placement goals.*—One of the most important findings from the analysis of case record8 was the change in case placement goals as the cases progressed. The original case goal was to retain the child in the home or return the child to the-home in 86.4 percent of the cases. However, the placement goal changed in nearly one-half of the review cases, and the new goal involved out-of-home placement in 44.6 percent of the cases. The new goal was long-term foster care in 12.4 percent of the review cases; termination of parental rights, adoption, or emancipation in 19.8 percent of the review cases; and guardianship or other placement in 12.4 percent of the review cases. These changes in case placement goals suggest that family support and family preservation programs need to be designed to protect the best interests of the child while not requiring family reunification.

The sections below discuss the study's findings regarding GAL performance in the five roles of (1) factfinder and investigator, (2) legal representative, (3) mediator and negotiator, (4) case monitor, and (5) resource broker:

1.1 Factfinder and Investigator

Because GALs often operate on tight timetables, it is not always possible for them to thoroughly investigate all sources of information. The TEG recommended that guidelines should be set to help GALs prioritize investigation activities. The TEG also recommended that such guidelines should place the highest priority on meeting with and/or observing the child, visiting the parent's home, visiting the child's home, contacting the child's caseworker, reading the petition, and reviewing the agency case record.

Findings regarding the factfinder and investigator role include the following:

- Almost 30 percent of private attorneys had no type of contact with their clients, followed by 17.4 percent of staff attorneys and 8.9 percent of CASAs. One possible explanation for these high percentages is the perception among GALs that contact with abused/neglected infants and toddlers is not applicable to investigating and preparing for their cases.

- The majority of CASAs visited the parent's or child's home as a placement and service assessment activity. Approximately one-third of GALs in the attorney-models made any type of visit with an adult.

- GALs consult a wide variety of persons in preparing for and investigating cases. Over 80 percent of the GALs in each model contacted the caseworker,

- GALs rated themselves as very effective in preparing for and investigating a case in 62.9 percent of the cases. Broken down by model, 71.7 percent of staff attorneys, 68.5 percent of CASAs, and 55.5 percent of private attorneys rated themselves as very effective. C&workers rated GALs overall as very effective in only 38.1 percent of the cases.

1.2 Legal Representative

The data suggest that the amount and type of legal representation a child receives depends not only upon the representative who advocates for the child, but also upon the evolution of the case and whether or not any aspect of the case is contested. The TEG members maintained that, in their opinion, it was unacceptable for any child to appear before the court without being represented by either an attorney or another person equally qualified to fulfill the role, and the study recommends that an attorney be present at all hearings.

On the whole, the staff attorneys reported having performed the greatest number of legal activities, followed by the private attorneys and CASAs. The respondents from all three models reported having performed a greater number of activities for review cases than for new cases; moreover, the respondents reported having performed a greater number of legal activities in the contested cases than in the uncontested cases. The data also suggest that since attorneys specialize in legal activities,-the staff and private attorneys may tend to concentrate their efforts on courtroom activities, while

CASAs—who often are better trained to perform nonlegal social service activities—may be inclined to concentrate their efforts on activities outside the courtroom.

Specific finding regarding the legal representative role include the following:

- The attorneys in the study were more likely to attend hearings than were the CASAa. The study found that 94.5 percent of the private attorney8 and 91.0 percent of the staff attorneys attended all of the hearings for the new cases. In the review cases, however, these numbers decreased to SO.0 percent and 73.9 percent, respectively. CASAs reported having attended all of the hearings in 53.4 percent of the new cases and 60.3 percent of the review cases, reflecting systematic delays in the appointment of CASA GALs in some of the counties studied.

- With regard to recommendations presented to the court, the data suggest that the CASAs placed a greater degree of importance upon the presentation of written documents than either of the attorney models. The CASAs reported having submitted written reports for 67.1 percent of the new cases and 83.3 percent of the review cases, compared to the private and staff attorneys, who submitted written reports for 10.9 percent of the new cases and 29.5 percent of the review cases.

- 'The TEG recommended that GALs should make dispositional recommendations to the court in all cases, while noting the complexities of the case to the court. Furthermore, the TEG recommended that, in the event that the GAL's opinion concerning the best interests of the child differ from the child's opinion, the GAL present both opinions to the court.

- Although the overall number of disagreements among the GALs, caseworkers, and children was relatively modest, such differences reportedly arose most often between the caseworkers and the staff attorneys, and most of these differences concerned the child's placement. According to the TEG's recommendations, all case-related disagreements must be made known to the court.

- The majority of the GALs responded that the children were not actively involved at the litigation level. The private attorneys reported that in only 18.6 percent of the cases did the child appear before the judge in court, followed by the CASAs (12.3 percent) and staff attorneys (9.8 percent).

- Staff attorneys most frequently rated their own legal representation performance as very effective (85.9 percent), followed by private attorneys (78.1 percent) and CASAs (45.0 percent). The caseworkers rated staff attorneys very effective in 63.5 percent of the cases, rated private attorneys very effective in 58.7 percent of the cases, and rated CASAs very effective in 49.6 percent of the cases.

1.3 Mediator and Negotiator

Mediation and negotiation are very important GAL functions, because any agreements or stipulations that can be concluded outside the courtroom conserve time and energy for all parties. Additionally, agreements that are reached in this manner often are

easier to implement than court-imposed orders, because they are mutually agreed upon.

- Staff attorneys were the most likely to attempt to initiate negotiations (84.8 percent), followed by private attorneys (62.7 percent) and CASAs (38.4 percent). GALs were successful in negotiating an agreement in approximately two-thirds of the cases in which they initiated negotiations.

- Two-thirds of the GALs reported that they were very involved in negotiations, regardless of who initiated negotiations, with little difference across the models. Caseworkers supported these self-assessments, reporting that the GAL was very involved in negotiations in three-fifths of the cases.

1.4 Case Monitor

The TEG stated that maintaining contact with the child and other relevant parties, monitoring the special needs of the child, informing the court of service needs, and following up on court orders were activities critical to a GAL's role as case monitor. The data indicated a need for clear role definitions and lines of communication between the GAL and caseworker to ensure that monitoring activities are performed as necessary. CASAs reported spending significantly more time performing such activities than did the attorney GALs.

Specific findings regarding the monitor role include the following:

- Over one-half of all private attorneys and 40 percent of the staff attorneys reported that they did not contact the child at all on matters other than those pertaining to the hearings. CASAs reported no contact in only 5.5 percent of their cases.

- More than one-quarter of private attorney GALs reported monitoring activities as inapplicable to their role in a case, indicating a need for clearer role definitions.

- Nearly 80 percent of the caseworkers interviewed reported that the CASAs made contact with them since the review hearing, compared to 43.9 percent of the staff attorneys and 36.3 percent of the private attorneys.

- Monitoring was reported to be inapplicable by 27.9 percent of private attorneys, 13.0 percent of staff attorneys, and 7.6 percent of CASAs.

1.5 Resource Broker

The data indicate that ambiguity exists among GALs regarding the extent to which they should act as facilitators of service provision for the child and family members. Some TEG members hdd the opinion that brokering services was a responsibility of the caseworker that should be shared with the GAL.

Specific findings on this role include the following:

- Nearly one-half of all GALs (46.3 percent) estimated that they do not spend any time in the area of resource brokering.

- In rating their effectiveness as resource brokers, 33.8 percent of the GALs indicated that the activity was inapplicable to their overall function in a case.

2. RECOMMENDATIONS

The study findings point to several areas of improvement that could strengthen the GAL's role as an advocate in child abuse and neglect cases. The following recommendations are offered on the basis of these findings.

2.1 Private Attorney Model

- Private attorneys should be provided with additional resources to support their legal representation.

- state and local governments using the private attorney model should increase the number of hours authorized for payment to enable private attorneys to perform the full range of GAL functions necessary to adequately represent the best interests of the child.

- Private attorneys and staff attorneys should receive more focused training in all aspects of GAL representation.

- An organizational and support structure comparable to that used in staff attorney and CASA programs should be implemented by private attorney programs.

2.2 Staff Attorney Model

- Staff attorney caseloads should be reduced.

- Private attorneys and staff attorneys should receive more focused training in all aspects of GAL representation.

- There should be more input from caseworkers and judges in formal reviews of staff attorneys' performance.

2.3 CASA Model

- The timeliness of CASA appointments to cases needs to be improved. In one-half of the counties studied, CASAs routinely were not appointed prior to the dispositional hearing.

- CASAs should be accompanied by and represented by an attorney in all courtroom proceedings and negotiations.

- CASA training should emphasis the need for the GAL to participate in all courtroom proceeding.

2.4 All GAL Models

- For the cases they are representing, GALs should attend all hearings. CASA programs in particular need to improve in this area.

- Variations of a mixed model of representation using a combination of attorneys, volunteers, and/or trained staff members should be tested.

- The TEG recommended that a formal system of child advocate training and certification sbould be established for all attorney and volunteer GALs. A less expensive system of uniform training curricula with certificates of completion would accomplish many of the same purposes.

- The courts should issue formal appointment instructions that clearly define the GAL's duties, roles, and responsibilities.

- Additional resources are needed to implement the GAL requirement in the CAPTA legislation. In particular, more resources are needed to provide attorney GALs with adequate time to perform their duties and to provide legal support to CASA GALs.

This study of the GAL program served the purposes of documenting the status of the program and proposing some exciting directions for the future. The results of the study demonstrated that no single GAL model studied was consistently superior to the others across all five GAL roles. The findings suggested that an optimal approach may involve having a GAL who possesses or has acces to the expertise and resources of attorneys, lay volunteers, and caseworkers to perform the broad range of functions and services contained in the definition of the child advocate.

Chapter 1. INTRODUCTION TO THE GAL STUDY

While the maltreatment of children through physical and sexual abuse and neglect has taken place throughout recorded history, the start of the modern era of child abuse and neglect research and advocacy can be traced to 1962. Dr. C. Henry Kempe, a physician, conducted a study of children in different hospitals throughout the country and found that a significant number of cases ending in death or permanent injury were the result of abuse and/or neglect perpetrated by the children's parents. His findings, first published in the *Journal of the American Medical Association (JAMA)*,[1] had a major impact on child maltreatment policy at the State and Federal levels. Indeed, what hitherto had been an unrecognized and unacknowledged crime became the center of public attention almost overnight.

In the 5 years following Dr. Kempe's landmark study, every State enacted a law that required the official repotting of suspected cases of abuse or neglect, by physicians and other professionals who work with children, to law enforcement or local child protective service agencies. Although specific definitions of child abuse and the balance between parental rights and children's rights remain within the purview of the individual States, the Federal Government became involved in this sensitive arena with the passage of the Child Abuse Prevention and Treatment Act (CAPTA) in 1974 (Public Law [P.L] 93-247, as amended by P.L. 95-266). This first attempt at establishing a national policy addressing child abuse and neglect was a milestone in the emergence of child rights in the eyes of the law.

Prior to 1974, juvenile courts historically discouraged legal representation for children. Because these courts were created in order to help rehabilitate delinquent youth and dysfunctional families, the imposition of formalistic legal requirements and procedures was perceived as an impediment to rehabilitation. Prior to CAPTA, only a few States provided legal representation or guardians ad *litem* (GALs) for abused and neglected children by statute.

The concept of a GAL-the focus of this study-dates back to English common law. Children were, and remain today, legally incompetent to file or defend against lawsuits. Traditionally the court would assign a GAL to represent the best interests of a child involved in litigation. The GAL did not have to be an attorney, and a GAL was assigned what the child was a patty to a legal action. Thus, GALs traditionally assumed au adversarial role, charged with helping the child prove or defend a case. Subsequent practice in view of State and Federal legislation has altered this traditional view of the GAL's roles and responsibilities. Many practitioners argue that the GAL's role should be to advocate for a child as well as act to safeguard the child's

[1] Kempe, C.H., Silverman, F.N., Steele, B.P., Droegemueller, W., and Silver, H.K. 1962. "The Battered Child Syndrome." *JAMA* 181:17-24.

interests. The issues surrounding this emerging area of law are the subject of considerable discussion and debate.

1.1 LEGISLATIVE MANDATE FOR GAL

As described above, in 1974 Congress passed CAPTA, which began Federal involvement in the area of the neglect and maltreatment of children. The act established the Coordinated Discretionary Grants Program, which enabled States that met certain requirements to establish child abuse prevention and treatment programs. One of these requirements was the appointment of a GAL to all abused or neglected children involved in judicial proceedings. The rationale for the appointment of a GAL in civil and criminal abuse and neglect proceedings was that each child involved in judicial proceedings needs an independent voice to advocate for his/her "best interests."

Although Federal law established the requirement for GAL representation, neither the act nor subsequent regulations defined the role and duties of GALs. Regulationa require only that States must "ensure the appointment of a guardian ad litem or other individual whom the State recognizes as fulfilling the same functions as a role of guardian ad litem, to represent and protect the rights and best interests of the child" (45 CFR 1340.14). Beyond this general requirement, States were permitted to implement and define the GAL's role and responsibilities according to local guidelines.

In the years following passage of the act, all States implemented this requirement through law, regulation, or court practice for some or all childrm involved in legal proceedings stemming from child abuse or neglect. With few exceptions, such legislation did not define clearly how such representation should be provided, who could serve as a GAL, or the role this individual should play.

The GAL role originally was conceptualized in legal terms, and States initially appointed attorneys to represent children. However, in the late 1970's, courts in Florida and Washington State began appointing trained volunteers to represent children either alone or paired with an attorney. Due to the success of these efforts, other States began appointing nonattorney volunteers. In the early 1980s the Administration for Children, Youth and Families (now the Administration on Children, Youth and Families [ACYF]) encouraged the development of volunteer GAL programs, such as court-appointed special advocate (CASA) programs, by designating their establishment as a priority area in the Coordinated Discretionary Grants Program. Other methods for providing GAL representation that have evolved over the past 19 years include the use of public defenders, legal aid attorneys, and social workers. While some States have developed statewide programs and standards for GAL representation, most have not.

The absence of a clear role definition prompted many to question the adequacy and effectiveness of GAL representation nationally. In 1988 Congress responded to this issue by reauthorizing CAPTA (P.L. 100-294). Specifically, the act man&ted that

the National Center on Child Abuse and Neglect (NCCAN) conduct a study of "the effectiveness of legal representation through the use of guardian-ad-litem and court appointed special advocates" and prepare a report to Congress that included the information and data gathered during the study, as well as the analysis of such information.

1.2 VALIDATION AND EFFECTIVENESS STUDY OF LEGAL REPRESENTATION THROUGH GUARDIAN AD *LITEM*

In October 1989 ACYF issued a contract to CSR, Incorporated, with the American Bar Association as CSR's subcontractor, to conduct a national study of GAL representation with two phases. Phase I obtained descriptive information on the GAL program's structure and legislation, as well as other programmatic characteristics at the State and county levels. The Phase I findings were presented in a 1990 report that summarized the status of GAL representation at the national, State, and county levels.[2] Phase II of the study collected case-level data to measure the GAL program's effectiveness in a sample of counties. Phase II originally was intended to validate the findings of a preliminary 1987 study.[3] However, the time elapsed since the 1987 study has resulted in program evaluations that make the Phase II findings presented in this report more current and relevant to the GAL, program than were the earlier Phase I reports. This report presents the findings from Phase II of the study. The Phase I report is available as a separately bound appendix (Appendix A).

1.2.1 Study Objectives

The national study of GAL representation was designed to address several research questions. These include the following:

- Is the appointment of a GAL mandatory in all cases affecting children in all States, or is a GAL appointed for child abuse and neglect cases only?
- Are GALs' responsibilities set forth in State laws, court rules, or some other manner? How is this communicated to GALs and other principals?
- Under what circumstances do GALs have access to attorneys for legal support? When attorneys assist GALs, whom do the attorneys represent?
- Do GALs have authority to submit reports to the court? What is the GALs' relationship to the court?

[2] CSR, Incorporated. October 1990. *National Evaluation of Guardian ad Litem Representation*. Washington, DC: CSR, Incorporated.

[3] CSR, Incorporated. June 1988. *National Evaluation of the Impact of Guardian ad Litem in Child Abuse or Neglect Judicial Proceedings*. Washington, DC: CSR, Incorporated.

- How are GALs paid? Specifically, what is the source and level of their payment?
- What kind of training is required of a GAL?
- How long do a GAL's responsibilities last?
- What does State legislation say about GAL immunity with respect to negligence suits?
- What access to records does a GAL have with respect to the court, child welfare agencies, and schools?
- Is there an overall GAL program office at the local level that administers GAL activities?
- What minimum standards of performance should be requested of GALs? What would an appropriate position description contain for responsibilities, training, tasks, and expected outcomes?
- What are the functions and roles of GALs overall and by model (e.g., private attorneys, staff attorneys, and CASAs)?
- Is there any difference in the quality of legal representation provided to the children among the various types of GALs? Can the quality of legal representation be measured in terms of the extensiveness of activity in each of the role dimensions?

These questions were addressed through descriptive data in Phase I of the study. In Phase II, data were collected from GALs, caseworkers, judges, and case records to measure the tasks performed by GALs and their effectiveness in representing children.[4]

1.2.2 Brief Narrative of Project Implementation

Work on Phase I of the project began in October 1989 and continued until October 1990. During this time, contractor staff conducted unstructured telephone interviews with State officials, judges, court administrators, and others in each of the States across 555 counties. Most of the data were collected during the spring and early summer of 1990. That effort culminated in the report entitled *National Study of Guardian ad Litem Representation, published in* October 1990 and available as Appendix A (separately bound) of this report.

The survey design and instrument development components of Pbase II began in spring 1990. Initial development work was completed on five separate sets of

[4] CSR, Incorporated. October 1990. *National Study of Guardian ad Litem Representation. Washington, DC:* CSR, Incorporated.

instruments involving GALs, caseworkers, judges, parents/children, and court observations. These instruments were pretested in Fairfax, Virginia, and Washington, D.C., in early fall 1990.

During the pretest period, considerable difficulties wao encountered in obtaining the necessary clearances to access individuals and records. That experience ultimately led to the elimination of two instruments and the simplification of the remaining instruments. For instance, in one pretest site thao was considerable resistance from both GALs and judges in regard to interviewing eitha the child or parent. In fact, data collectors wao required to obtain signed consent from a child's parent (who sometimes was in jail or unreachable). This process became so cumbersome that, in the end, the parent/child interview was not conducted, and the parent/child instrument was withdrawn from the study in order to avoid such difficulties. Similar difficulties wao encountered with the courtroom observation instrument. Many hours of hearings wao attended during which little of legal substance took place in the court. For instance, many motions for continuances wao observed, leading one to conclude that an inordinate amount of staff time would probably have to be invested in order to observe any substantive legal activities performed by the GAL.

On the basis of pretest experiences, the remaining three sets of interview forms were revised. The Office of Management and Budget (OMB) justification package then was developed and submitted to the agency in December 1990. Unfortunately, the OMB clearance process, which normally takes a few months, was not completed until September 1992. Consequently, work on the project halted. The delay was caused by differences between OMB and ACYF ova the study design. The issue was resolved in September 1992, by focusing the study on the procedural effectiveness of GALs in carrying out their functions, rather than on the outcomes for children. The study design was revised to collect data from GALs, case records, caseworkers, and judges in a probability sample of counties.

Upon receipt of OMB approval in September 1992, field data collection activities continued. Because much of the groundwork for the survey had been laid down previously, the resumption of project activities did not require a significant amount of lead time. The clearance process began in September 1992, and the first State lettas wae mailed in November. Obtain@ State, county, and local agency clearance matters and planning the fieldwork proceeded until June 1993. The field data collection activities began in early May and continued through early August 1993. The remaining fieldwork then was halted so that a draft of the final report could be completed by the end of August 1993. Data entry, analysis, and report writing took place during July and August 1993.

In early September 1993, a Technical Expert Group (TEG) meeting was held in Washington, D.C. The TEG for this study included two judges, two private attorneys, two CASA representatives, one GAL program director, and two university-based attorneys. At the meeting, the panel reviewed the draft report and made recommendations regarding certain findings in the report. In addition, the panel discussed the roles and responsibilities of GALs in light of the study findings. The TEG also reviewed a draft of this report. The blend of perspectives from judges,

attorneys, volunteers, and academics provided unique insights into the GAL program as a whole and shaped the structure and focus of this report.

1.3 ORGANIZATION OF THE FINAL REPORT

Chapter 2 of this report presents a review of the literature on GALs' roles and responsibilities. The research design and methodology are described in Chapter 3. Chapter 4 presents data on the backgrounds of the GALs, the children in sample cases, the caseworkers involved in these areas, and judges in the sample county. Chapter 5 analyzes the data on GAL effectiveness, and Chapter 6 summarizes the findings. Appendixes (bound separately) contain the Phase I report and the data collection instruments for the Phase II study.

Chapter 2. THE GAL'S ROLES AND RESPONSIBILITIES

Federal law requires that guardians *ad litem* (GALs) be appointed to represent children in civil abuse and neglect cases. This requirement was established by the 1974 Federal Child Abuse Prevention and Treatment Act. As a condition of eligibility for Federal child abuse funds, this act obligates States to have such GAL mandates.' Neither the act nor its implementing regulations, however, define the roles or responsibilities of the GAL.[2] Thus, over the last 20 years, States and local jurisdictions have experimented with different GAL models and approaches.

In the early years, little written guidance was given on the roles and responsibilities of GALS. Consequently, local courts and individual GALs were left free to define the GAL's duties. A 1981 review of the legal literature by the American Bar Association Center on Children and the Law concluded that 'the role and responsibilities of the GAL are not uniformly defined." The review went on to state:

> Disputes center around the requisite qualifications of the child's representative, whether he or she must advocate the child's expressed wishes or the child's best interest, and the nature and length of his or her appointment. General agreement does exist, however, on the representative's role as an investigator and participant in court proceedings.[3]

This discretionary approach to the role of the GAL remains true today, though to a lesser degree. The following is a 1993 review of statutes, standards, empirical studies, and guidelines regarding GAL representation. The intent of this review is to help frame discussions and deliberations over the appropriate role and responsibilities of the GAL.

2.1 STATUTORY SURVEY OF THE TREATMENT OF ROLES AND RESPONSIBILITIES OF THE GAL'

In general, the roles and responsibilities of the GAL have not been clearly defined by State legislation. All 50 States provide for the appointment of a GAL in child abuse and neglect proceedings. These statutes generally charge the GAL with protecting, promoting, advocating, and/or representing the interests of the child. Most statutes specify representation of the "best" interests of the child, regardless of the GAL's status as an attorney.[5] Over one-half of the States stop at this general role for the GAL and offer no further guidance! For these States, the decision of how to represent the child's interests or "best" interests appears to be left to the discretion of the GAL or, perhaps, the courts.

At least 22 States have gone further to address the duties of the GAL and articulate specific roles and responsibilities in varying degrees of specificity. The contents of these 22 State statutes are compared and summarized in the text below.

2.1.1 Areas of Statutory Agreement

The GAL, acts as an independent investigator.-All of the States that assign the GAL specific roles require the GAL to act as an ***investigator.'*** At the very least, all of these States insist the GAL shall "investigate the facts." Some statutes do not provide guidelines beyond this general directive.* At least one State lists the minimum actions of an investigation, including review of relevant mental health records and materials; medical records; school records (and other pertinent material); interviews with the child (with or without other persons present); and interviews with parents, foster parents, teachers, caseworkers, and other persona who have been involved in caring for or treating the child.[9] ***Another State requires the GAL to*** communicate with health care, mental health care, and other professionals involved with the child's case and to receive medical and psychological reports relating to the child and respondents." While carrying out the investigation, several States either require the GAL to talk with the child or strongly intend for such a conference to occur by providing the GAL with specific authorization." One State specifies "when," at the minimum, these interviews with the child must occur.[12] The statute indicates that the GAL, 'shall meet with and interview the child prior to custody hearings, adjudicatory hearings, disposition hearings, judicial reviews and any other hearings."[13] The GAL also shall 'contact the child prior to any proposed change in the child's placement" and "contact the child after any changes in the child's placement.'" Another State regulates "how often," at the minimum, these interviews with the child must occur.[15] Tbis statute requires face-to-face contact with the child during a home visit every 3 months.[16] In order to make the investigation meaningful, almost all of the States have authorized the GAL to have open access to various records and information concerning the child and the child's siblings and parent.4 respondents." While all of these statutes provide for access to any records, many specifically name several possible sources, including records from State and local public agencies, hospitals, medical or non-medical practitioners, psychologists, child care custodians, courts, law enforcement, social services, and schools."

The GAL acts as the child's advocate or legal representative.-Most of the States that assign the GAL, certain roles and responsibilities require the GAL to act as an advocate to some specified extent.[19] For example, a Wisconsin statute reads, "the [GAL,] shall be an advocate for the best interests of the person and shall function independently in the same manner as an attorney for a party to the action."[20] At the very minimum, many States insist that the GAL attend the proceedings involved with a child abuse and neglect case. A Montana statute reads, "the [GAL] has a

duty to appear and participate in all proceedings to the degree necessary to adequately represent the child and make recommendations to the court concerning the child's welfare."[21] Most of these States seem to agree that the GAL must make a written and/or oral recommendation to the court concerning the child in order to perform the role of advocate." Some statutes specify when the written reports must be submitted and what must be included in the report. For example, Maine requires the GAL, to make a written report of his/her investigation and to provide all of the parties with a copy "reasonably in advance" of the hearing and then to the court upon the consent of all the parties.[23] Idaho requires the GAL to file a written report giving the results of the GAL's investigation, recommendations, and any other information tbe court may require.[24] In addition, Idaho also insists that the written report must be delivered to all of the parties at least 5 days before the date of the adjudication hearing and that the report shall not be admitted into evidence.[25] One State uses reports as a means of checking on the GAL by requiring the GAL to include in the written report, submitted every 6 months, a summary of the GAL's activities on behalf of the child in addition to the GAL's recommendations concerning the manner in which the court should proceed in the best interests of the child.[26]

To what extent the GAL should be acting as an attorney of a party during the court proceedings appears to be an issue of significant confusion. Many States seem to have resolved some of the confusion by specifying the GAL's procedural responsibilities in the courtroom.*' For example, at least seven States authorize or require the GAL to subpoena, examine, and cross-examine witnesses at adjudicatory and disposition hearings.[28] Two of these States authorize the GAL "through counsel" to introduce evidence as well as examine and cross-examine witnesses.[29] Other procedural responsibilities for the GAL authorized by statute include filing motions necessary to enforce orders of the court,[30] entering pleadings,[31] and petitioning the court for relief on behalf of the child.[32] In addition to authorizing the GAL to seek judicial review, at least three States require the GAL to continue to represent the child during any appellate proceedings.[33] Finally, many States provide the GAL with immunity from civil and criminal liability?

The GAL acts as a case *monitor.*—Many of the States that assign the GAL certain roles and responsibilities require the GAL to act as a case monitor.[35] For example, Idaho requires the GAL "to facilitate and negotiate to ensure that the court, the department, if applicable, and the child's attorney, if any, fulfill their obligations to the child in a timely fashion."[36] As a case monitor, the GAL may be expected to watch over the many actors in a child abuse and neglect proceeding and to report to the court when the child's needs are not being met[37] or when orders of the court are not being complied with.[38] Several States require the GAL to conduct followup investigations and ensure that the department and respondents are complying with the orders of the court. The GAL also may be expected to facilitate the settlement of disputed issues.[39] An Arizona

statute provides the GAL with "a right to participate in the formulation of any agreement, stipulation or case plan entered into regarding the child."

2.1.2 State Differences in the Treatment of the GAL's Role When the Child's Wishes Conflict With the GAL's Perception of the Child's Best Interests

A conflict in the GAL's responsibilities arises when the GAL believes one course of action is in the child's best interest and the child wishes for another course of action. The statutes that dictate the roles and responsibilities of the GAL appear to offer three different choices for dealing with this conflict, depending on the State jurisdiction. In several States the decision of whether to include the child's wishes in the report is discretionary. In South Carolina the GAL only need include the child's wishes "if appropriate."[41] In Wisconsin, the GAL 'shall consider, but shall not be bound by the wishes of the person or others as to the best interests of that person."[42] In other States the GAL is required to make the child's wishes known to the court, and the court may make a decision to appoint independent counsel or the GAL may request the appointment of independent counsel, depending upon the State." Additionally, in Washington State the GAL may request the appointment of separate counsel, or the child may do this if the child is 12 years of age or older."

This particular conflict appears to be further confused by the different characterization the GAL receives in each State. In some States the child is appointed a GAL who must be an attorney. In other States the child is appointed an attorney who may act as a GAL. It appears that some States have resolved the confusion by requiring the appointment of both an attorney and a GAL for the child, assigning each of these actors specific roles and forbidding them to be played by the same person.

2.1.3 Roles and Responsibilities Unique to a Few States

A careful review of the statutes governing the behavior of the GAL reveals certain provisions that only one or two States have addressed While some of these unique features may be innovative areas of uncharted territory for the GAL, others are tailored to fit a certain State's needs. In Washington State a GAL may motion the court to order the examination by a physician, psychologist, or psychiatrist of any parent, child, or custodian.[45] In Ohio a GAL may bring a civil action against a person who is required but fails to file a report of known or suspected child abuse or neglect if the child suffers additional injury or harm.[46] In North Carolina a judge may authorize a GAL to accompany a child to court in a criminal action where the child may be called on to testify in a matter relating to the abuse." In New Mexico the GAL is charged with representing and protecting the cultural needs of the child." In Minnesota a commissioner monitors agency compliance with all laws governing child protection and placement, as they impact

ethnic minority children. One of the tasks this commissioner is assigned is "to work with local state courts to ensure that GALs from communities of color are recruited, trained, and used in court proceedings to advocate on behalf of children of color."[49] In Washington State the GAL is required to report to the court any information on the legal status of a child's membership in an Indian tribe or band.[50] In North Carolina the GAL is expected to explore options for a child with the judge at the dispositional hearing." In Utah the court may use a volunteer to assist in the investigation and preparation of information regarding the case of a child. The volunteer acts as a peer of the child appearing in court, and the GAL is responsible for supervising this volunteer.[52] Under New Mexico's new Children's Code, the GAL is required to attend local substitute care review board hearings concerning the child.[53] In South Carolina the GAL may participate on any multidisciplinary evaluation team for the case.[54] The GAL also is required to maintain accurate, written case records." Finally, the Wisconsin statute governing the roles and responsibilities of the GAL specifies seven things that the GAL may petition the court for: (1) a change in the child's placement, (2) the termination of parental rights, (3) a revision of dispositional orders, (4) an extension of dispositional orders, (5) a temporary restraining order, (6) an injunction, and (7) relief from a judgment terminating the parental rights.[56]

Two States have considered whether the traditional "guardian" role is included in a GAL's roles and responsibilities. The Ohio statute governing the powers and duties of the GAL includes the term 'guardian" as one of several GAL roles." In contrast, the Wisconsin statute explicitly states that the GAL has none of the rights or duties of a general guardian."

A few State statutes offer reunification or permanency planning as a goal of the GAL. In Oklahoma the GAL has a duty to assist the child in obtaining a permanent, safe, homelike placement.[59] During the 1993 first legislative session, Colorado amended its GAL statute to mandate that the GAL 'shall seek to assure that reasonable efforts are being made to prevent unnecessary placement of the child out-of-the-home and facilitate reunification of the child and the child's family."[60] Similarly, in Arizona the GAL is charged with helping the court "in making its decision whether reasonable efforts have been made to prevent removal of the child from the child's home or in reunifying the child with the child's family."' In Missouri the GAL is required to have completed a training program in permanency planning."

2.2 A REVIEW OF THE GAL'S ROLES AND RESPONSIBILITIES IN THE LITERATURE

An ever-growing body of literature defines or describes the roles and responsibilities of the GAL. Some commentators establish specific and extensive models for GALs to follow. This study uses the comprehensive

model created by Donald Duquette[63] as a framework for examining areas of agreement and disagreement in the literature.

The child advocate, according to this model, is responsible for 10 tasks: (1) investigation, (2) consultation, (3) assessment, (4) identification of the child's interests, (5) permanency planning, (6) client counseling, (7) decisionmaking, (8) problemsolving and mediation, (9) identification of action steps, and (10) followup on action steps.[64] These tasks are accomplished in the context of five roles: (1) factfinder (investigation, consultation, and assessment), (2) legal representative (identification of interests, client counseling, decisionmaking, consultation, identification of action steps, and followup), (3) case monitor (permanency planning, identification of action steps, and followup), (4) mediator (mediation, consultation, identification of action steps, and decisionmaking), and (5) information/resource broker (investigation, consultation, and identification of interests).[65] These roles and related responsibilities are described in the sections below.

2.2.1 Factfinder

The overwhelming consensus in the relevant literature, guidelines, and case law is that the GAL should conduct an independent investigation to determine all facts relevant to a child's case.[66] In general, the commentators and guideline drafters view this role as central to the GAL's purpose and specify particular investigative responsibilities.[67] The GAL acting as factfinder is increasingly directed to be active and sometimes aggressive in her/his search (e.g., subpoenaing evidence and requesting further evaluation, where appmpriate, Father than simply reviewing existing and easily accessible information).[68]

2.2.2 Interviewer and Document Reviewer

Reviewing relevant documents and interviewing people with knowledge of the facts are the investigative tasks most frequently mentioned by commentators. Many articles and guidelines specify in detail the records and reports for review. These typically include the petition and all other court documents;[69] school reports;[70] medical records?' case records;" documents from law enforcement officers,[73] mental health professionals," court services officers,[75] and court-appointed special advocates (CASAs);[76] and reports from treatment, placement, and school staffs concerning the child.[77]

Virtually all of the literature advising the GAL to conduct interviews calls for interviewing, meeting with, or observing the child and interviewing the parents, guardians, or caretakers (with the permission of that person's attorney)." Frequently very detailed guidelines contain specific approaches for meeting with or interviewing the child.[79] Some commentators recommend that the GAL, interview the child many times,[80]

while other guidelines underscore the need to ensure that the child is not exposed to excessive interviews.[81] The GAL must balance the need to gain information with avoidance of the dangers inherent in excessively interviewing a child. Meeting with or observing the child may pose less risk than interviewing.

The GAL also is guided specifically by some of the literature to interview any or all of the following persons with relevant knowledge: child protective workers,[82] homemakers,[83] parent aides,[84] neighbors,[85] ministers,[86] babysitters,[87] day care providers,[88] foster parents,[89] relatives,[90] medical or mental health practitioners and professionals,[91] law enforcement personnel,[92] factual witnesses,[93] school personnel,[94] and older children in the child's family.[95]

2.2.3 Other Investigative Duties

The GAL's role in some of the literature extends to assessing (based on a review of the existing information) whether, among those persons affecting the outcome of the case, there is an informed understanding of the family and its problems.[96] Sometimes the GAL is encouraged to seek independent evaluations of the child or the parents either when evaluations have not been conducted and they are necessary or when the existing evaluations are biased or inappropriate.[97] Some guidelines, however, discourage this step and, in fact, assign the GAL the responsibilities of (1) ensuring that the child is not excessively interviewed and (2) ensuring that, if interviews occur, certain protections are in place.[98]

Comparatively few commentators discuss visiting the family and foster homes. Those who do discuss home visits encourage unannounced visits at the child's home (with the appropriate permission from the party's attorneys).[99]

Some studies of the GAL's role have shown that in practice GALs may not investigate cases as thoroughly as suggested in the literature. One study indicated that many GALs sometimes or never conduct independent investigations.[100] Another study indicated that some GALs perform certain investigative tasks more than other tasks.[101]

2.2.4 Legal Representative

An inherent conflict undermines the definition of the role of the GAL as legal representative in child abuse and neglect proceedings. Though far from being an oxymoron, the GAL/legal representative role merges two roles that historically have served very different purposes.[102] 'The central question revolves around whether an attorney is expected to advocate the child's expressed wishes (the typical role of an attorney representing a client) or that attorney's perception of the child's best interests (the typical role of a guardian ad *litem*.)"[103] This question, the answer to which may

ethically compromise both roles, is the most frequently and extensively addressed issue in discussions of the roles and responsibilities of the GAL.[104] The purpose of this review is not to further discuss the ethical problems inherent in this role, but to identify in the commentary the models for the GAL/legal representative role that take into account these ethical considerations. Some of these models are as follows:

- *The GAL, considers the child's expressed wishes but need not inform the court of those wishes in advocating for the child's best interests.*[105]— Tbis first model gives minimal weight to the expressed wishes of the child, and most commentators go beyond this in incorporating the child's preferences into the model. The importance of understanding and considering the child's view of her/his situation is, however, underscored in most current child abuse and neglect commentary and guidelines.[106]

- *The GAL considers and informs the court of the child's expressed wishes even when they conflict with the GAL's position based upon the best interests of the child.*[107]-Under this model the GAL makes decisions based on his/her own view of what is in the child's best interests. The GAL need not be bound procedurally or substantively by the child's preferences. This goes beyond the first model in that the court is made aware of the child's wishes.

- *The GAL considers the child's age, maturity, and capacity in determining whether to advocate hislher expressed wishes.*[108]—This model generally leaves to the GAL the task of making case-by case determinations of whether the child possesses the 'considered judgment" necessary to assess his/her own needs. Some hybrid models incorporate a provision that once a child roaches a specified age, the GAL must advocate according to the child's expressed wishes.[109] This model frequently is supported in recent literature, which generally strongly encourages the meaningful inclusion of the child's expressed interests in the court proceeding. [110]

- *The roles of GAL and legal representative are divided between two people.*[111]—This model is discussed in some literature and guidelines, although it is economically practical primarily when the GAL is a volunteer. In practice, this model sometimes is used in situations where the child is determined to be legally incompetent and the child's expressed wishes differ from the GAL's position.[112]

- *In the absence of sufficiently explicit legislation, case law, and ethical rulings, the GAL should request that the court clearly outline the attorney's duties* and *responsibilities.*[113]—This last model appears increasingly in the most recent literature. The model may reflect the growing acknowledgment and acceptance of lack of uniformity in addressing the inherent ethical problems facing the GAL in her/his role

as legal representative. Above all, the model emphasizes the need to move on from the question to the answer.

However, studies indicate that, in practice, the perception of the GAL's role varies."

Further review of literature on the GAL's legal representation role has revealed the following suggestions:

- ***Identify the child's interest.4me*** of the recent literature reflects a growing impatience with the aforementioned emphasis on the theoretical implications of the "best interest" standard.[115] One commentator encourages GALs to "focus on meeting concrete needs shared by most children" and provides guidelines for identifying and meeting these universal needs."' Other articles support this approach."'

- Counsel ***the client.-The*** literature reflects growing concern that the GAL be adequately trained to communicate effectively with the child.[118] The words used to describe the GAL's responsibilities often demonstrate this trend For example, the GAL should advise the child in "terms the child can understand."[119] One set of guidelines directs the GAL to inform the child of "the nature of the proceeding, the child's rights, the role and responsibilities of the law guardian, the attorney-client privilege, the fact-finding process and the possible consequences of the finding."[120]

- ***Actively advocate and identify action steps.***—Strong words and phrases such as the following are used frequently in recent commentary to describe the GAL's duty to advocate: "aggressive, ambitious, encompass both legal and nonlegal interests of the child...{not} a passive, purely procedure-oriented approach,""' 'strong, independent representation,"* and "remain active and vigorous until permanency is attained."[123] Specifically, the GAL should participate in all aspects of litigation (e.g., be present at all hearings, subpoena reports and records and summon witnesses, present evidence and cross-examine witnesses, make legal arguments, appeal unfavorable decisions, and participate in other legal proceedings involving the child).[124]

Whether a GAL can or shot-ld testify in the matter concerning the child is unsettled in the literature.[125] Some guidelines suggest that there may be ethical problems for attorneys in giving evidence in a case in which the GAL is representing the child's interests.[126] Another set of guidelines, however, allows the GAL to participate in any appeal even though the GAL may have testified at the underlying hearings."

The GAL also may be responsible for creating "a specific plan of action to represent the best interests of the child client."" Commentators and guidelines addressing this responsibility mention the GAL's duty to "make

clear recommendations to the court,"[129] write reports that 'set forth findings and conclusions or recommendations,"[130] or 'develop independently a complete dispositional plan to present to the court."[131] One commentator encourages the GAL also to identify out-of-court plans.[132]

2.2.5 Case Monitor

Some literature refers to the GAL's duty to monitor the case until permanency planning is complete and the child is in "a stable and secure home environment."[133] One set of guidelines specifies the particular tasks of this role:

> Monitor implementation of service plans and dispositional order8 to determine whether services ordered by the court are actually provided in a timely manner, and are accomplishing their desired goal. Monitor the progress of a case through the court process and advocate for timely hearings....Inform the court promptly if services are not being made available to the child and/or family, if family fails to take advantage of such services, if services are not achieving their purpose, and bring to the court'8 attention any violations of orders, new developmentsor changes in the child's circumstances.[134]

Other commentator8 and some studies also discuss the responsibilities of the GAL/case monitor.[135]

2.2.6 Mediator

The GAL's responsibility a8 a mediator is described in the literature as follows: "to facilitate the resolution of problems and to foster positive steps toward strengthening and uniting families,"[136] "to seek cooperative solutions to the child's situation within the scope of the child's interests and welfare,"[137] "to see the information gathered is shared with the professionals involved and brought to the attention of the Court," [138] and "it may be in the child's best interest to seek swift resolution Of the legal dispute through cooperative nonadversarial means."[139]

One study indicate8 that very few GALs perceive mediating as part of their role.[140]

2.2.7 Information/Resource Broker

Some current writer8 encourage the GAL to seek additional resources for the child beyond what is presented to the GAL by traditional sources.[141] The role involves identifying appropriate community resources and advocating for such resources when necessary[142] and generally seeking ancillary services.[143] As information/resource broker, "the advocate's job is

not to be the support system for the child, but to see that one is in place."'* The GAL, should "advocate for the child's interests in mental health, educational, and other community systems."[145]

2.3 MODELS OF GAL REPRESENTATION

Another factor contributing to the lack of uniformity in the perception of the GAL's role is the existence of several different organizational programs providing GAL representation. The particular professional background or lack of a professional background of the *GAL* may affect how the GAL and others perceive the GAL's role. The most frequently mentioned models of representation are as follows:

- ***Court-appointed private attorney*.-A** private attorney usually is selected from a panel or court appointment list developed by the court or the local bar association. The **attorney** is paid by the court at an hourly rate (typically not to exceed **a certain** lump sum monetary amount). These attorneys may or may not have received special training in abuse and neglect cases. They also typically do not have specially trained support staff to perform factfinding and related services.

- ***Specialized staff attorney*.—Some *communities*** have an office (e.g., a legal aid society or public defender's office) with specialized staff attorneys who represent children in protection cases. These attorneys sometimes have the support of administrative staff, paralegals, social work students, or volunteers.

- ***Supervised law student*.—Supervised** law students sometimes provide representation under the auspices of a law school clinic or a public defender's office. Support services (e.g., a social worker) are sometimes available. Typically a law school faculty member or an attorney supervises the law student's work.

- **Lay *volunteer and paid attorney*.-*The court*** appoints a lay volunteer and a paid attorney to represent the child together. The lay volunteer conducts investigations, evaluates the child's circumstances, identifies the child's needs and interests, mediates, and monitors the case. The attorney provides legal consultation to the lay volunteer, prepares legal documents, and presents the case to the court. The CASA program uses this model.

- ***Lay volunteer as the GAL-The GAL is*** a lay volunteer (e.g., under the CASA program) acting as investigator, advocate, mediator, and monitor. The lay volunteer receives training and may be supervised by an attorney.

In summary, the literature on the GAL's roles and responsibilities defines five major roles for the GAL—(1) factfinder, (2) legal representative, (3) case monitor, (4) mediator, and (5) resource broker. These five roles guided the design, data collection, and analysis for the study. The literature also describes a range of models of GAL representation. The study concentrated on three of these models—(1) private attorney, (2) staff attorney, and (3) CASA The study definitions and methodology for data collection and analysis are described in more detail in Chapter 3 of this report.

ENDNOTES

1. 42 U.S.C. § 5106a(b)(6).

2. 45 C.F.R. § 1340.14(g) ("In every case involving an abused or neglected child which results in a judicial proceeding, the state must insure [sic] the appointment of a guardian ad litem or other individual whom the state recognizes as fulfilling the same functions as a guardian ad litem, to represent and protect the best interests of the child").

3. Davidson, H. 1981. ***The Guardian ad litem: An Important Approach to the Protection of Children, Protecting Children Through the Legal System.*** (This document reports on the areas of consensus reached at a national conference in November 1980. Child advocates gathered at this conference to produce direction and national standards for the newly mandated GAL in child abuse and neglect proceedings. Some of the roles included were investigator, facilitator, mediator, advocate, coordinator, witness, reformer, case plan developer, assessor, hand holder, and cross-examiner.) Id. at 839-845.

4. The statutes surveyed include all State statutes that govern GAL's in child abuse and neglect proceedings and any that govern the behavior of an attorney for a child if the attorney also acts as a GAL. Several States require that both an attorney and a GAL be appointed to represent the child and that these two roles must be met by two different people. For these States, only the statutes that govern the roles and responsibilities of the GAL were included in the discussion of this memorandum.

5. For example, Cal. Welf. & Inst. Code § 317(e) (indicating the "counsel for the minor shall he charged in general with the representation of the minor's interests"); Mont. Code Ann. § 41-3-303, amended by 1993 Mont. Laws 434 (indicating the GAL is "charged with representation of the child's interests"); Mich. Comp. Laws § 722.630 (indicating 'legal counsel in general shall be charged with the representation of the child's best interests"); 23 Pa. Cons. Stat. Ann. § 6882 (indicating that the GAL "shall be charged with representation of the best interests of the child at every stage of the proceeding"); N.C. Gen. Stat. § 7A-586 (indicating the GAL shall "protect and promote the best interest of the juvenile"); 1993 Wash. Legis. Serv. 241 (H.B. 1165) (amending and creating new sections of Wash. Rev. Code Ann. § 13.34.100) (indicating the GAL is 'appointed to represent and advocate the best interest of the child"); Utah Code Ann. § 78-3a-44.5, amended by 1993 Utah Laws 175 (S.B. 283) (indicating the GAL "represents the best interest of the child"); and Okla. Stat. Ann. tit. 10, § 1109 (indicating the GAL has a "duty to advocate for the best interests of the child"). See also Me. Rev. Stat. Ann. tit. 22, § 4005; Fla Stat. Ann. § 415.503(8); S.C. Code Ann. § 20-7-122; Colo. Rev. Stat. Ann. § 19-3-203(3); 1993 N.M. Laws 473 (creating N.M. Stat. Ann. § 32-l-6); S.D. Codified Laws Ann. § 26-8A-18; Wyo. Stat. § 14-3-211; and Ala. Code § 26-14-11.

6. For example, Ala Code § 26-14-11 (provides only that the 'attorney will represent the rights, interests, welfare and well-being of the child and serve as [GAL] for said child"), S.D. Codified Laws AM. § 26-8A-18 (provides only that the attorney for the child "shall represent the child's best interests" and the GAL will 'represent the best interests of the child and assist the child's attorney"), and Wyo. Stat. § 14-3-211 (providing only that the child's

"attorney shall also be the [GAL] and shall be charged with representation of the child's best interests").

7. For example, Ariz. Rev. Stat. Ann. § 8-522(e); Cal. Welf. & Inst. Code § 317(e); Colo. Rev. Stat. Ann. § 19-3-203(3); Idaho Code § 161631; Kan. Stat. Ann. § 38-1505; Mich. Comp. Laws § 722.630; Mont. Code Ann. § 41-3-303, amended by 1993 Mont. Laws 434; N.C. Gen. Stat. § 7A-586; Ohio Rev. Code Ann. § 2151.281; 23 Pa. Cons. Stat. Ann. § 6382; S.C. Code Ann. §§ 20-7-122 and 20-7-124; Utah Code Ann. § 78-3a-44.5, amended by 1993 Utah Laws 175 (S.B. 283); and 1993 Wash. Legis. Serv. 241 (H.B. 1165), creating Wash. Rev. Code Ann. § 13.34.300.

8. For example, Idaho Code § 16-1631 (requiring the GAL to 'conduct an independent factual investigation of the circumstances of the child, including, without limitation, the circumstances in the petition"); Kan. Stat. Ann. § 38-1505 (requiring the GAL to "make an independent investigation of the facts upon which the petition is based"); Mich. Comp. Laws § 722.630 (requiring the legal counsel for the child to "make further investigation as he deems necessary to ascertain the facts"); Mont. Code Ann. § 41-3-303, amended by 1993 Mont. Laws 434 (requiring the GAL to "conduct such investigations that the GAL considers necessary to ascertain the facts constituting the abuse and neglect"); and 1993 Wash. Legis. Serv. 241 (H.B. 1165) (creating Wash. Rev. Code Ann. § 13.34.300) (requiring the GAL to "collect information about the child's situation").

9. Me. Rev. Stat. Ann. tit. 22, § 4005.

10. 1993 N.M. Laws 473 (creating N.M. Stat. Ann. § 32-l-6).

11. For example, Idaho Code § 16-1631(c)(stating that the GAL "shall be entitled to confer with the child"); S.C. Code Ann. § 20-7-124 (stating that the GAL "is authorized to confer with and observe the child"); Colo. Rev. Stat. Ann. § 19-3-203(3) (requiring that the GAL "shall talk with or observe the child"); Me. Rev. Stat. Ann. tit. 22, § 4005(B) (requiring that the GAL 'shall have interviews with the child, with or without other persons present"); and Mont. Code Ann. § 41-3-303, amended by 1993 Mont. Laws 434 (stating that the GAL "has a duty to interview or observe the child").

12. 1993 N.M. Laws 473 (creating N.M. Stat. Ann. § 32-l-6).

13. *Id.*

14. *Id.*

15 Haw. Rev. Stat § 587-34(c).

16 *Id.*

17 For example, Ariz. Rev. Stat. Ann. § &522(F); Cal. Welf. & Inst. Code § 317(F); Colo. Rev. Stat. Ann. § 19-3-203(2); Haw. Rev. *Stat.* § 587-34(b)(2); Idaho Code § 16-1632(c); Ind. Code § 31-6-11-9; Me. Rev. Stat. Ann. tit. 22, § 4005; Mo. Rev. Stat. § 210.160; Mont. Code Ann. § 41-3-303; 1993 N.M. Laws 473 (creating N.M. Stat. Ann. § 32-l-6); NC. Gen. Stat. § 7A-586; Okla. Stat. Ann. tit. 10, § 1109; 23 Pa. Cons. Stat. Ann. § 6382; S.C. Code Ann.

§ 20-7-125; and 1993 Wash. Legis. Serv. 241 (H.B. 1165) (creating Wash. Rev. Code Ann. § 13.34.300).

18. Id. North Carolina even specifically provides that neither physician-patient privilege *nor* husband-wife privilege may be invoked to prevent obtaining the information. NC. Gen. Stat. § 7A-586.

19. For example, S.C. Code Ann. § 20-7-121 (stating that the GAL's roles and responsibilities include 'to advocate for the welfare and rights of a child involved in an abuse or neglect proceeding"), Mich. Comp. Laws § 722.630 (stating that the 'legal counsel for the child shall participate in the proceedings to competently represent the child"), and 23 Pa. Cons. Stat. Ann. § 6382 (stating that the GAL shall participate "in the proceedings to the degree appropriate for adequately representing the child").

20. Wis. Stat. AM. § 48.235.

21. Mont. Code Ann. § 41-3-303, amended by 1993 Mont. Laws 434. See also Idaho Code § 16-1631(c) (stating that the GAL shall "act as an advocate for the child for whom appointed at every stage of proceedings. The [GAL] shall participate fully in the proceedings and to the degree necessary to adequately represent the child"). *Accord* Kan. Stat. Ann. § 38-1505; 1993 Wash. Legis Serv. 241 (H.B. 1165) (creating Wash. Rev. Code Ann. § 13.34.200).

22. Colo. Rev. Stat. Ann. § 19-3-203(3); Haw. Rev. Stat. § 587-34(c); Idaho Code § 16-1631(b); Me. Rev. Stat. Ann. tit. 22, § 4005; Mich. Camp. Laws § 722.630; Mont. Code Ann. § 41-3-303; 1993 N.M. Laws 473 (creating N.M. Stat. Ann. § 32-1-6); 23 Pa. Cons. Stat. Ann. § 6382; S.C. Code Ann. §§ 20-7-122 and 20-7-124.

23. Me. Rev. Stat. Ann. tit. 22, § 4005.

24. Idaho Code § 16-1631(b).

25. *Id.*

26. Haw. Rev. Stat. § 587-34.

27. However, the issues surrounding a difference in the GAL's perception of the child's best interests and the child's expressed wishes are still somewhat conflicted and will be discussed below as an ● area of conflict."

28. Cal. Welf. & Inst. Code § 317 (e); Colo. Rev. Stat. Ann. § 19-3-203(3); Me. Rev. Stat. Ann. tit. 22, § 4005(c); Mich. Comp. Laws § 722.630; 23 Pa. Cons. Stat. Ann. § 6382; S.C. Code Ann. § 20-7-124; and 1993 Wash. Legis. Serv. 241 (H.B. 1165) (creating Wash. Rev. Code Ann. § 13.34.200).

29. See S.C. Code AM. § 20-7-124 and 1993 Wash. Legis. Serv. 241 (H.B. 1165) (creating Wash. Rev. Code Ann. § 1334.200).

30. For example, Idaho Code § 161632; Ohio Rev. Code Ann. § 2151.281; S.C. Code Ann. § 20-7-124.

31. For example, Idaho Code § 16-1632.

32. For example, S.C. Code § 20-7-124.

33. See Colo. Rev. Stat. Ann. § 19-3-203(3); Kan. Stat. Ann. § 38-1505; 1993 N.M. Laws 473 (creating N.M. Stat Ann. § 32-l-6); and S.C. Code Ann. § 10-7-124.

34. For example, Ariz. Rev. Stat. Ann. § 8-522 (1991); Okla. Stat. Ann. tit. 10, §1109; S.C. Code Ann. § 20-7-127; and 1993 Wash. Legis Serv. 241 (H.B. 1165) (creating Wash. Rev. Code Ann. § 13.34.300).

35. For example, Ariz. Rev. Stat. Ann. § 8-522, Idaho Code § 16-1631, 1993 N.M. Laws 473 (creating N.M. Stat. Ann. § 32-1-6), N.C. Gen. Stat. § 7A-586, Ohio Rev. Code Ann. § 2151.281, S.C. Code Ann. § 20-7-121, and 1993 Wash. Legis. Serv. 241 (H.B. 1165) (creating Wash. Rev. Code Ann. § 1334.300).

36. Idaho Code § 161631.

37. For example, Ariz. Rev. Stat. Ann. § 8-522 (requiring the GAL to "ensure that appropriate case planning services are provided for the child").

38. For example, S.C. Code Ann. § 20-7-121 (indicating that one of the responsibilities and duties of a GAL is "to monitor compliance with the orders of the family court and to make motions necessary to enforce the order8 of the court or seek judicial review").

39. For example, N.C. Gen. Stat. § 7A-586.

40. Ariz. Rev. Stat. Ann. § 8-522.

41. S.C. Code Ann. § 20-7-122.

42. Wis. Stat. Ann. § 48.235.

43. For example, Cal. Welf. & Inst. Code § 317 (e) (requiring counsel for a child of 4 year8 of age or older to interview and determine the minor's wishes "beyond the scope of the juvenile proceeding" and report to the court); Haw. Rev. Stat. § 587-34 (requiring the GAL to inform the court of the child's wishes, and—if they differ from the GAL'8 recommendation-then the court will decide whether to appoint independent counsel); and Me. Rev. Stat. Ann. tit. 22, § 4005(E) (requiring the GAL to make the child'8 wishes known to the court and offering the GAL the option to request independent counsel).

44. 1993 Wash. Legis. Serv. 241 (H.B. 1165) (creating Wash. Rev. Code Ann. § 13.34.200).

45. 1993 Wash. Legis. Serv. 241 (H.B. 1165) (amending Wash. Rev. Code Ann. § 26.44.053).

46. Ohio Rev. Code Ann. § 2151.281.

47. N.C. Gen. Stat. § 7A-586.

48. 1993 N.M. Laws *473* (creating N.M. Stat. Ann. § 32-l-6).

49. Minn. Stat. Ann. § 257.0762 (West, 1992).

50. 1993 Wash. Legis. Serv. 241 (H.B. 1165) (amending Wash. Rev. Code Ann. § 2644.053).

51. N.C. Gen. Stat. § 7A-586.

52. Utah Code Ann. § 78-3a-44.5.

53. 1993 N.M. Laws 473 (creating N.M. Stat. AM. § 32-l-6). The statute also provides that if the GAL is unable to attend, the GAL must forward a letter to the board including the child's status during the period since the last local substitute care review board review and an assessment of the department's permanency and treatment plans. Id.

54. S.C. Code Ann. § 20-7-124.

55. S.C. Code Ann. § 20-7-122.

56. Wis. Stat. Ann. § 48.235.

57. Ohio Rev. Code Ann. § 2151.281.

58. Wis. Stat. Ann. § 48.235.

59. Okla. Stat. Ann. tit. 10, § 1109,

60. Colo. Reve. Stat. Ann. § 19-3-203 (as amended by 1993 Colo. Legis. Serv. S.B. 93-28).

61. Ariz. Rev. Stat. Ann. § &522(e).

62. Mo. Rev. Stat. § 210.160.

63. Duquette, D.N. 1990. ***Advocating for the Child in Protection Proceedings: A Handbook for Lawyers and Court Appointed Special Advocates.*** Lexington, MA: Lexington Books.

64. Id. at ***36.***

65. Id. at 37.

66. For example: National CASA Association. 1992. "Quality GAL Representation: What Every Child Deserves." ***The Connection*** 8(1); Sivan, AB., and Quigley-Rick, M. 1991. "Effective Representation of Children by the Guardian ***ad Litem: An*** Empirical Investigation." ***The Bulletin of the American Academy of Psychiatry and the Law*** 19(1):53; Shink, S.F. 1991. The Justice System: It Has Forgotten the Children." ***The Colorado Lawyer*** 20(4):689; ***The*** National Legal Resource Center for Child Advocacy and Protection, American Bar Association Young Lawyers Division. 1982. ***National Guardian Ad Litem Policy Conference Manual. Revised*** Edition; Sherman, C. 1988. "Neglect/Abuse Proceedings in the Family Court: Role of the Law Guardian." ***Child Abuse and Neglect: Protecting the***

Child, Defending the Parent, Representing the State. Practicing Law Institute (Chairman, Martin Guggenheim); Kansas Bar Association. ***Representing Children in Kansas: A Handbook for Lawyers;*** and Snider, J.J. 1990. 'Guardian Ad Litem: Speaking for the Child" ***William Mitchell Law Review 1253. See also*** four sets of guidelines: Colorado State Bar Guardian ad litem Committee of the Justices and Clerks of the Superior Court. **October 1992.** 'Colorado Guardian ad litem Mission Statement"; the Guardian ad litem Committee of **the Justices** and Clerks of the Superior Court. "New Hampshire Guidelines for Guardians ad litem"; New York State Bar Association's Committee on Juvenile Justice and Child Welfare. "New York Law Guardian Representation Standards in Child Protective Roceedings"; and "National Association of Counsel for Children Guidelines for Guardian ad litem in Abuse and Neglect Cases," in Haralambie, AM. 1993. ***The Child's Attorney: A Guide to Representing Children in Custody, Adoption and Protection Cases,*** 240-88 (Section of Family Law, The American Bar Association). See also the following case law: ***In the Interest of J.V.***, 464 N.W. 2d 887, 893 (Iowa App. 1990) and ***In re: Jeffrey R.L.,*** 1993 WL 199235, *12 (W. Va.).

67. For example, Sherman, C. "Neglect/Abuse Roceedings in the Family Court: Role of the Law Guardian," ***supra*** note 66 at 200.

68. For example, Duquette, D.N. ***Advocating for the Child in Protection Proceedings: A Handbook for Lawyers and Court Appointed Special Advocates, supra*** note 63 at 40.

69. Id. at 39; ***In re: Jeffrey R.L.,*** 1993 WL 199235, ● 17 (W. Va.) (advises maintaining adequate records of documents filed in the case); "New York Law Guardian Representation Standards in Child Protective Proceedings," ***supra*** note ***66*** at 259; "National Association of Counsel for Children Guidelines for Guardian ad litem in Abuse and Neglect Cases," ***supra*** note 66 at 283 (GAL should check the court file and not rely on the court to send documents).

70. For example, "National Association of Counsel for Children Guidelines for Guardian ad litem in Abuse and Neglect Cases," ***supra*** note ***66*** at ***260; Representing Children in Kansas: A Handbook for Lawyers, supra*** note 66 at I-3; 'New Hampshire Guidelines for Guardians ad litem," ***supra*** note 66 at 249; "Colorado Guardian ad litem Mission Statement," ***supra note 66*** at 241; and Sherman, C. "Neglect/Abuse Proceedings in the Family Court: Role of the Law Guardian," ***supra*** note 66 at 200.

71. For example, "New Hampshire Guidelines for Guardians ad litem," ***supra*** note 66 at 249; "New York Law Guardian Representation Standards in Child Protective Proceedings," ***supra*** note 66 at 260; "Colorado Guardian ad litem Mission Statement," ***supra*** note 66 at 241; and Sherman, C. "Neglect/Abuse Roceedings in the Family Court: Role of the Law Guardian, ***supra*** note 66 at 200.

72. For example, "New York Law Guardian Representation Standards in Child Rotective Roceedings," ***supra*** note 66 at 260; "National Association of Counsel for Children Guidelines for Guardian ad litem in Abuse and Neglect Cases," ***supra*** note 66 at 283 (recommends reviewing the caseworker's file); Sherman, C. "Neglect/Abuse Roceedings in the Family Court: Role of the Law Guardian," ***supm note 66*** at 200; and ***Representing Children in Kansas: A Handbook for Lawyers, supra*** note 66 at I-3.

73. Representing Children in Kansas: A Handbook for Luwyers, supra note 66 at I-3 and "Colorado Guardian ad litem Mission Statement," *supra note 66* at 241.

74. For example, "New Hampshire Guidelines for Guardians ad litem," *supra note 66* at 249; 'Colorado Guardian ad litem Mission Statement," *supra* note 66 at 241; and *Representing Children in Kansas: A Handbook for Lawyers, supra* note 66 at I-3.

75. Representing Children in Kansas: A Handbook for Lawyers, supm note 66 at I-3.

76. Id. at 1-3.

77. "Colorado Guardian ad litem Mission Statement," *supra* note 66 at 241 and at 244 *(drug* and alcohol treatment records) and Sherman, C. "Neglect/Abuse Proceedings in the Family Court: Bole of the Law Guardian," *supra* note 66 at 200 (drug program records).

78. Duquette, D.N. Advocating *for the Child in Protection Proceedings: A Handbook for Luwyers* and Court *Appointed Special Advocates, supra* note 63 at 39; National CASA Association, "Quality GAL Representation: What Every Child Deserves," *supra* note 66 at *6;* "Colorado Guardian ad litem Mission Statement," *supra* note 66 at 244; "New Hampshire Guidelines for Guardians ad litem," *supra* note 66 at 249; "New York Law Guardian Representation Standards in Child Protective Proceedings," *supra* note 66 at *260;* Sivan, AB., and Quigley-Rick, M. "Effective Representation of Children by the Guardian *ad Litem:* An Empirical Investigation," *supra* note *66* at *56;* Sherman, C. 'Neglect/Abuse Proceedings in the Family Court: Role of the Law Guardian," *supra* note *66* at *200; Representing Children in Kansas: A Handbook for Lawyers, supra* note *66* at 1-3; and *In re: Jeffrey R.L.,* 1993 WL 199235, *15 (W. Va.).

79. 'Colorado Guardian ad litem Mission Statement," *supra* note 66 at 244 (mentions specific areas of discussion, circumstances of observation, sensitivity to child's comfort level, etc.); *In re: Jeffrey R.L.,* 1993 WL 199235, *16 (W. Va.) (establishes specific conditions for interviewing depending upon the age and placement of the child); "National Association of Counsel for Children Guidelines for Guardian ad litem in Abuse and Neglect Cases," *supra* note *66* at *284 (e.g.,* suggests interviewing older child alone); and *Representing Children in Kansas: A Handbook for Luwyers, supra* note 66 at I-5 (e.g., suggests conducting the interview while walking to get ice cream).

80. Sherman, C. "Neglect/Abuse Proceedings in the Family Court: Bole of the Law Guardian,' *supra* note 66 at 200.

81. 'Colorado Guardian ad litem Mission Statement," *supra* note 66 at 244 (repeated interviews can be abusive) and *In re: Jeffrey R.L.,* 1993 WL 199235, *18 (W. Va.).

82. For example, National CASA Association. 'Quality GAL Representation: What Every Child Deserves," *supra* note 66 at *6; Kansas* Bar Association, *Representing Children in Kansas: A Handbook for Luwyers, supm* note 66 at I-5; "Colorado Guardian ad litem Mission Statement," *supra* note 66 at 244; "New York Law Guardian Representation Standards in Child Protective Proceedings," *supm* note 66 at *260;* "National Association of Counsel for Children Guidelines for Guardian ad litem in Abuse and Neglect Cases," *supra* note 66 at *283;* and *In re: Jeffrey R.L.,* 1993 WL 199235, *16 (W. Va.).

83. "Colorado Guardian ad litem Mission Statement," *supm note 66* at 244 and "National Association of Counsel for Children Guidelines for Guardian ad litem in Abuse and Neglect *Cases," supra note* 66 at 284.

84. "Colorado Guardian ad litem Mission Statement," *supra* note 66 at 244 and "National Association of Counsel for Children Guidelines for Guardian ad litem in Abuse and Neglect Cases," *supm* note 66 at 284.

85. "Colorado Guardian ad litem Mission Statement;" *supm* note 66 at 244 and "National Association of Counsel for Children Guidelines for Guardian ad litem in Abuse and Neglect Cases," *supm* note 66 at 284.

86. 'Colorado Guardian ad litem Mission Statement," *supra note 66* at 244 and "National Association of Counsel for Children Guidelines for Guardian ad litem in Abuse and Neglect Cases," *supm* note 66 at 284.

87. 'Colorado Guardian ad litem Mission Statement," *supm* note 66 at 244 and "National Association of Counsel for Children Guidelines for Guardian ad litem in Abuse and Neglect Cases," *supm* note 66 at 284.

88. "Colorado Guardian ad litem Mission Statement," *supm* note 66 at 244 and "National Association of Counsel for Children Guidelines for Guardian ad litem in Abuse and Neglect Cases," *supm* note 66 at 260.

89. 'Colorado Guardian ad litem Mission Statement," *supra* note 66 at 244.

90. *Id.* at 244.

91. *Id.* at 244; "New York Law Guardian Representation Standards in Child Protective Proceedings," *supm* note 66 at 260; and In *re: Jeffrey R.L.,* 1993 WL 199235, *16 (W. Va.).

92. *In re: Jeffrey R.L.,* 1993 WL 199235, *16 (W. Va.).

93. Sherman, C. "Neglect/Abuse Proceedings in the Family Court: Role of the Law Guardian," *supm* note 66 at 200 and "New York Law Guardian Representation Standards in Child Protective Proceedings," *supm* note 66 at 260.

94. For example, National CASA Association, "Quality GAL Representation: What Every Child Deserves," *supra* note 6S at 6; 'Colorado Guardian ad litem Mission Statement," *supra* note 66 at 244; "New York Law Guardian Representation Standards in Child Protective Proceedings," *supra* note 66 at 260; ***Representing Children in Kansas: A Handbook for Lawyers, supra note 66*** at I-4; and ***In re: Jeffrey R.L.***, 1993 WL 199235, *16 (W. Va.).

95. In re: Jeffrey R.L., 1993 WL 199235, *16 (W. Va.).

96. Duquette, D.N. ***Advocating for the Child in Protection Proceedings: A Handbook for Lawyers and Court Appointed Special Advocates, supra not0 63*** at 40.

97. *Id.* at 39; 'National Association of Counsel for Children Guidelines for Guardian ad litem in Abuse and Neglect Cases," *supra* note 66 at 287; 'New York Law Guardian Representation Standards in Child Protective Proceedings," *supra note* 66 at 260; and Sherman, C. "Neglect/Abuse Proceedings in the Family Court: Role of the Law Guardian," *supra* note 66 at 200.

98. In re: Jeffrey R.L., 1993 WL 199235, *16 (W. Va.).

99. 'Colorado Guardian ad litem Mission Statement," *supra* note 66 at 244; "New York Law Guardian Representation Standards in Child Protective Proceedings," *supra* note 66 at 262; "National Association of Counsel for Children Guidelines for Guardian ad litem in Abuse and Neglect Cases," *supra* note 66 at 284; Sherman, C. "Neglect/Abuse Proceedings in the Family Court: Bole of the Law Guardian,* *supra* note 66 at 200; and ***In re: Jeffrey RL., 1993*** WL 199235, *17 (W. Va.).

100. Kansas Bar Association. 1991. "Representing Children in Kansas: Survey Summary-Preliminary Report" (survey indicated that 46 percent of the GAL's reported that they sometimes or never conduct independent investigations).

101. Sivan, AB., and Quigley-Rick, M. "Effective Representation of Children by the Guardian cad *Litem: An* Empirical Investigation." ***The Bulletin of the American Academy of Psychiatry and the Law*** 19(1):53. (GAL's interviewed reported as follows: "85 percent reported interviewing the child; 77 percent reported reviewing file reports or documents; 71 percent reported contacting the child protective case worker, 71 percent reported contacting other professionals; and 65 percent reported interviewing or contacting parents or parents' attorney." In addition, 24 percent reported making home visits, 40 percent reported interviewing witnesses, and 13 percent reported seeking evaluations.)

102. See discussion of roles in Haralambie, AM 1993. The ***Child's Attorney: A Guide to Representing Children in Custody, Adoption and Protection Cases,*** Section of Family Law, The American Bar Association, 3. (A significant factor contributing to the widespread merger of these roles is the Federal mandate for appointing GAL's in all child abuse and neglect proceedings.)

103. ***Id.*** at 2.

104. For a list of a sampling of publications that address this issue, see the publications listed *supra* at note 4 as well as the following articles and books: Haralambie, AM. ***The Child's Attorney: A Guide to Representing Children in Custody, Adoption and Protection Cases, supm*** note 66; Harbai, S.J. July 1982. 'A Comparison of the Guardian/Ward and the Attorney/Client Relationship," in ***National Guardian Ad Litem Policy Conference Manual, rev. ed. The*** National Legal Resource Center for Child Advocacy and Protection, American Bar Association Young Lawyers Division, 79; Duquette, D.N. Advocating ***for the*** Child in ***Protection Proceedings: A Handbook for Lawyers and Court Appointed Special*** Advocates, ***supm*** note 63; Ramsey, S. 1983. "Representation of the Child in Protection Proceedings: The Determination of Decision Making Capacity." ***Family Law Quarterly*** 287:17.

105. For example, "New Hampshire Guidelines for Guardians ad litem," ***supra note*** 4 at 248.

106. For example, the publications listed at note 79, *supra*. But compare: Harhai, S.J. "A Comparison af the Guardian/Ward and the Attorney/Client Relationship," *supra* note 104 at 80 (suggests that the *GAL* who advances the child's preferences contrary to the child's best interest could be liable for damages for the breach of fiduciary duty). Compare also: National CASA Association. "Quality *GAL* Representation: What Every Child Deserves," *supra* note 66 at 6 (the implication is that if the GAL is not an attorney, the GAL does not represent the client and is not obligated to represent the child's wishes).

107. 'Colorado Guardian ad litem Mission Statement," *supra* note 66 at 245 (the GAL does not necessarily adopt or advocate the child's desires unless it would serve the child's best interest; in the absence of compelling reasons, the GAL must communicate the child's desires to the court or arrange for the child to do so directly); and ***Representing Children in Kansas: A Handbook for Lawyers, supra*** note *66* at I-6–I-7 (older children should be advised that they can personally make a statement in open court).

108. Duquette, D.N. ***Advocating for the Child in Protection Proceedings: A Handbook*** *for* ***Lawyers and Court Appointed Special Advocates, supra*** note 63 at 32 (proposed legislation would state that at age 14, the child is presumed capable of determining her or his interests, and the advocate must represent the child's wishes; the advocate makes a case-by-case determination of whether a younger child is mature enough to determine one's own interests); Shink, S.F. 1990. "Reflections on Ethical Considerations," ***Lawyers for Children,*** Center on Children and the Law, American Bar Association, 49 (suggests a child-centered approach under which the wishes of a child are treated with respect and., with older children, guide the representative's actions); "New York Law Guardian Representation Standards in Child Protective Proceedings," *supra* note 66 at 258 ("the mixture of wishes and interests depends in large part on the child's age, maturity and capacity'); Sherman, C. "Neglect/Abuse Proceedings in the Family Court: Role of the Law Guardian," *supra* note 66 at 199 (one central "interest" of the child is to be heard to the extent that he/she can articulate his/her view; the wishes of a child who demonstrates 'considered judgment" must be followed); and Ramsey, S. 1983. "Representation of the Child in Protection Proceedings: The Determination of Decision Making Capacity." ***Family Law Quarterly 287*** (proposes a standard for determining whether a child has decisionmaking abilities necessary to constitute "considered judgment").

109. See publications listed *supra* at note 108.

110. Sivan, AB., and Quigley-Rick, M. "Effective Representation of Children by the Guardian *ad Litem*: An Empirical Investigation," *supra* note 66 at 55. See also publications listed *supra* at note 108.

111. Sivan, A.B., and Quigley-Rick, M. "Effective Representation of Children by the Guardian *ad Litem*: An Empirical Investigation," *supra* note 66 at 55 (the proper procedure when there is a role conflict is withdrawal from one of the roles); see The National Legal Resource Center for Child Advocacy and Protection, American Bar Association Young Lawyers Division, ***National Guardian Ad Litem Policy Conference Manual, supm*** note 66 at 8 tone area of consensus in the Final Report was that a child who can voice her or his desires must have an attorney regardless of whether a GAL has been appointed).

112. Massachusetts Bar Association Committee on Professional Ethics, MBA Opinion No. 93-6, at 4 (June 18, 1993).

113. The National Legal Resource Center for Child Advocacy and Protection, American Bar Association Young Lawyers Division, ***National Guardian ad Litem Policy Conference Manual, supra*** note 66 at 7 (this was an area of consensus in the field as long as 11 years ago); Haralambie, AM. ***The Child's Attorney: A Guide to Representing Children in Custody, Adoption and Protection Cases, supra*** note 102 at ***14;*** and ***In re: Jeffrey R.L.***, 1993 WL 199235, *16 (W. Va.) (these guidelines evidence the court's support for this model).

114. Knitzer, J., and Sobie, M. 1984. "Law Guardians in New York State: A Study of the Legal Representation of Children," 7 ("overall the panel law guardians in New York State view their role as representing what they perceive to be the child's best interest"); Sivan, AB., and Quigley-Rick, M. "Effective Representation of Children by the Guardian *ad Litem*: *An* Empirical Investigation," 58-9 ("GALs appeared to perceive their role less as a 'neutral friend of the court' and more as an advocate for the child's welfare...there did not appear to be support for the role espoused in the literature of 'zealous advocate for the child's wishes").

115. For example, Duquette, D.N. Winter 1992. "Identifying the Best Interest of the Child in Protection Proceedings: Nine Guidelines for the Child Advocate," Vol. 5, No. 1, 12 (although the phrase "best interests" sounds noble, it provides little practical guidance for the child advocate).

116. Id. at 12 (the guidelines are as follows: (1) protect the child from harm; *(2) ensure* that the child has minimally adequate food, clothing, and shelter, (3) minimally disrupt the child's daily living pattern; (4) inform *the* child and consider the child's views; (5) preserve the family so long as it is safe for the child; (6) coordinate all of the relevant services; (7) attend to the child's sense of time in acting on the child's behalf; (8) expedite permanency planning decisiveness; and (9) be sure that the professionals follow through with their responsibilities).

117. For example, Sherman, C. "Neglect/Abuse Proceedings in the Family Court: Bole of the Law Guardian," ***supra*** note ***66*** at 198 (a child has a "legal right and interest in remaining alive, in being protected from physical injury and psychological damage, in being fed, clothed and educated,...[and] in remaining in his own home and with his own parents, and to have every effort made to maintain him at home unless the home situation is dangerous for him. If such interests fail and he cannot be returned home, he has a right to and interest in permanence and stability within a caring, nurturing family, rather than as a ward of an institution or as a foster child in a succession of foster homes").

118. See publications listed ***supra*** at note 79.

119. "New York Law Guardian Representation Standards in Child Protective Proceedings," ***supra note 66*** at ***260. See*** also National CASA Association, "Quality GAL Representation: What Every Child Deserves," ***supra*** note ***66*** at ***6 ("in*** language and terms that the child can understand").

120. "New York Law Guardian Representation Standards in Child Protective Proceedings," ***supra*** note 66 at ***260.***

121. Duquette, D. 1987. *"Liberty* and Lawyers in Child Protection." In Helfer, R., and Kempe, R., eds. *The Battered Child. 4th* ed. *Chicago, Illinois:* University of Chicago Press, 405.

122. Sherman, *C.* "Neglect/Abuse Proceedings in the Family Court: Role of the Law Guardian," *supra note* 66 at 198.

123. Sivan, AB., and Quigley-Rick, M. "Effective Representation of Children by the Guardian *ad Litem*: *An* Empirical Investigation," *supra* note 66 at 56.

124. See National CASA Association. "Quality GAL Representation: What Every Child Deserves," *supm* note 66 at 6; "Colorado Guardian ad litem Mission Statement," *supra* note 66 at 240; Shink, SF. "Reflections on Ethical Considerations," *supra note* 108 at 690; 'New Hampshire Guidelines for Guardians ad litem," *supra* note 66 at 248; 'New York Law Guardian Representation Standards in Child Protective Proceedings," *supra* note 4 at 271-75; Snider, J.J. "Guardian Ad Litem: Speaking for the Child" *supra* note 66 at 1268; "National Association of Counsel for Children Guidelines for Guardian ad litem in Abuse and Neglect Cases," *supra* note 66 at 285-287; and *In re: Jeffrey R.L.,* 1993 WL 199235, *17-18 (W. Va.).

125. 'Colorado Guardian ad litem Mission Statement," *supra* note 66 at 246.

126. *Id.*

127. 'New Hampshire Guidelines for Guardians ad litem," *supm* note 66 at 250.

128. Duquette, D.N. Advocating *for the Child in Protection Proceedings: A Handbook for Lawyers and Court Appointed Special Advocates, supra* note 63 at 45.

129. 'Colorado Guardian ad litem Mission Statement," *supra* note 66 at 245.

130. "New Hampshire Guidelines for Guardians ad litem," *supm* note 66 at 249.

131. 'New York Law Guardian Representation Standards in Child Protective Proceedings," *supra* note 66 at 262.

132. Duquette, D.N. *Advocating for the Child in Protection Proceedings:* A *Handbook for Lawyers and Court Appointed Special Advocates, supm note 63* at 45.

133. *Id* at 42.

134. National CASA Association. 'Quality GAL Representation: What Every Child Deserves," *supra note 66* at 6.

135. "New York Law Guardian Representation Standards in Child Protective Proceedings," *supra* note 66 at 275; *Representing Children in Kansas: A Handbook for Lawyers, supm* note 66 at II-7; Snider, J.J. *Guardian Ad Litem: Speaking for the Child, supra* note 66 at 1268; and *In re: Jeffrey R.L.,* 1993 WL 199235, ● 18 (W. Va.). For a study, see Sivan, A.B., and Quigley-Rick, M. "Effective Representation of Children by the Guardian *ad Litem*: An Empirical Investigation," *supra note* 66 at 59 (the GAL's mentioned "the following activities:

reviewing reports (71%), preparing for/attending review hearings (46%), making contact with the child (42%), monitoring the situation (46%) and taking action if a problem arises (50%)").

136. Duquette, D.N. *Advocating for the Child in Protection Pmceedings: A Handbook for Lawyers and Court Appointed Special Advocates, supra note 63* at 44.

137. National CASA Association. "Quality GAL Representation: What Every Child Deserves," *supra* note 66 at 6.

138. Snider, J.J. "Guardian Ad Litem: Speaking for the Child," *supra* note 66 at 1268.

139. Sivan, A.B., and Quigley-Rick, M. "Effective Representation of Children by the Guardian *ad Litem*: An Empirical Investigation," *supra* note 123 at 58.

140. Id. at 58 (mediating stipulations were mentioned by 4 percent of the GALs).

141. See Duquette, D.N. *Advocating for the Child in Protection Pmceedings: A Handbook for Lawyers and Court Appointed Special Advocates, supra note 63* at 37.

142. 'Colorado Guardian ad litem Mission Statement," *supra* note 66 at 244 (e.g., drug and alcohol treatment, parenting education, counseling alternatives, and programs for special needs children).

143. Shink, S.F. 'The Justice System: It Has Forgotten the Children," *supra note* 66 at 689-90.

144. Duquette, D.N. "Identifying the Best Interest of the Child in Protection Proceedings: Nine Guidelines for the Child Advocate," *supra* note 115 at 12.

145. National CASA Association. "Quality GAL Representation: What Every Child Deserves," *supra* note 66 at 6.

Chapter 3. RESEARCH DESIGN AND METHODOLOGY

The goals of the project were to answer the following broad research questions:

- What are the articulated role dimensions and activities across different times in case processing (e.g., between "new" and "review" cases)? Do the role dimensions between new and review cases differ, irrespective of the guardian ad *litem (GAL)* model?

- How do the different models of GALs view their roles and responsibilities? Are they similar or different?

- What is the relationship between various procedural indicators of effective legal representation (e.g., talking to/observing the child and appearance at legal hearings) and select case measures (e.g., number of placements, changes in caseplan, and placement goals)? Are there any differences between the various models?

The research design and methodology used to answer these research questions consists of four major components. The first component is a conceptual model of GAL roles and responsibilities that links these GAL activities to the various steps involved in processing cases in the child welfare system. This model provides the underlying structure for the data collection activities and instruments. The second component involves a multistage sample of GALs in 23 counties throughout the United States in order to yield a nationally representative sample of GALs. The data collection plan, the third component, was implemented in order to capture information on GAL, activities from a variety of perspectives in order to validate the mainly self-reported information provided by the GALs. Finally, the analysis plan includes analytic approaches and statistical methods to generate summary data that answer these research questions.

In this chapter each of these components is discussed in greater detail, as are aspects of the field data collection experience that had an impact on methodology and results. This chapter also describes the procedures used for recruiting States, counties, and individuals to participate in the study. Finally, the various quality control and confidentiality measures are described that were adopted to ensure that the data were of the highest quality and that no sensitive personal information was divulged during the course of this study.

3.1 CONCEPTUAL FRAMEWORK OF THE GAL'S ROLES AND RESPONSIBILITIES

During the review of various State and county statutes, regulations, and court practices in Phase I, it was concluded that there was considerable variation in how States have interpreted and implemented the Federal legislative requirement for the appointment of GALs in civil abuse and neglect cases. Specifically, it was found that:

> Only five States were found to have a comprehensive description of the role and responsibilities of the GAL. The responsibilities of the GAL, in most other cases are broadly defined, with no specific direction as to what constitutes minimal required effort on behalf of the child. This confusion and blurring of roles has the potential for creating conflict among the social workers, attorneys, volunteers, and CASAs [court-appointed special advocates], each of whom may feel that the other is intruding in his or her sphere of responsibility. Ultimately, the lack of clear guidelines for responsibilities can lead to inadequate representation for the child.[1]

A conceptual model was necessary to provide a framework for the construction of the survey instruments. In view of the findings cited above, select State GAL guidelines and literature from the child welfare research and advocacy community were referred to in order to develop a theoretical model of child representation. As a result of this search, the study used the model of the GAL's roles and responsibilities proposed by Professor Donald Duquette, because this model transcended a specific jurisdiction, was comprehensive, and covered all aspects of cases in the child welfare system. That model encompasses five functions—factfinding, legal representation, case monitoring, mediation, and resource brokering-which are presented in detail in Chapter 2 of this report.

According to Duquette, typically in cases of abuse and neglect where the child is (or has been) placed out of the home, there are six stages in the case process where the GAL might be involved.[2] It is important to understand these different stages and how they are interpreted and applied in each State. In addition, these stages invariably require the GAL to conduct

[1] CSR, Incorporated. October 1990. National *Study of Guardian* ad Litem *Representation*. Washington, DC: CSR, Incorporated, 41.

[2] Duquette, D. 1990. *Advocating for the* Child in protection *Proceedings*. Lexington, MA: Lexington Books. However, thie model is not necessarily followed by all States or for all cases. For instance, there may be a stipulation of abuse or neglect by the parents, which may result in the avoidance of certain hearings. If the child is not removed from the home, yet remains under the supervision of the agency (e.g., family preservation services), there would be no review hearings necessary far children in foster care. In addition, in some States GALs are appointed only for hearings up through the adjudication; in others GALs are appointed only after adjudication and only have a review function.

different sets of activities, which may change over time. The primary stages in case processing include the following:

- ***Preliminary** hearing.*-This is the first court hearing in the child protection process, and its name differs by State. During this hearing, the court listens to testimony and recommendations from all parties and then renders a decision about (1) whether the alleged facts, if true, constitute child abuse or neglect under State statutes; (2) whether to authorize further action by filing the petition; and (3) whether a temporary placement should be made.

- ***Pretrial conference.***—This conference, presided over by a judge, is designed to clarify the issues to be addressed at the trial and to ensure that the case is ready for trial. This conference also provides an opportunity to settle a case without a formal trial.

- ***Trial.***—The major issues discussed in the trial are technical and legal. For example, one major issue is whether the facts alleged in the petition are true and, if so, whether they constitute legal abuse or neglect as defined by the State statutes. The outcome of the trial will determine whether the State has the authority to interfere with the privacy and freedom of the parents and the child.

- ***Dispositional*** hearing.-At the dispositional hearing, the court officially considers what it should do to protect and help the child and his/her family. Generally the focus is on developing a caseplan that establishes the actions to be taken by the parents, the agency, and other professionals to achieve ***rehabilitation*** of the family situation.

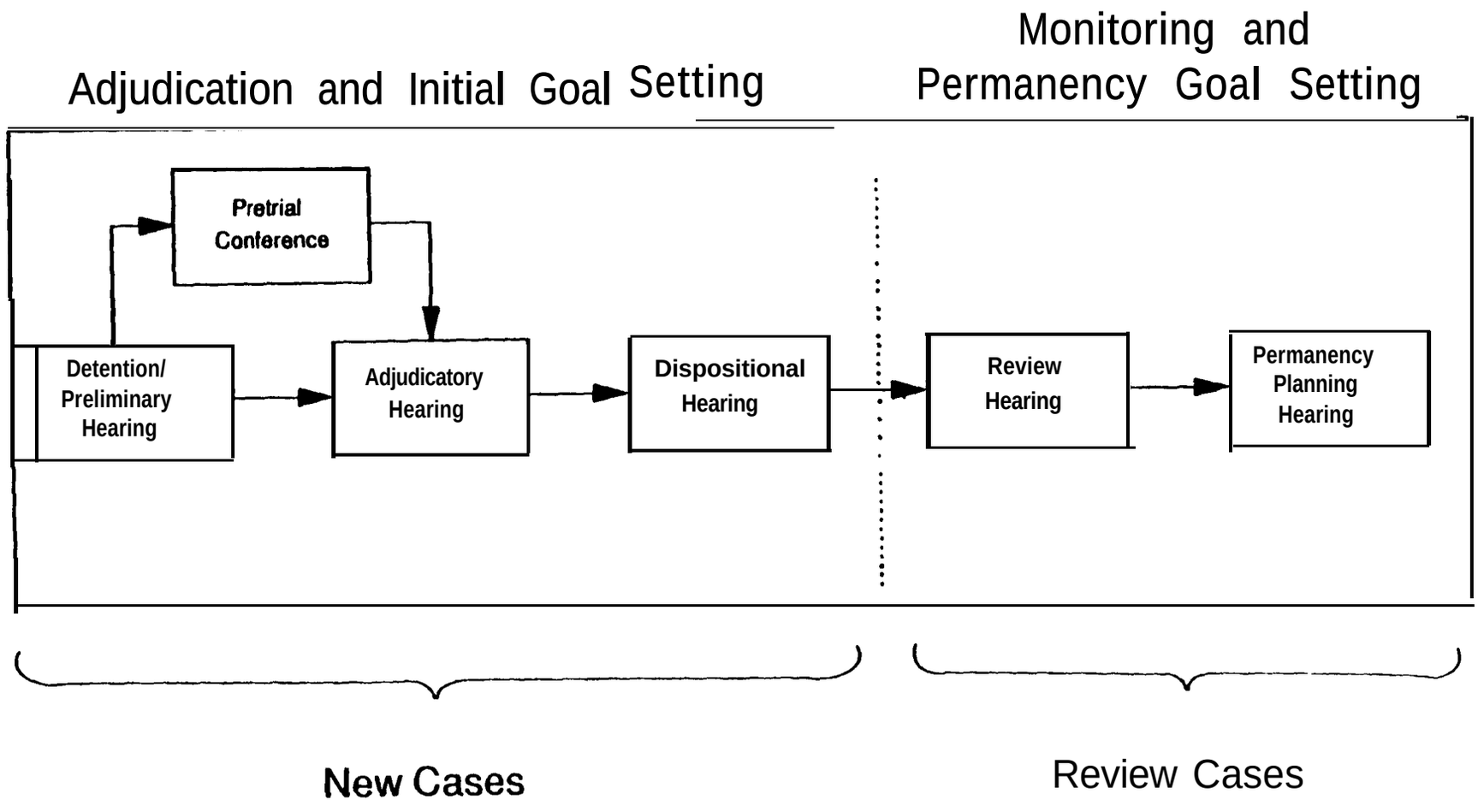
- ***Review hearings.—After the court*** enters dispositional orders, the case is brought back before the court or administrative body regularly for review (usually every 6 months). The review hearings generally focus on the caseplan and whether it has been implemented properly and has had or is having the desired effect. In addition, the court wants to know what the parents have done to reestablish a home for their child and what the social agency has done to facilitate that progress.

- ***Permanency planning hearings.-The*** Adoption Assistance and Child Welfare Act of 1980 requires that the State hold a permanency planning hearing after the child has been in foster care for 18 months. At this hearing the agency or the court usually determines whether the efforts to rehabilitate the family are likely to be successful. If it is determined that rehabilitation is unlikely, then an alternative permanent plan is sought. Most often this leads to the termination of parental rights so that the child may be adopted

Figure 3-1 on the following page presents a simplified flow diagram of the various stages in processing an abuse or neglect case. This functional description of the case processing stages illustrates the shift in emphasis as

Figure 3-1

Sampling Perspectives



a case evolves. Early in the case there are a myriad of legal and court hearings involving removal of the child from the parental or custodial home and establishing an interim placement. Over time, the focus shifts toward reviewing the child's current and prospective placement status and case goals. This shift takes place shortly after adjudication and roughly at the time of the dispositional and review hearings. Accordingly, in the study design a distinction is made between new and review cases because of this natural differentiation in function. The review hearing is the designated demarcation point distinguishing new cases from review, because in many States the dispositional hearing is held concurrently with, or very shortly after, the adjudication hearing and addresses short-term case goals and placement options.

The model developed for this study (based on Duquette's model) summarizes the various GAL activities by role dimension and time in case processing (see Table 3-1 following this page). This model provides the framework for determining the various activities that GALs can and should follow in order to ensure that the child's best interests are served.

3.2 OVERVIEW OF DATA DEVELOPMENT AND ANALYSIS PROCESS

The basic structure of the research design is illustrated in Figure 3-2. The far left column of the figure indicates a core set of data collected from GALs, caseworkers, judges, and case records. Data obtained from the GALs and caseworkers include background information about the GALs, activities GALs perform in each of the five role dimensions, and performance assessments on various role dimensions. Factual information on case severity, case goals, placements, and services was extracted from the case records. It is important to note that this core information was obtained for both a new and a review case; this information is considered to be case linked. In addition to this case-linked data, information was obtained from judges about (1) GAL activities and (2) their assessment of GAL performance of a more global nature. A detailed list of the data elements found in the project data base is included in Table 3-2.

The information obtained from these various sources was stored in a data base constructed in Paradox 3.5. In order to ensure that the data were accurate, the data were double-keyed from each form (i.e., each form was entered twice using different data entry staff persons). Each record was compared using PROC Compare in SAS (Statistical Analysis System), and all discrepancies were reconciled The data analysis was conducted using Paradox and SAS-PC.

The analysis falls into two broad categories. The first and largest category involves the presentation and analysis of descriptive data about the five GAL role dimensions. For the most part, the descriptive displays include summary information relating to GALs as a whole, with further breakouts

Table 3-1

Role of GALs at Various Stages of the Child Protection and Welfare Process

Hearing Type	Detention or Preliminary Hearing	Pretrial Conference	Adjudicatory Hearing	Dispositional Hearing	Review Hearing	Permanency Planning Hearing (18-Month Dispositional Review)
Description	Advise parents of rights, and hear testimony and recommendations.	Clarify issues to be addressed at trial; offers an opportunity to settle case before trial.	Determines whether child is abused or neglected.	Court determines final disposition of child in home or foster care placement and devebps caseplan.	Periodic review of casepian impiementatbn and whether it has desired effect.	Decision point about bng-term goal of child in home, permanent placement, or foster care.
Level of GAL Involvement	Moderate; high in investigation and problemsolving	High in Investlgatbn and medlatbn	High in legal representation and mediation	High in legal representation and mediation.	Moderate in mediation and monitoring	Moderate in mediation and monitoring
Roles • nd Responsibilities						
Investigation/Fact Finding	Determine what happened where and when; speak with involved parties; reed petition.	Foibw up to determine serbusness of risk and what the family and child are like; consult with social worker and others on their views.	Uncover additional facts about the case.	Present additional information to court.	Collect information about implementation of caseplan; consult with other parties about progress and determine additional needs.	Collect information about implementation of caseplan; consult with other parties about progress and determine additional needs.

Table 3-1 (continued)

Hearing Typo	Detention or Preliminary Hearing	Pretrial Conference	Adjudicatory Hearing	DIsposftfonal Hearing	Rovbw Hearing	Permanency Planning Hearing (18-Month Dispositional Rovbw)
Legal Representation	Provide Informatbn lo the child about court procedures and options available.	Identify the child's interests about protection and placement. Provide information about court procedures and options available.	Advocate for child in court, if necessary. fdentify child's interests about protection and placement. Determine what to recommend to court.	Advocate for child in court. Identify child's interests about placement.	Advocate for additional services to rectify conditions, for other placement, or termination of parental rights.	Advocate for additional services to rectify conditions, for other placement. or termination of parental rights.
Case Monitoring		Monitor whether services, etc.. received after preliminary hearing.	Monitor whether services received and other actions accomplished.	Monitor whether services received and other actbns accomplished.	Monitor whether actions of parents, agency, etc., to correct conditions are completed.	Monitor whether actions of parents, agency, etc.. to correct conditbns are completed.
Mediation	Advocate for the child in a nonadversarial way.	Determine common Interests among parties. Promote a cooperative resolution of problems. See whether parties other than child welfare and court can assist.	Determine common interests among parties. Promote a cooperative resolution of problems. See whether parties other than child welfare and court can assist.	Advocate for cooperative and nonadversarial agreement on the caseplan and dispositional order.	Attempt to promote a cooperative resolution of any remaining problems. Consult with interested parties about bng-term placement options.	Attempt to promote a cooperative resolution of any remaining problems. Consul with interested part&s about long-term placement options.
Information/Resource Broker			Determine whether court has suffiiient information and professional advice about child.	Determine whether court has sufficient information and professional advice about child.	Determine whether court has sufficient information and professional advice about the child.	Determine whether court has sufficient information and Professional advice about the child.

Figure 3-2
Overview of' Data Development and Analysis

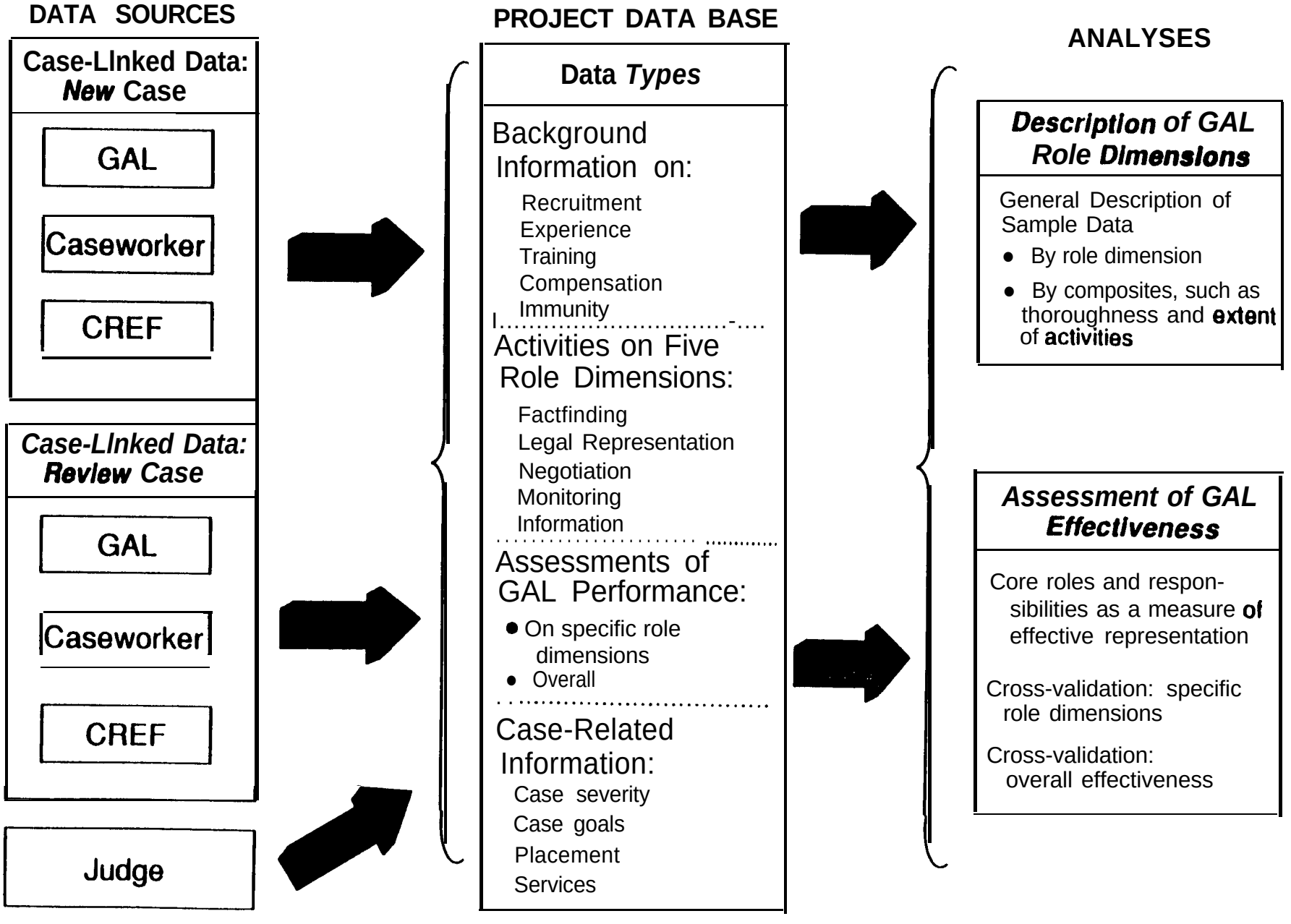


Table 3-2

Information Contained in the Project Data Base by Respondent

information Type	GAL	Child Welfare	Judge
Background Informatlon on GAL			
How was GAL recruited?	N		
Did GAL have previous experience in child welfare/child advocacy field?	N		
• Years of experience?	N	N,R	
How many years' experience as GAL?	N	N,R	
Did GAL receive specialized training?	N		
• Topics of training?	N		
Is GAL supervised?	N		
• What is supervisor's title?	N		
• Received formal evaluation?	N		
• Were evaluation criteria known when appointed?	N		
Does GAL receive compensation?	N		
• How much are private attorneys paid?	N		
— Is there ceiling on case?	N		
— How much will GAL get paid for case?	N		
— How are compensation procedures determined?	N		
• How much are staff attorneys paid?	N		
What type of immunity from liability does GAL have?	N		
How many hours per week does GAL spend on all cases?	N		
How many hours per week does GAL spend on a particular case?	N,R	N,R	
How many children does GAL represent?	N		
• From how many families?	N		
Factfinding			
Investigation activities	N,R	N,R	
• What written sources did GAL consult?	N,R		
• With whom did GAL discuss case?		N,R	
• Whom did GAL contact?	N,R	N,R	
• Did GAL speak with child?	N,R		
• Did GAL submit report to the court?	N,R		

N = Collected for new cases R = Collected for review cases ✓ = Collected from judges

Table 3-2 *(continued)*

Information Type	GAL	Child Welfare	Judge
Did GAL assess:	N,R	N,R	✓
. Placement needs?	N,R	N,R	✓
· Needs for services?	N,R	N,R	✓
. Educational needs?	N,R	N,R	✓
• Other needs?	N,R	N,R	✓
Legal Representation			
What GAL activities are performed in noncontested hearings?	N,R		✓
What GAL activities are performed in contested hearings?	N,R		✓
Did GAL attempt to negotiate agreement or stipulation?	N,R	N,R	
. Did negotiations result in agreement?	N,R		
. When did negotiations take place?	N		
. What issues were dealt with?	N,R		✓
. Who was involved in negotiations?	N,R		
Placement issues	N		
. Did GAL form an opinion about most desirable placement?	N,R		
. What was opinion?	N,R		
. Did GAL discuss opinion with anyone?	N,R		
. Did GAL make recommendations?	N,R		
. Did GAL make recommendations about visitation?	N,R		
Did GAL have disagreements with child welfare agency?	N,R	N,R	✓
. Were differences resolved?	N,R	N,R	
. Were unresolved differences expressed in court?	N,R		
Did the court adopt GAL recommendations regarding goals/placement?	N,R		✓
. Which were adopted?	N,R		✓
Did GAL have disagreement with child?	N,R		
• Which view was presented in court?	N,R		
Did child speak before the court?	N,R		
• How was this presented?	N,R		
. Who requested this be done?	N,R		
. Did GAL make it easier for child?	N,R	N,R	✓
— How was this done?	N,R		✓

N = Collected for new cases R = Collected for review cases ✓ = Collected from judges

Table 3-2 (continued)

Information Type	GAL	Child Welfare	Judge
Case Monitor			
How frequently did GAL contact child?	R	N,R	✓
Did GAL make contacts regarding matters other than those related to hearing?	R	R	
• Who was contacted?	R		
Did GAL do anything pertaining to child's adjustment?	R	R	✓
Was change necessary in placement, caseplan, or services?	R	R	
Did GAL do anything to change caseplan?	R		
• Were any changes made due to GAL?	R	R	
Did GAL do anything to encourage/discourage visits by parents?	R	R	
Did GAL represent the child in other court action?	N,R		
• Which types of court actions?	N.R		
Information and Resource Broker			
Did GAL present information previously unknown to family, agency, or court?	N,R	N,R	✓
• Information about what?	N,R	N,R	
• Was this information useful?	N,R	N,R	
Did GAL assist agency or directly help obtain services?	N,R	N,R	
• What did GAL do?	N,R	N,R	
• What types of services?	N,R	N,R	
Breakout of Activities by Role Dimension			
Breakout of activities by role dimension	N,R	N,R	✓
Other activities worth mentioning	N,R	N,R	✓
Dual Representation Questions			
With whom did caseworker have most contact?		N,R	
With which representative was caseworker better able coordinate4 work?		N,R	

N = Collected for new cases R = Collected for review cases ✓ = Collected from judges

Table 3-2 *(continued)*

Information Type	GAL	Child Welfare	Judge
Were there benefits to having two representatives?			✓
Did two GALs contact each other?	N,R		
• What did they discuss?	N,R		
• When did contacts take place?	N,R		
• How often were contacts?	N,R		
• Were they concentrated around hearings or evenly spread out?	N,R		
• Were there disagreements between two representatives	N,R		
— Over what?	N,R		
— Were they resolved?	N,R		
Self-Assessment of Overall **Effectiveness**			
How thorough was GAL in investigating and preparing for case?		N,R	✓
Was GAL successful in expediting case through the court system?	N,R		✓
• What did GAL do to expedite case?	N,R		
Was GAL assertive in advocating for child?	N,R	N,R	✓
• If not, why?	N,R	N,R	
How involved was GAL in negotiations?	N,R	N,R	
• How important was GAL's contribution?	N,R	N,R	✓
• How effective was GAL in advocating for child's interests?	N,R	N,R	✓
How effective was GAL in each role discussion?	N,R	N,R	✓
• How effective was GAL in coordinating work with the agency?	N,R	N,R	✓
How effective was GAL in information sharing with agency/caseworker?	N,R	N,R	
Was there anything that prevented GAL from being effective?	N,R		
• With whom did this occur?	N,R		
Was there anything about program that limits GAL's effectiveness?	N,R		✓
• Inadequate compensation?	N,R		
• How well two representatives shared information?	N,R		
How much did they rely on each other for advice?	N,R		
What was level of cooperation between two representatives?	N,R		

N = Collected for new cases R = Collected for review cases ✓ = Collected from judges

Table 3-2 (continued)

Information Type	GAL	Child Welfare	Judge
What was level of coordination between two representatives?	N,R		
Case Record Information			
sex			
Race			
Type of abuse/neglect			
Seventy of case • Case contested • Special placement — Hospitalized -- Residential treatment -- Other			
Current placement • Placement history			
Case goal • Changes in case goals			
What assessments/evaluations are in case records?			
Information about ordering and receipt of services			

N = Collected for new cases R = Collected for review cases ✓ = Collected from judges

by the different GAL models in order to permit inter-model comparisons. Due to the large number of variables contained in the questionnaires, a data reduction strategy was adopted involving the creation of counts or composite scores across specific role activities. This strategy facilitated the development of assessments on such dimensions as the thoroughness and extensiveness of activities.

The second category of analysis assessed the procedural effectiveness of GALs in specific role dimensions. The respondents were asked to assess the GAL's performance in specific role dimensions and also more broadly across role dimensions. One aspect of the analysis involved comparing and cross-validating these assessments. Another part of the strategy to assess the effectiveness in certain role dimensions involved analyzing certain attributes of GAL performance (e.g., quality of legal representation). This part of the design was somewhat problematic because "effectiveness" has different connotations. One possibility would have been to measure child outcomes, specifically placement; however, in the absence of extensive child-based data collection, the type of placements that furthered the best interests of the child would not have been clear.[3] The approach chosen for the study was to assess the procedural effectiveness of the GALs in terms of the extent to which their representation activities demonstrated the following:

- Sufficient effort on the part of the child's representative with regard to investigation and case processing;
- Legal advocacy;
- Activity to mediate and conciliate, if necessary; and
- Activity to advocate for the child in terms of information and resources.

In other words, this procedural effectiveness approach implies that, in certain core areas, the conduct of such GAL activity is de facto inference of quality representation, regardless of the outcome of the process. The focus is not on whether the outcome is different but on whether there is an appearance of diligence, comprehensiveness, and thoroughness to ensure the most likely positive outcome. The measure of effectiveness is whether the criterion of "effective" representation is met; in other words, whether those activities thought to enhance the achievement of a desirable outcome are undertaken

[3] Federal law mentions that family preservation end adoption are to be considered preferable to foster care as an outcome for the child. There in considerable debate over whether such preferences can be considered categorically to be in the beet interests of the child. In addition, because the cases examined are open cases, the children'8 current placement is not necessarily his/her final placement, so without a longer term perspective, it ie not feasible to classify current placements in terms of desirability.

3.2.1 Data Collection Approach

The preceding discussion provides an overview of the data collection approach. A number of design considerations are highlighted below. These include the following: case linkage across multiple information sources, interviewing of respondents about current or contemporaneous cases, multiple perspectives used in the cross-validation of information and assessments, and paired interviews.

3.2.1.1 *Case Linkage Across Multiple Information Sources*

An important aspect of the design is that this core set of data relates to both new and review cases. The data from these different sources are referred to here as being case linked, meaning that a specific case forms the organizing theme of the GAL and caseworker interviews and the case record extractions. Case linkage was considered necessary in order to ground these observations and statements to something tangible in the respondent's experience. An exception to this plan involved interviews with judges.'

3.2.1.2 *Interviewing of Respondents on Current or Contemporaneous Cases*

In order to obtain indepth information about the roles and responsibilities at each case-processing stage, it was necessary to conduct interviews in which the respondent was asked to recall relatively recent information. This required obtaining data on contemporaneous (i.e., "open") cases rather than on retrospective (i.e., 'closed") cases. The alternative choice of conducting a retrospective study of closed cases was found in an earlier study to be hampered by problems of inadequate respondent recall.[5] For instance, information obtained from GALs about investigation-related activities completed a few years after the fact was likely to be unreliable and incomplete. Since the primary source of information is the GAL and there are no additional outside sources of such information, the data collection effort was limited to concurrent or open cases. This ensured that case-related activity for both the new and the review cases would be relatively recent and that recall would not be a limiting factor.'

'Information was obtained from judges about their overall perceptions of the GAL's performance end effectiveness across all phases of the child welfare case. Originally it was planned that judges would be asked questions about each case in the sample, but during the pretest the judges made it clear that they would not discuss specific cases pending before the court. Therefore, these date are not case linked.

"CSR, Incorporated. June 1988. National *Evaluation of the Impact of Guardians ad Litem in Child Abuse or Neglect Judicial Proceedings*. Washington, DC: CSR, Incorporated.

'The tradeoff was that information obtained on open cases was of a higher quality, but this made the task of obtaining State and county clearances correspondingly *more* difficult. Outsiders' ability to gain access to closed case records generally is easier than to open records, where confidentiality is a greater concern.

The primary data source was the actual GAL, because only she/he could provide adequate information about what the GAL did and when. For example, the GAL, might investigate whether there was a suitable relative or neighbor with whom to place a child, or the GAL might negotiate with the parent.(s) in the court's antechamber and reach an agreement then or base a recommendation to the court on such a negotiation. Neither the caseworker nor any other concerned party would know or could be expected to know what the GAL had done in those instances.

3.2.1.3 *Multiple Perspectives Used To Cross-Validate Information and Assessments*

To round out the GAL's self-reported information, the data collection approach known in the evaluation literature as "triangulation" was used. Essentially, this strategy utilizes multiple sources of information when there is some question about the validity of the primary information source. For each case selected, an effort was made to obtain additional, confirmatory information from other participants and sources-namely from caseworkers, judges, and case records.' Table 3-2 provides a detailed description of the information collected by respondent.

The assumption behind this strategy is that if these other sources support the self-reported information provided by the G&-it is likely that there will be more confidence in the reliability of the data than if the perceptions and interpretations conflict. If differences exist, the study methodology will enable them to be detected and enable the strength of the differences and the number of respondents who differ from the GALs to be assessed. However, this will not establish whether such differences are due to unreliable information, self-serving perceptions, institutional or role antipathies, or some other factor.

3.2.1.4 *Conduct of Paired Interviews*

From the beginning of the project, it was intended that two interviews would be conducted per GAL, pertaining to a new and a review case. By pairing the interviews, capturing information about activities across different times in a case—a perspective that otherwise could be obtained only by a retrospective examination of a case-was sought. The assumption was made that paired interviews for each GAL, would reestablish conceptually a perspective that would be missing if each GAL was interviewed once.'

'As discussed in Chapter 1 of this report, interviews with parents and children were found to be infeasible during the study pretest.

'This assumption may be challenged because of mediating factors, such as the type (e.g., sexual abuse, physical abuse, and/or neglect) or severity of the case, which would render the two cases as being noncomplementary and unequal; this would make the GAL's separate experiences nonadditive. However, plans have been developed to

Second, for budgetary reasons the fieldwork was limited to 26 sites (the final figure was 23 counties). Originally, increasing the number of GAL, interviews in these counties was considered; however, the roster of active GALs in many of the selected counties was less than 20. Given this limit on the number of GAL participants (and therefore the overall sample size), it was decided to increase the number of observations from each participant.

3.3 SAMPLING PLAN

The sampling plan can be characterized as a multistage, stratified sample, whereby probability sampling was employed at each stage of selection. The purpose of this sample design was to produce national estimates for GALs as a whole and for GALs in each of the model subgroups, as well as estimates for a subsample of States that participated in an earlier GAL study.' In the discussion below, both the various stratification schemes incorporated into the design and the probabilistic methods for selecting the counties that compose the sample are described.

3.3.1 Primary and Secondary Strata

The primary stratum consists of all States in the United States; these were divided into two groups based on whether the State was a participant in a previous pilot study of GAL representation." Six States were subjects in the previous study, and these compose the validation stratum. The remaining States compose the effectiveness stratum. This latter stratum is divided into either eastern or western geographic status, based on whether the State is located east or west of the Mississippi River. Because of reported problems in obtaining access to open child welfare agency records, California and Massachusetts were excluded from the study.

Only those counties with populations greater than 100,000 were chosen for inclusion in the study. The reason for this minimum cutoff figure is that it was determined that smaller counties were not likely to generate a sufficient number of new cases in order to meet the study target for each county. This yielded a pool of approximately 380 counties, representing about 65 percent of the total U.S. population.

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statistically control for such mediating factors. In addition, it is believed that this assumption was partially validated because the analysis indicated that the case types and demographics are quite comparable on new and review cases.

[9]CSR, Incorporated. *June* 1988. *National Evaluation of the Impact of Guardiana ad Litem in Child Abwe or Neglect Judicial Proceedings.* Washington, *DC:* CSR, Incorporated.

[10]Ibid.

Within each of the primary strata, counties were classified into *secondary* strata based on their model of GAL representation-private attorney, staff attorney, or CASA. CSR classified each county on the basis of information gleaned from Phase I of the project or from direct contact with State *or county* public officials who were familiar with the GAL program. If more than one type of GAL practiced in a county, the rule of thumb for classifying the county was to determine which type of GAL represented the majority of children in that county's civil abuse and neglect cases; that model then was classified as the predominant model. Table 3-3 below shows the breakdown of all eligible counties by primary and secondary strata.

Table 3-3

Breakdown of All Eligible Counties In the Unlted States by Primary and Secondary Strata

Stratum	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Validation	40	21	12	73
Effectiveness-East	92	49	8	149
Effectiveness-West	71	15	72	158
Total	203	85	92	380

In the end, data were collected in 26 counties. The distribution of counties by strata in the survey is indicated in Table 3-4 below.

Table 3-4

Number of Countles In the Survey by Reglon and by Model

Stratum	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Validation	2	2	2	6
Effectiveness-East	4	3	3	10
Effectiveness-West	4	3	3	10
Total	10	8	8	26

Stratification in this manner offered several advantages. Including the former validation States as a stratum in the effectiveness sample allowed the counties sampled for the validation study to be included in the national sample. This provided additional observations and therefore increased the precision of the national sample, while still allowing for a separate investigation to be conducted on the validation stratum. The regional nature of the effectiveness stratum provided a measure of equal geographic representation. Allotting States to each of these strata was determined so that both geographic strata would contain an adequate number of counties with each model of representation.

3.3.2 Probability Sampling of Counties

Once all eligible counties were classified according to stratum, a probability proportional to size (PPS) sample was utilized to select the actual counties. PPS sampling maximized the probability of selecting counties with more GALs. One exception to this procedure was implemented in the validation-staff attorney stratum. Simple random sampling (SRS) was utilized for these counties. New Jersey contains so many large counties that utilize the staff attorney model that PPS sampling within this stratum almost certainly would have resulted in a sample that included only counties from New Jersey. Using SRS in this case minimized the probability of this happening.

The list of counties that were selected as part of the GAL sample is found in Table 3-5 following this page. This list represents 26 counties in 19 States. Figure 3-3 provides a map of the United States and indicates the distribution of States represented in the final sample.

It must be noted, however, that some of the counties initially chosen were replaced because either the State or the county was unable to provide clearance for data collection. The States of Michigan, North Carolina, and Florida had laws that precluded the conduct of research on open child welfare cases. In addition, some county child welfare directors did not grant approval for interviewing caseworkers or obtaining case record information. In each of these cases, the county was replaced with an alternative from the same stratum. After time-consuming efforts, clearance was unable to be obtained in three additional counties.

3.3.3 GAL Selection

The maximum number of GALs to be interviewed in any county was set at 20. Table 3-5 indicates the actual number of GALs who were available for interviews. If more than 20 GALs were available, 20 were randomly selected, if there were 20 or fewer GALs available in the county, an attempt was made to interview all of them.

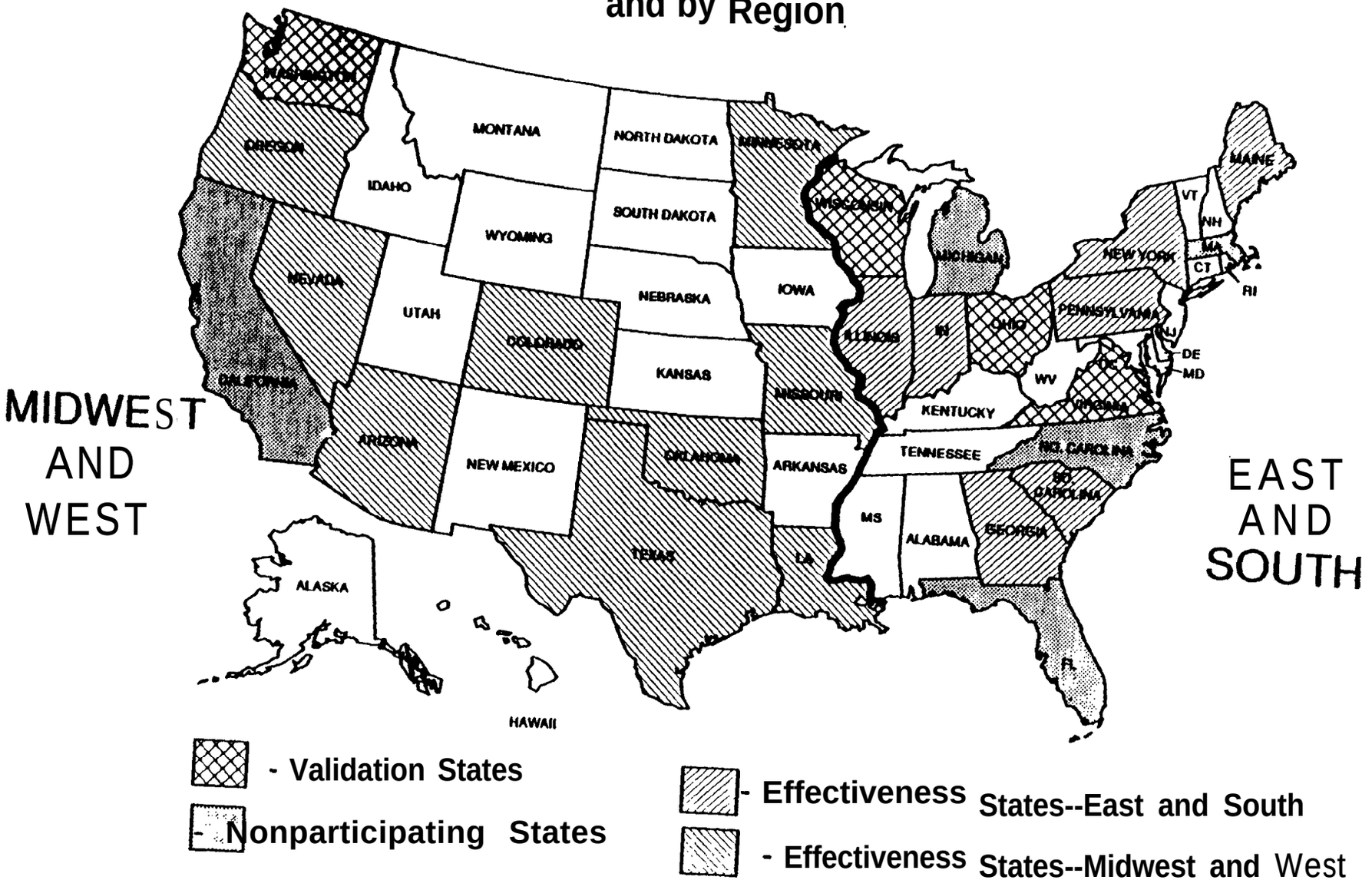
Table 3-5

Counties Selected in the Study, With the Estimated Number of GALs in Each

Valldatlon Survey		Number of GALs
Private Attorney:	Virginia Beach, VA	56
	Medina, OH (near Cleveland)	4
Staff Attorney:	Milwaukee, WI	7
	Franklin, OH (Columbus)	12
CASA:	Summit, OH (Akron)	90
	King, WA (Seattle	69
Effectiveness Study		
	EAST	
Private Attorney:	Muscogee, GA (Columbus)	4
	Westmoreland, PA (near Pittsburgh)	15
	Oneida, NY (Rome)	40
	Niagara, NY	69
Staff Attorney:	Cook, IL (Chicago)	37
	Erie, PA	1
	New York, NY*	20
CASA:	Madison, IN (Indianapolis)	49
	Charleston, SC	120
	Cumberland, ME'	68
	WEST	
Private Attorney:	Weld, CO (Greeley)	4
	Lubbock, TX	41
	Dallas, TX	187
	Prima, AZ (Tucson)	25
Staff Attorney:	Oklahoma, OK (Oklahoma City)	4
	East Baton Rouge, LA	1
	Washington, OR (near Portland)	4
CASA:	Dakota, MN (Minneapolis suburb)	17
	Clark, NV (Las Vegas)	90
	Hennepin, MN (Minneapolis)'	116

'Selected in the sample but were dropped because clearance could not be obtained. The GAL figures for these counties are estimates.

Figure 3-3
States Selected for the Effectiveness Study by Validation and Effectiveness Strata, and by Region



F&searchers went to considerable lengths to determine the sampling frame of eligible GALs in each county selected. For most counties a list of practicing GALs was obtained. For various reasons, in some counties the actual names of practicing GALs were not available, and the estimated number of practicing GALs was obtained instead."

3.3.4 Case Selection by the GAL

The criteria for case selection were as follows: The GAL was asked to identify (1) the most recent case that had an adjudication hearing or a hearing where either abuse and neglect was stipulated or (2) its equivalent, which would be considered a new case. If there was some doubt on the part of the interviewee, the case had to have been in the system for a sufficient amount of time to build up a history of activity. A review case was one that met the criterion of a new case but which had at least one 6-month review hearing. Dispositional hearings that characteristically take place shortly after adjudication did not qualify as review hearings. The GAL then was asked to identify the most recent review case on which he/she had worked

3.4 DATA COLLECTION PROCEDURES

Preparation for the field data collection started in fall 1992 when the initial steps were instituted to obtain State and local clearances. The actual field data collection commenced in early May (almost 8 months later) and was completed in early August 1993. A 2-month window was allotted in each county for the conduct of the interviews and the extraction of the case record data. Data collection activities ended the first week in August so that preliminary data analysis could be completed by the third week of that month.

In this section the data collection plan is discussed, including the recruitment strategy, various data collection instruments, onsite logistics, problems encountered, and the results of this effort in terms of completed interviews and case review forms.

3.4.1 Recruitment of States, Counties, and GALs

In order to recruit States and counties as participants in the study, an initial clearance letter was sent out under the signature of the Administration on Children, Youth and Families' Commissioner, to be followed by successive waves of clearance-related efforts. The various individuals were contacted in the following order: (1) State human services or child welfare director and State liaison officer, (2) county human services

[11] In some counties obtaining the list was difficult. Individual judges in private attorney counties generally keep the lists, and there wan some duplicatim across lists. It generally was easier to identify the keeper of the list in the staff attorney and CASA counties, but some directors were reluctant to release lists of GAL names.

or child welfare director; (3) presiding judge of the county family or juvenile court; and (4) depending on model, the directors of the public defender's office/legal aid society or of the CASA organization. Each succeeding clearance step was not initiated until after approval had been obtained from the higher authority.

Initial contacts with the States were made in a letter signed by then Commissioner Wade Horn. All other letters subsequently were signed by David Lloyd, Director of the National Center on Child Abuse and Neglect. After the mailing of each letter, telephone calls were used to follow up and to obtain the decision of the person contacted

The clearance process began with the State CEO (chief executive officer) then proceeded to the county director. Once the approval had been obtained from the State and county authorities, individual GALs then were recruited to participate in the study. In many counties this process was relatively expeditious, as the support of a judge and/or director of a legal or CASA organization was obtained In some counties field data collectors ran into difficulties recruiting GALS. A study description was produced that could be distributed to individuals, and in some places the field data collectors had to mail out a description to the individual before she/he would consent to participate. In some staff attorney and CASA counties, the director of the respective public defender's office or CASA organization was requested to intercede on the study's behalf. As a result, the clearance process was considerably lengthened and a level of uncertainty was introduced regarding whether clearance ultimately would be obtained in the county. In all, more than 8 months were spent attempting to obtain clearance from the State and local public officials who maintain GAL records. The overall clearance process required more than 1,000 telephone calls and consumed many hundreds of hours of staff time.

This lengthy clearance process holds lessons for future studies. For instance, State approval was insufficient for regional human resources or child welfare officials in some States. It was necessary to send letters, send study descriptions, and make numerous telephone calls before clearance could be obtained. In other States, administrative court structures extended beyond the county that was a participant in the study. It was found that the family court judge wields considerable authority in many jurisdictions—power that could sidetrack or delay data collection efforts in select counties pending the judge's favorable determination. Whether the issue was one of safeguarding client confidentiality or avoiding a tense political climate, many judges were unyielding. Finally, the directors of legal aid societies and public defenders' offices, as well as the directors of CASA organizations, sometimes delayed the fieldwork. Most counties eventually cooperated and simply required reassurance, but future studies should plan ample time and resources to obtain study approvals in each site.

3.4.2 Logistics of the Field Data Collection

The logistics of the onsite data collection were fairly straightforward. Data collectors were required to collect a core set of case-linked data. Data on GAL, activities and performances were obtained from both GALs and caseworkers. Data on client demographics, case goals, and placements were collected from case records.

In addition, field data collectors collected data from judges about their overall perceptions of the GAL program's performance and effectiveness across all phases of the child welfare case. These data were not case linked. Most or all of the juvenile or family court judges were contacted in the various jurisdictions in order to obtain a cross-section of opinion regarding GAL performance. In some counties masters also were interviewed if they presided over civil abuse and neglect cases.

A 2-month period was allotted within which data could be collected from various sources. Overall, the targets for the full counties (i.e., with 20 GALs) included conducting between 80 to 90 interviews and extracting information from 40 case records in the child welfare agency files. The breakdown of the field data collection was as follows:

- Interviews:
  - Up to 20 GALs at 2 interviews each,
  - Up to 40 caseworker interviews, and
  - All family court judges; and
- Case records: Up to 40 case record extractions.

Baaed on notes from field data collectors, the range of time to administer or complete instruments was as follows:

- GALs: 45 to 90 minutes per interview;
- Caseworkers: 30 to 60 minutes per interview;
- Judges: 40 to 60 minutes per interview; and
- Case record extractions: 1 to 4 hours or more, depending on the size, complexity, and organization of the records.

3.4.3 Field Data Collection Problems Encountered and Their Resolution

Field data collectors encountered a variety of problems in their data collection efforts. The most common problem was determining whether certain individuals would participate in the study. Most of these cases were resolved without significant delay or additional effort. Another common

problem involved whether a GAL had two cases that met the selection criteria for both a new and a review case. These problems proved to be more intractable. Finally, some field data collectors encountered institutional resistance to participation because of concerns for the confidentiality of their GALs or clients. Each of these problems is discussed below.

Individual participation-related problems.-In most counties the field data collectors ran into some resistance from GALs, caseworkers, and judges who were reluctant to participate in the study. In some counties the rate of individual nonresponse was quite high; in other counties, near zero. Field data collectors implemented a variety of service providers to overcome such nonresponse, such as providing the GAL with a contact person in the judge's office for further reference, distributing study descriptions, conducting confirmation telephone calls, and the like. These procedures worked in some cases. In addition, a number of prospective interviewees adopted indirect methods in ***order to*** avoid participation, such as not returning telephone calls, pleading that there was insufficient time to conduct the interview, claiming that he/she did not have a new or a review case, and not showing up for interview appointments.

Case-related problems.-At the start of data collection, it was anticipated that most, but not all, GALs would have at least-one new and one review case. Procedures were developed to address occasions where this was not the case. However, this situation proved to be more widespread then expected. In some counties it was found that few GALs proceed beyond adjudication on any case, and therefore few GALs had a review case. In other counties GALs were not appointed until ***after*** adjudication, so few had any new cases. In some counties the panel of attorneys was so large that few, if any, GALs had more than one active case at any given time. In some CASA counties, certain CASAs were used more frequently than others, or CASAs were precluded from working more than one case at a time.

In order to keep the numbers relatively high for each county, the field data collector was instructed to replace the GAL with another on the list, if applicable. If there were no further replacements, initial selection criterion of one open new case and one open review case was altered. Since recollection of the facts of the case and activities performed on the case is the key factor in establishing this criterion, two additional scenarios were permitted to be applied during case selection. First, if the GAL had one new case and a review case that recently was closed (for example, within the past year) and the GAL had adequate recollection of her/his activities, then the recently closed case would be treated as a review case. Second, if the GAL had two review cases but one review case recently had its first review hearing, then the newest review case would be treated as a new case.

If neither of these two alternate scenarios applied, the field data collector obtained one randomly selected observation from the GAL in order to complete 20 GALs per county.

Institutional resistance.-In two counties the field data collectors met resistance from organizations that represent and supervise GALs. While neither organization refused to participate, the terms of their participation made the data collection effort much more arduous. Specialized procedures had to be adhered to, which limited the extent to which the field data collector could be proactive in setting up appointments and interviews. One county of these counties had all three *GAL* models, but the predominant model was staff attorney. Numerous barriers limited the data collection effort due to client confidentiality restrictions.

3.4.4 Quality Control and Confidentiality Measures

In view of the sensitivity and variability of the information gathered in this study, rigorous quality control and confidentiality measures had to be established. Several methods were implemented, both prior and during the data collection, to ensure that the data compiled on this study were of the highest quality. Special attention was given to this because of the complexities inherent in the diverse State and county child welfare systems. The various quality control measures implemented are discussed below.

Pretests of the Data Collection Instruments

The various survey instruments were pretested twice during the project. (No pretest was conducted on the case record extraction form (CREF) because it had been used in the previous study[12] and had been pretested as part of that project.) Initial drafts of the GAL instruments were pretested in Fairfax, Virginia, and in Washington, D.C., during fall 1990. A subsequent pretest of the GAL and caseworker survey instruments was made in April and May 1993 during the field data ***collector training*** sessions. This informal pretest was more substantive than the limited pretest because almost all individuals at the training had current or previous experience either as a caseworker or as a GAL. This experience also spanned a wide distribution of jurisdictions in the United States.

Hiring of Field Data Collectors With Either Caseworker or GAL Experience

In most **of the counties,** local field data collectors were hired who had experience either as caseworkers or GALs but who were not employed in either capacity in the area where they collected data for this study. In fact,

[12]CSR, Incorporated. *June 1988. National Evaluation of the Impact of Guardians ad Litem in Child Abuse or Neglect Judicial Proceedings.* Washington, DC: CSR, Incorporated.

some of the field data collectors had relevant experience in more than one part of the country and were able to provide a multi-State perspective. Knowledge of the various stages in the child welfare system and of the different terminology characterizing each stage in the different counties proved to be important for the fieldwork, especially in helping the GALs select the most appropriate case for review.

Methods To Standardize Interview Results

In order to ensure that the interview results were consistent across sites, questionnaires were developed that required little or no interviewer interpretation. Each question relating to GAL activities had a forced response, except those designated as "Other, Please Specify." If the respondent had difficulty interpreting a question or providing a fixed response, the interviewer was instructed to note this in the margin.

In addition, each field data collector was required to attend an intensive 1½-day training session prior to starting fieldwork. As a prelude to the training, a training manual was developed that provided guidance on all aspects of the data collection instruments and the data collection techniques. During each training session, data collection techniques were reviewed and role playing of the interview situation was conducted, with experienced caseworkers and GALs acting in the role of respondent. The other participants then were given the opportunity to conduct a segment of the interview. This enabled the field data collectors to be observed and critiqued regarding their interviewing styles. The field data collectors' questions were answered

Further guidance to standardize interviews was provided in a series of data collection notes or memoranda. If a data collection problem was detected that was likely to affect more than one field data collector, the problem was summarized and a likely solution was presented in an informational memorandum which was sent to each field data collector.

Internal Procedures To Monitor the Field Data Collectors

Each field data collector was monitored by a central staff person whose responsibilities included supervising the field data collector, providing technical guidance related to the fieldwork, and providing logistical and other support Each monitor maintained, at a minimum, weekly contact with each field data collector under her/his supervision. If the field data collector confronted a problem in which the resolution deviated from the procedures outlined in the field training manual or data collection notes, the monitor was responsible for notifying the deputy project director to obtain approval prior to implementing such a solution. All guidance provided to the field data collector was maintained in a written log.

Each field data collector also was responsible for completing a weekly activity log wherein any problems and their resolutions were documented. Copies of each field data collector's activity log were maintained.

Manual Editing of Completed Forms

Upon completion of an interview or case record extraction, each form was manually edited by both the field data collector and a project staff person. This process involved manually reviewing the answers for completeness, consistency, and clarity. Completeness refers to whether all the questions were answered; clarity refers to whether the answers on the instruments were legible and not overlapping, and consistency refers to whether the response to one question was logically in accord with the response to another question (e.g., correctly observing skips in the question flow).

Each field data collector submitted his/her first few completed GAL instruments to the project monitor for a quality control review. As a result, any questions or problems were addressed early in the data collection process. If project editors, during any part of the editing process, detected any problems with a form (e.g., significant numbers of items with no response or, more frequently, answers to questions that should have been skipped), the field data collector was contacted for further clarification. A few inconsistencies in certain skip patterns were detected during and shortly after the first field data collector training session, and a memorandum was sent to the field data collectors notifying them of changes in the skip pattern.

3.5 PROCEDURES TO PROTECT CLIENT CONFIDENTIALITY

For both the project staff and the field data collectors, performance of the fieldwork (and to some extent data entry and analysis) entailed having access to and the use of information that was considered sensitive and confidential. Because access to and utilization of such information is subject to Federal, State, and county laws and regulations, the field data collectors treated the confidentiality of client information as a paramount concern.

A number of procedures were adopted in order to ensure client confidentiality on this project. First, each project staff member and field data collector signed a confidentiality statement that was kept on file. In the confidentiality statement, staff and field data collectors, in performing their field data collection and handling duties, pledged that they would not do the following

- Copy, duplicate, or disclose any names or other individually identifiable information contained in the records that they were allowed to access and examine;

- Remove from their immediate workspace in the agency any records, photographs, forms, or other materials contained in the records that they were permitted to review;

- Link the information abstracted from the case records with information obtained from any other sources not related to the project;

- Contact or attempt to contact any person identified in the case records; and

- Issue a report or publication baaed on materials obtained while conducting the course of their responsibilities without the prior written consent of the State and/or county agency.

In addition, each project staff member and field data collector on the GAL project stated that he/she would provide security safeguards for the protection of all personal information in his/her possession. These safety measures included the following:

- Maintaining the study forms and information abstracted from records in a secure, locked location when not in use and restricting access to all study forms and information to persons who signed a confidentiality statement (i.e., project staff and field data collectors);

- Destroying all individual study records containing case record information when the study purposes were accomplished; and

- Permitting the State/local agency the right, at any time, to monitor, audit, and review the project staff's and field collectors' activities and methods in order to ensure compliance with the confidentiality agreement.

Second, select project staff and field data collectors were required to sign supplemental confidentiality forms that were provided by some States or counties as a condition of conducting the study. For instance, a formal proposal had to be submitted to the State of Washington Human Subjects Review Board and a confidentiality agreement signed with the board before any case records could be reviewed or caseworkers could be interviewed in that State. Supplemental agreements also were signed with the State of South Carolina and with Franklin County, Ohio.

Third, in some counties, specialized data collection procedures had to be developed per county requirement that ensured the confidentiality of the GAL and/or the family. For instance, in Dakota County, Minnesota, interview procedures were altered in conformance with the requirements of the State Data Practices Act. Under these procedures, the families' names were not permitted to be exposed or the case records reviewed. Case identification was achieved by using the agency case record numbers and having the agency complete the case record extraction forma. A similar

procedure also was developed in line with the requirements of the CASA organization in Charleston County, South Carolina. Other ad hoc procedures were adopted in various counties in order to meet the requirements of the child welfare agency.

Finally, procedures were instituted whereby each case was assigned a unique identifier that preserved client confidentiality. This unique identifier was entered into the data base as the key field for linking the various forms. No personal identifiers, such as the name of the GAL,, caseworker, or family, were entered into the data base. In order to ensure that any actual or potential identifiers (e.g., family name or case record number) were not entered, the code sheet on each instrument where such information might be listed was color coded, and these color-coded sheets were stripped from the data collection instrument before the completed instrument was mailed to the project office.

3.6 DATA ANALYSIS

A variety of analytic and statistical techniques were used in the project's approach to answering the various descriptive and evaluative research questions discussed in Section 3.1. A variety of univariate and bivariate statistical techniques were utilized in order to present descriptive displays relating to the various GAL role dimensions. In order to reduce the large number of variables, raw data were merged into count variables or composite scores, insofar as the scales of measurement were equal and the variables were conceptually and logically linked With these count and composite scores, more complex descriptive analyses could be conducted. Finally, the case-linked variables and conducted analyses were combined, linking specific aspects of GAL activities with case goals and placement outcomes.

Since the majority of the data collected by the study were nominal or ordinal, a variety of nonparametric statistical techniques were used, including bivariate contingency tables, measures of association, and chi-square tests of significance. The various descriptive and inferential techniques utilized in the conduct of this study are described below.

3.6.1 Sampling Weights and Tests of Significance

In the initial analysis plan, sampling weights were developed to account for the different stratum means when determining national estimates. The sampling weight for each GAL sample consisted of (1) a first-stage county base weight, (2) a first-stage nonresponse adjustment weight, and (3) a second-stage weight for the subsample of GALs selected within the county. In addition, nonresponse adjustment weights were computed for each caseworker response and each CREF variable. Descriptive tables based on

weighted data were produced for the advisory panel meeting, and a first draft of the final report was submitted on August 31, 1993.

After the preliminary tabulations were completed, the weighted estimates were analyzed carefully, and it was concluded that the sample had certain anomalies which made it prudent to present and conduct statistical tests using unweighted data. The weighted total estimates were discovered to be distorted in the CASA stratum because of very large weights accorded to two counties in the stratum. The CASA strata were underrepresented because of the last-minute withdrawal of two large counties (Cumberland, Maine, and Hennepin, Minnesota), which disproportionately weighted certain responses in two of the remaining CASA counties (Charleston, South Carolina, and Madison, Indiana). These two counties were accorded weights of more than 400, and their weighted cases constituted substantially all of the weighted results for the CASA model.

The review of preliminary tabulations led to the decision to utilize unweighted data for the following reasons: (1) the sample was designed to be representative of GAL representation models, not child welfare cases, but the weighted estimates were easily misinterpretable as relating to cases; (2) nonparticipation by sample counties altered the weights, as discussed above; and (3) there is no consensus among statisticians over the relative desirability of conducting significance tests with normed or unweighted data. Therefore, the data presented in this report represent raw counts of the data rather than weighted estimates.

In terms of sampling error, there is some degree of uncertainty associated with any estimate that-is made on the basis of a sample. The standard error provides some idea of how much uncertainty is associated with a given estimate as a result of the use of a sample rather than a complete study of the total population. However, the methods for estimating standard errors are inextricably linked to the sampling design and execution, which resulted in the anomalies noted above. Given the small number of cases, the standard errors would be high in any case. Therefore, statistical tests were not performed on the data. In general, no difference between models of less than 10 percent should be considered important.

3.6.2 Descriptive Analyses

The descriptive analyses presented in this report utilized a large number of variables collected in case-linked interviews of GALs and caseworkers and abstracted from case records. In addition, this record was supplemented (at the aggregate county level) by observations from judges about the overall effectiveness of GALs in certain role dimensions. The study's primary strategy was to conduct a mix of univariate and bivariate analyses in order to address the descriptive research questions.

For this analysis, several descriptive statistical techniques were employed to summarize the data. Because the variables in the project data base

included a mix of nominal, ordinal, and interval data, a variety of techniques were employed that were appropriate to the properties of the data. The types of descriptive statistics utilized include the following:

- ***Measure of central tendency.-This*** statistical technique is used to measure the typical or average response to a particular question. There are three common indices of central tendency: (1) mode, (2) median, and (3) mean. Each of these indices is appropriate for a different scale of measurement. The mode is appropriate for nominal data, the median for ordinal data, and the mean for interval data. Since most of the measurements in this study represent an ordinal or interval scale, the mean and median were the most frequently used measures of central tendency. [13]

- ***Measure of variability.-This statistical*** technique is used to summarize the degree of dispersion, or the degree to which tbe variables are spread out. There are three common indices of variability, depending on the characteristics of the data: (1) range, (2) quartile range, and (3) standard deviation. The range is an appropriate measure for nominal data, the quartile range for ordinal data, and the standard deviation for interval data. A mixture of all three measures were used, depending on the characteristics of the data.

- ***Measure of association.-This statistical*** technique is used to measure the degree to which variables covary. Measures of association are descriptive and summarize the strength and direction of the degree to which knowledge of the value of one variable enables one to predict the value of another. These measures also are used to compare several relationships between different grouping variables and a common response variable and to determine which is the strongest. There are numerous measures of association, including Yule's Q, theta, lambda, Goodman and Kruskal's rho, Cramer's V, Kendall's tau, and Pearson's r. However, as noted above, the complex design and the nonparticipation of sample counties made the use of statistical tests inapplicable to the analysis. In the tables presented in this report, differences of less than 10 percent are unlikely to be important, let alone significant.

3.6.3 Data Reduction Through Count Variables and Composite Scores

Efforts were made to reduce the number of variables in the analysis through a process of merging raw variables into count variables and composite scores. These procedures were conducted insofar as the scales of measurement were equal and the variables were conceptually and logically linked. The purpose in this variable reduction process was to create several

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"Even though the majority of variables represent a nominal scale, these variables reduce to a dichotomous "yes" or 'no' response after the 'do not know" and hot applicable' responses are eliminated. Dichotomous variables, even if based on a nominal scale, for some statistical measures can be treated as a continuous variable.

count variables and composite scores, each of which incorporated the raw variables that were alike on a particular GAL role activity. This procedure was facilitated by the presence of a large number of dichotomous variables measuring particular role dimensions. All dichotomies related to a specific role activity formed one count variable or composite score. Composite scores resulted when mutually exclusive categories of responses were needed. Count variables occurred when the effects of any single variable on another was essentially independent of the effects of the other variables. Therefore, their differential effects could be added to determine the overall relationship.

3.7 SUMMARY

The methodology for this evaluation was designed to measure the effectiveness of GALs in performing the roles and tasks of child advocacy. The definition of roles and tasks was based on five major roles defined by Professor Duquette (1990): (1) factfinding or investigation, (2) legal representation, (3) mediation or negotiation, (4) case monitoring, and (5) resource brokering. The study was designed to collect comparative data across three models of GAL advocacy: (1) the private attorney model, (2) the staff attorney model, and (3) the CASA model of lay volunteers. Data were collected in a sample of 26 counties chosen to be representative of the three models and of the geographic distribution of counties between East and West. Within each county, a sample of 10 new cases and 10 review cases was selected to represent the different mix of activities in different phases of child abuse and neglect cases. Case-specific data were collected from GALs, caseworkers, and case records. In addition, judges in each county were interviewed to obtain their perspectives on the roles of child advocates and the effectiveness of the different GAL models.

Although the study used a probability sample design, the findings cannot be generalized nationally to all child welfare cases. This is because the sample was designed to be representative of GAL models of representation, not child welfare cases.

The next chapter of this report, Chapter 4, presents data on the GAL programs, the GALs, the cases in the sample, the caseworkers, and the judges. The GAL programs and the backgrounds of the GALs themselves differ widely among the models in ways that not only have an important bearing on the activities they conduct but also carry substantive implications for the design and implementation of GAL programs in the future.

Chapter 4. BACKGROUND INFORMATION ON THE SAMPLE AND THE RESPONDENTS

A thorough knowledge of the background and characteristics of GAL programs and participants supports a complete understanding of the analysis and findings of the Validation and Effectiveness Study of Legal Representation Through Guardian *ad Litem*. Chapter 4 focuses on six main topics that provide the background to the data analysis presented in Chapter 5 of this report. These topics include the following:

- The definition of the three GAL models analyzed during the study (Section 4.1);
- The characteristics of GAL programs that may affect the performance of GALs (Section 4.2);
- The background and experience of GALs (Section 4.3);
- The characteristics of the children represented by GALs and the cases selected for the study (Section 4.4);
- The background and experience of caseworkers who work with GALs (Section 4.5); and
- The background and experience of judges who preside over child abuse and neglect proceedings (Section 4.6).

The information presented in these sections sets the context for the data that have been collected and analyzed during the study. For example, while the types of GAL programs differ across various States and counties (as discussed earlier in Chapter 2), three specific GAL models were defined for this study to facilitate the sampling, data collection, and analysis activities. Section 4.1 describes these models and their prevalence in the study sample.

In addition, the study collected data on some specific characteristics of different GAL programs that might impact the performance of GALs as they work with child abuse and neglect cases. Section 4.2 details the information pertaining to activities that may affect GAL performance, such as recruitment, workloads, time of appointment, supervision and evaluation, compensation, and immunity from liability.

To describe the GALs in the study sample who reported the primary data collected, Section 4.3 provides information concerning the GALs' personal experience and backgrounds. Among the types of personal experience

examined during the study were previous child welfare and advocacy experience, years of GAL experience, and participation in specialized training.

Section 4.4 describes the characteristics of particular children whom the GALs in the study sample represented During the study, data collectors completed a case record extraction form (CREF) for each case examined with the GALs. The information collected through the CREF helps corroborate GAL responses to interview questions. The CREF also describes the types of children and issues involved in each case and provides information on demographics, the type of abuse, the number and types of placement, and the case goals established regarding final disposition.

Finally, the study collected information from caseworkers who worked with the GALs included in the sample and from judges in counties included in the sample. The caseworkers and judges provided the basic background information concerning their personal experiences with GALs that establishes them as qualified information sources. Sections 4.5 and 4.6 present this information, focusing on years of experience, caseloads, and other relevant topics. In addition, the caseworkers and judges provided assessments of the GALs' activities and effectiveness, which will be analyzed in Chapter 5.

The interpretation of the data presented in each of these sections was guided by comments received from the 12-member technical expert group (TEG) composed of attorneys, court-appointed special advocates (CASAs), and judges. TEG comments are cited in selected portions of the chapter to provide a more robust interpretation of the data.

4.1 DEFINITION OF MODELS

Establishing definitions of the different models of GAL representation was a crucial task in undertaking the GAL study. The three models analyzed in this study are the private attorney model, staff attorney model, and CASA model. The definitions and descriptions of these models that follow are based both upon the definitions and legislative analysis presented in Chapter 2 as well as data collected over the course of the study. While considerable diversity exists within each of the models and not all GAL programs will fit these definitions precisely, the three models are a useful and generally acceptable way of describing and analyzing the current structure of GAL programs in the United States.

4.1.1 Private Attorney Model

In the private attorney model, courts appoint attorneys in private practices as GALs to represent children involved in abuse and neglect proceedings.

Among counties using private attorneys as GALs, the courts often assemble a panel or maintain a list of private attorneys available for appointments. Depending on the county, the panel or list may include referrals from the local bar association, referrals from law firms, self-referrals, or private attorneys under contract to the county. Characteristics common to most private attorney GAL programs are as follows:

- Programs are loosely organized and do not employ specially trained support staff or provide attorneys with support services. Attorneys operate independently and usually are supervised by a judge.

- The courts pay private attorneys on an hourly basis, and the rates may vary in some counties for hours worked "in court" and "out of court." Most counties have a cap on the amount that can he charged to a single case.

- The court may or may not require attorneys to participate in special training on child abuse and neglect issues.

- GAL cases usually represent only a small fraction of private attorneys' entire caseloads.

The GAL programs in the 10 counties selected to represent the private attorney model generally fit this description; however, some notable exceptions exist. In one of the counties, private attorneys receive support from CASAs in performing their duties. In contrast, two other counties have CASA programs, but no direct coordination exists between attorneys and CASAs. Regarding child abuse and neglect training, four of the participating counties have established minimum requirements that GALs must fulfill. Lastly, in exception to the above characteristics, GALs are paid by the hour in only 6 of the 10 counties; 2 of the counties compensate attorneys by court appearance, and 2 other counties provide attorneys with a fixed amount for each case they accept.

4.1.2 Staff Attorney Model

In the staff attorney model, counties employ a staff of attorneys who specialize in representing children in child abuse and neglect cases. Such staff attorney programs typically operate through the legal aid society or public defender's office. In large urban counties, the county may contract with a law firm to provide staff attorney GAL representation. Characteristics common to most staff attorney programs are as follows:

- Staff attorney GALs spend a majority of their time working on child abuse and neglect cases.

- Compensation is provided on a salaried basis.

- Programs frequently employ support staff such as paralegals, administrative assistants, social workers, or volunteers.

- The programs may or may not require staff attorneys to complete specialized training.

Within this broad definition, considerable variation exists across staff attorney GAL, programs. While most programs provide some support structure to help facilitate the performance of GAL activities, the nature and level of support varies. For example, among the seven counties using the staff attorney model in the study sample, four provide staff attorneys with support from staff social workers and CASA volunteers. These counties provide the most intensive GAL support system, with professional social workers either directly teamed with GALs on cases or available for consultation and specialized case-specific tasks. In the three other staff attorney counties in the sample, attorneys receive clerical support and assistance from CASA volunteers. However, the level of CASA support is severely limited in one county and somewhat constrained in the other two due to a shortage of CASA volunteers. CASAs in these counties are not GALs but instead serve in a more limited capacity as friends of the court or assistants to the court-appointed GAL

Some other differences across the seven staff attorney counties in the sample relate to the amount of time staff attorneys devote to GAL, activities and training requirements. Most of the attorneys in four of the counties are full-time GALs, spending well over one-half of their time performing GAL, activities. GALs in the three other counties spend about one-third of their time performing GAL activities. The counties also have different training requirements for GALs. Three counties require their attorneys to participate in ongoing training, while four have no requirements in place. One similarity across all the staff attorney counties concerns compensation; all staff attorneys interviewed during the study were compensated on a salaried basis, as described in the model.

4.1.3 CASA Model

The CASA model of GAL representation uses trained volunteers to represent children in abuse and neglect proceedings. CASA programs vary based on the standing the volunteers are given in court and their relationships to other professionals appointed to represent the child. In some counties CASAs work in tandem with private attorneys. Under such an arrangement, a volunteer may function as the GAL, as the co-GAL with the attorney, or as an assistant to the attorney who is the GAL. The counties selected for this study were limited to counties in which the CASA volunteer is appointed as the GAL or co-GAL. Thus, this sample should not be considered representative of all CASA programs. Some characteristics common to programs using the CASA model of GAL representation include the following:

- Programs are highly structured with written guidelines, training curriculum, and support and supervisory staff.
- All CASAs are required to participate in a training program prior to their first appointment.
- As volunteers, CASAs receive no monetary compensation.
- CASAs typically carry small caseloads.
- Volunteers may or may not have access to an attorney's services.

Aside from these common characteristics, individual CASA programs often are unique to the jurisdiction in which they serve. Programs may be coordinated by nonprofit organizations, by the court, or in some States by a State CASA association. Funding may come from private sources, public sources, or both. Programs also differ in the support services made available to their volunteers and the point at which they appoint CASAs to work on particular cases. These differences are evident across all six of the study counties using the CASA model.

Of the CASA programs in the six counties, three are administered by the court, two by an independent organization, and one by a State association. Regarding funding, five of the programs rely solely on public funding, while the sixth receives both public funds and private donations and grants. In four of the six programs, attorney services are available to CASA volunteers; in addition, two of these counties appoint an attorney to handle ail court proceedings for each child. The appointed attorney may or may not coordinate activities with the CASA. In the two other counties, the CASA programs provide staff attorneys who assist the CASA GALs in presenting their cases; in these cases the attorney represents the GAL, not the child. Lastly, one-half of the counties make CASA appointments at the initial shelter care hearing, while the other three typically make appointments after the dispositional hearing.

4.2 PROGRAM FEATURES AFFECTING PERFORMANCE

The characteristics of the different GAL program models are a possible source of some of the variations among models in the services provided to children and their families involved in child abuse and neglect proceedings. Therefore, CSR collected information from the GALs concerning certain program features that might affect their performance. These program features, discussed below, include recruitment, workload, time of appointment, supervision and evaluation, compensation, and immunity from liability. The analysis of these variables attempts to identify differences among the GAL models that might prove helpful in interpreting variations in the types and intensity of GAL activities performed. Researchers and

policymakers, however, should recognize the inability of these data to do more than illustrate differences and similarities in the characteristics of GAL program models.

4.2.1 Recruitment

One important factor in understanding the administration of GAL programs and the quality of attorneys who serve as GALs is the recruitment technique utilized in acquiring and maintaining each local pool of GALs. During the study each GAL in the sample indicated how he/she was recruited to become a GAL and represent children. The study limited the inquiry about recruitment to private and staff attorney GALs because CASAs exclusively become involved with programs as volunteers. In answering the study questions relating to recruitment, the GALs had a number of response choices, including the following self-request to be included on a court list, solicitation from the court, referral from a local bar association, referral from a law firm, mandatory registration, and the individual's firm/agency being under contract to the child welfare agency, or other. Each respondent could indicate all applicable choices; therefore, some individuals provided affirmative answers in more than one category.

A total of 166 attorneys responded to the recruitment question-120 private attorneys and 46 staff attorneys (see Table 4.2-l following this page). The overwhelming majority of private attorneys (82.5 percent) indicated that they requested inclusion on a court list as the means of recruitment, while 35 percent indicated that they were recruited through court solicitation. In addition to the data shown in the table, of the 120 private attorneys in this group, 26 (or 21.7 percent) indicated that they requested to be included on a court list in addition to being solicited by the court. A more extensive review of the counties suggested that an attorney had to meet some form of requirement (written or otherwise) to be included on the attorney panel from which the judges ultimately choose attorneys to represent children.

In contrast, the overwhelming majority of staff attorneys (95.7 percent) indicated that they were recruited to represent children because their firm/agency represented children; in other words, the firm/agency had a contract to provide such GAL representation. Almost one-fifth of the staff attorneys also indicated some other reason for their recruitment, the most common reason being that they were part of a public defender's program and that their responsibilities rotated Thus, the data demonstrate that most staff attorney GALs probably understand their firm's or agency's expectation that they represent children as GALs at the time they are hired whereas most private attorney GALs become involved in the program because of an individual motivation.

One unexpected study finding showed that 15 percent of private attorneys worked for a firm that had a contract with a child welfare agency to represent children. The majority of private attorneys in two counties in the

Table 4.2-I

Methods Used in GAL Recruitment

Method of Recruitment	Private Attorney Model		Staff Attorney Model		All Models	
	n	%	*n*	%	*n*	%
Self-request to be put on court list	99	82.5	2	4.4	101	60.8
Court solicited	42	35.0	2	4.4	44	26.5
Referral from local bar association	3	2.5	0	0	3	1.8
Law firm gave name	5	4.2	0	0	5	3.0
Mandatory, required to register	0	0	0	0	0	0
Firm/agency that represented children (e.g., contract attorney)	18	15.0	44	95.7	62	37.3
Other	8	6.7	9	19.6	17	10.2
Total Number of GALs	120		46		166	

Note: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

study sample were recruited in this fashion. The private attorneys in these two counties also represent the majority of private attorneys in the sample who indicated that they were under contract to provide GAL services. This indicates an anomaly in the study sample when compared with the private attorney GAL model described earlier.

Interestingly, no attorneys in the sample indicated mandatory registration on a panel as the means by which they were recruited to become GALs. The lack of evidence of mandatory registration is somewhat surprising, because the literature includes some anecdotal evidence that, in some counties, attorneys are compelled to appear on a list of attorneys from which they are selected at random to serve as GALs. The study data suggest that the incidence of recruitment made under duress may be overstated in the literature.

4.2.2 GAL Workload

Another program feature examined during the study is GAL workload. The workload measure comprises three components: (1) caseload, (2) number of hours per week performing GAL activities, and (3) the number of hours per week spent on individual cases. Based on anecdotal evidence, the expectation was that the study would identify positive correlations between the latter two variables and the effectiveness of representation and a negative correlation between caseloads above a certain threshold and effectiveness of representation.

The data on GAL caseloads presented in Table 4.2-2 following this page is derived from the GALs' reports of their actual caseloads at a distinct point in time rather than their estimates of average caseloads over time. Also, the data should not be mistaken for information on the number of new cases GALs accept each year. As the table illustrates, the staff attorneys carried far larger caseloads than GALs in either of the two other models, with nearly 85 percent of the staff attorneys representing 40 or more children. The private attorneys followed at a distant second, with 24.2 percent reporting caseloads of 40 or larger. In contrast, almost 90 percent of the CASAs reported carrying caseloads of less than 10.

The second component of the workload measure is hours per week performing GAL activities, as presented in Table 4.2-3. More than one-half of the staff attorneys performed at least 40 hours of GAL activities per week, and more than 90 percent worked on GAL activities at least 20 hours per week In contrast, only 10 percent of private attorneys and 9.7 percent of CASAs performed more than 20 hours of GAL activities per week. This disparity further establishes staff attorneys as the most active of the GALs in the three models. Another interesting Ending shows that although CASAs represented, on average, fewer children than private attorneys, they spent slightly more time per week performing GAL activities.

Table 4.2-2

GAL Caseloads

Size of Caseload at a Point in Time	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
None	5.0%	6.5%	0.0%	3.5%
I-5 children	19.2%	0.0%	57.0%	29.3%
5-10 children	13.3%	0.0%	31.2%	17.4%
1040 children	38.3%	8.7%	11.8%	23.6%
40 or more children	24.2%	84.8%	0.0%	26.3%
Median caseload	15.0	500.0	4.0	10.0
Mean caseload	32.8	623.4	5.2	124.1
Number of cases	120	46	93	259

Table 4.2-3

Weekly Hours Performing GAL Activities

Hours per Week	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
None	5.0%	0.0%	0.0%	2.3%
Under 1 hour	9.2%	0.0%	1.1%	4.6%
1-2 hours	15.8%	0.0%	6.5%	9.7%
2-5 hours	31.7%	0.0%	44.1%	30.5%
5-20 hours	28.3%	8.7%	38.7%	28.6%
20-40 hours	9.2%	34.8%	7.5%	13.1%
40 or more hours	0.8%	56.5%	2.2%	11.2%
Median number of hours	3.0	40.0	4.0	5.0
Mean number of hours	6.7	40.5	7.3	13.1
Number of GALs	120	46	93	259

The final component of the GAL workload measure-the number of weekly hours spent on a case-appears in Table 4.2-4 following this page. Of the GALs in the three models, the CASAs spent the most time per case representing their clients. More than one-half of all CASAs surveyed spent more than 3 hours per case each week Staff attorneys spent slightly more time per week representing a client than private attorneys, with the two models averaging 1.6 and 1.5 hours, respectively. Almost one-half of the attorneys in each model spent less than 1 hour per week representing each client.

The data presented for this last variable are somewhat biased by the criteria used to select the cases on which the GALs were interviewed. That is, one of the criteria for case selection was that the GALs select cases on which they had most recently worked. Thus, the numbers presented for this particular variable are inflated because many cases with recent activity tend to be at or above average levels of activity relative to the normal ebb and flow of case activity. Although the magnitudes are inflated, the relative differences between models still provide a useful comparison.

Given the limited number of hours per week and per case and the size of caseloads, GALs must budget their time carefully among the five GAL roles presented in Chapter 3—(1) investigation, (2) legal representation, (3) mediation and negotiation, (4) case monitoring, and (5) resource brokering. GALs were asked to report the percent distribution of their time by function on the cases in the sample. The averages by model are summarized in Table 4.2-5.

These data describe important differences among the functions and the models in the percent of time by function that will have implications for the effectiveness analysis in Chapter 5. Two functions-investigation and legal representation-unt for more than 60 percent of staff time. There was little difference among the models in investigation. In legal representation, however, the attorneys spent more than twice as much time as the CASAs. Private attorneys spent 39.9 percent of their time in legal activities, staff attorneys spent 34.0 percent, and CASAs spent only 14.8 percent. The other function in which there was an important difference was monitoring, with CASAs spending 31.5 percent of their time on the function, more than twice as much time as the attorneys.

With these differences in time spent by function, one would expect in Chapter 5 to see important differences in the levels of activities among the models, with attorneys having higher levels of legal activities and CASAs having higher levels of monitoring activities. The differences among the models in time spent on legal representation could imply qualitative differences as well. While legal representation is not the only function to be performed by a GAL, it is an essential function, especially in contested cases. The data on activities is examined in Chapter 5 to determine if there are differences. Finally, it is important to note that, as discussed in the

Table **4.2-4**

Number of Weekly Hours Spent on a Case

Hours per Week	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Under 1 hour	39.1%	42.2%	7.7%	28.5%
I-2 hours	27.6%	27.8%	17.3%	24.0%
2-3 hours	17.2%	16.7%	21.2%	18.5%
34 hours	6.8%	7.8%	12.2%	8.9%
4 or more hours	9.4%	5.6%	41.7%	20.1%
Median number of hours	1.0	1.0	2.5	1.0
Mean number of hours	1.5	1.6	3.6	2.3
Number of cases	192	90	156	438

Table 4.2-5

Average Time Distribution of GALs Among Roles by Model

Role	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Investigation	30.3%	30.5%	34.7%	31.7%
Legal	39.9%	34.0%	14.8%	31.0%
Negotiation	15.4%	17.7%	12.8%	15.0%
Monitoring	11.0%	15.0%	31.5%	18.5%
Brokering	3.8%	5.4%	6.7%	5.2%
Other	1.5%	0.0%	0.3%	0.8%
Total*	100.0%	100.0%	100.0%	100.0%

*Note that, while the percentages reported by each GAL add up to 100 percent, the sum of the averages by function may not, due to rounding error.

definition of models, some of the CASA programs provide an attorney to conduct the courtroom activities in each case and some of the staff attorney programs provide social workers to conduct noncourtroom activities. The data on time spent refer only to the individual GAL, while the data presented in Chapter 5 are intended to measure all activities, whether performed personally by the GAL or by another affiliated person.

The data on GAL workloads underscore some important differences in the basic designs of the three models. Staff attorneys are best characterized as "full-time" GALs compared to private attorneys and CASAs, who have lower caseloads and spend a smaller fraction of their time performing GAL activities. The workload data also distinguish staff attorneys as the GALs with the most hands-on experience. In addition, staff attorneys also may have an added advantage of increased exposure to key personnel at social service agencies and/or courts, greater experience in negotiating settlements, and increased opportunities to establish a network of contacts within the field Conversely, staff attorneys' larger caseloads limit the amount of time that can be spent on each case and probably place them at higher risk for "burnout." However, this negative interpretation is somewhat mitigated in counties that provide staff attorney GALs with support from either social workers or CASAs. Four of the seven counties in the staff attorney sample provided staff attorneys with support from social workers, and the other three counties provided staff attorneys with support from CASAs.

The workload data indicate the existence of a submodel within the private attorney model. Part of the explanation for the unexpectedly high number of private attorneys with workloads of more than 40 cases (24.2 percent) is the inclusion of the two counties in the private attorney sample that have a contract arrangement with a firm or a select group of attorneys. This type of model is more like a hybrid of the private and staff attorney GAL models. Therefore, the private attorneys involved shared some of the same workload characteristics as staff attorney GALs. In addition, a third county in the sample consistently appointed GALs from a small group of private attorneys that the court had come to trust with this role. However, in this case, no formal contract existed. These departures from the typical private attorney model described earlier may lead to an understatement of the impact of workload differences on the GAL activity data presented in the next chapter.

4.2.3 Time of Appointment

The timing of the GAL appointment was very important to members of the TEG. The group's consensus was that GAL appointments should be made as soon as possible after the filing of a petition. The study collected the date of appointment from the GAL and the date the petition was filed from both the GAL and the case record. The time lapse between these two dates served as one measure of the timeliness of GAL appointments. When the

petition dates differed between the two sources, the study used the date closest to the GAL appointment date. In several cases, the date of appointment was prior to the petition filing date, sometimes by 1 year or more, due to data collection and coding mistakes. These cases were grouped into one "prepetition" category. The cases with apparently valid dates then were grouped into four time periods: (1) 0 to 5 days, (2) 6 to 30 days, (3) 31 to 365 days, and (4) over 1 year.

The data are presented by model in Table 4.2-6 following this page and by new and review cases in Table 4.2-7; Charts 4.2-l and 4.2-2 summarize these data_ The time lapse between petition filing and GAL appointment averaged nearly 300 days but was shortest for private attorneys at 165.3 days and for new cases at 130.5 days. The averages conceal important differences among the models that are shown more clearly in the charts. Chart 4.2-l indicates that private attorneys and staff attorneys were appointed early in the cases, with 55.5 percent of private attorneys appointed 0 to 5 days after the petition was filed and 42 percent of staff attorneys appointed in the same timeframe. By contrast, 44.5 percent of CASAs were appointed 31 to 365 days after the petition, and 28.9 percent were appointed more than 1 year after the petition. Chart 4.2-2 indicates that appointments in new cases were made earlier than in review cases, but still 30.7 percent of the appointments in new cases were made more than 30 days after the petition was filed.

The longer time lapse for review cases is understandable, because the GALs interviewed for the study may not have been in all cases the first GAL on the case. In fact, the data indicate that 93 percent of the GALs in new cases were the children's original representatives, compared to 75.1 percent of the GALs in review cases. However, equal percentages of private attorneys and CASAs (89 percent) were the original representatives, compared to only 64 percent of staff attorneys. If this factor explained the difference in time lapse, then staff attorneys would have the longest time lapses. In fact, the time lapses for staff attorneys presented in Chart 4.2-l are close to those of private attorneys. Therefore, this factor does not explain the differences. In addition, the cases were equally divided between new and review cases for each model.

In summary, the data suggest clear differences in the time lapse among the models and between new and review cases. The difference in the time lapse between new and review cases appears to be related to whether the GAL interviewed was the original representative. The case data provide no clear evidence why the time lapse should be longer for the CASAs than for the attorneys in such a high percentage of the cases. However, a review of the data collection notes revealed that two of the CASA counties routinely delayed appointment of the GAL until the review phase of the case, and other CASA counties may have done so as well. One might expect a longer time lapse to result in lower effectiveness for CASAs compared to the other models. The effectiveness data are examined in Chapter 5 of this report.

Table 4.2-6

Time Lapse Between Petition and GAL Appointment by Model

Time GAL Appointed	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Prepetition	8.9%	2.3%	4.7%	6.1%
0-5 days	55.5%	42.0%	7.0%	37.3%
6-30 days	23.0%	20.5%	14.8%	19.9%
31-365 days	4.7%	14.8%	44.5%	19.4%
Over 1 year	7.9%	20.5%	28.9%	17.2%
Mean number of days	165.3	408.2	366.5	298.9
Number of cases	191	88	128	407

Table 4.2-7

Time Lapse Between Petition and GAL Appointment
by New or Review Case

Time GAL Appointed	New Cases	Review Cases	All Cases
Prepetition	8.3%	4.0%	6.1%
0-5 days	38.0%	36.6%	37.3%
6-30 days	22.9%	16.8%	19.9%
3 l-365 days	23.9%	14.9%	19.4%
Over 1 year	6.8%	27.7%	17.2%
Mean number of days	130.5	459.1	298.9
Number of cases	205	202	407

Chart 4.2-1

Timeliness of GAL Appointments by Model

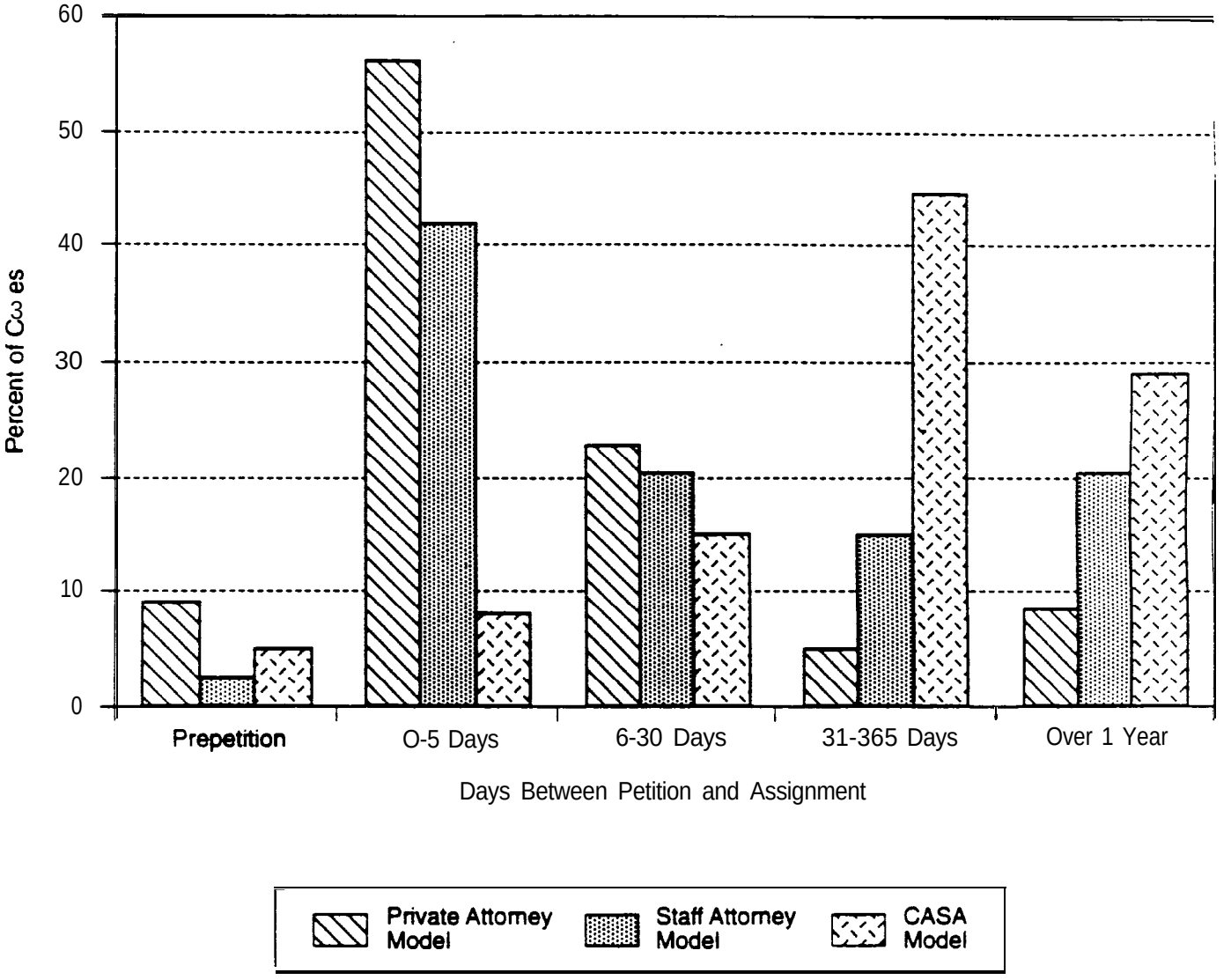
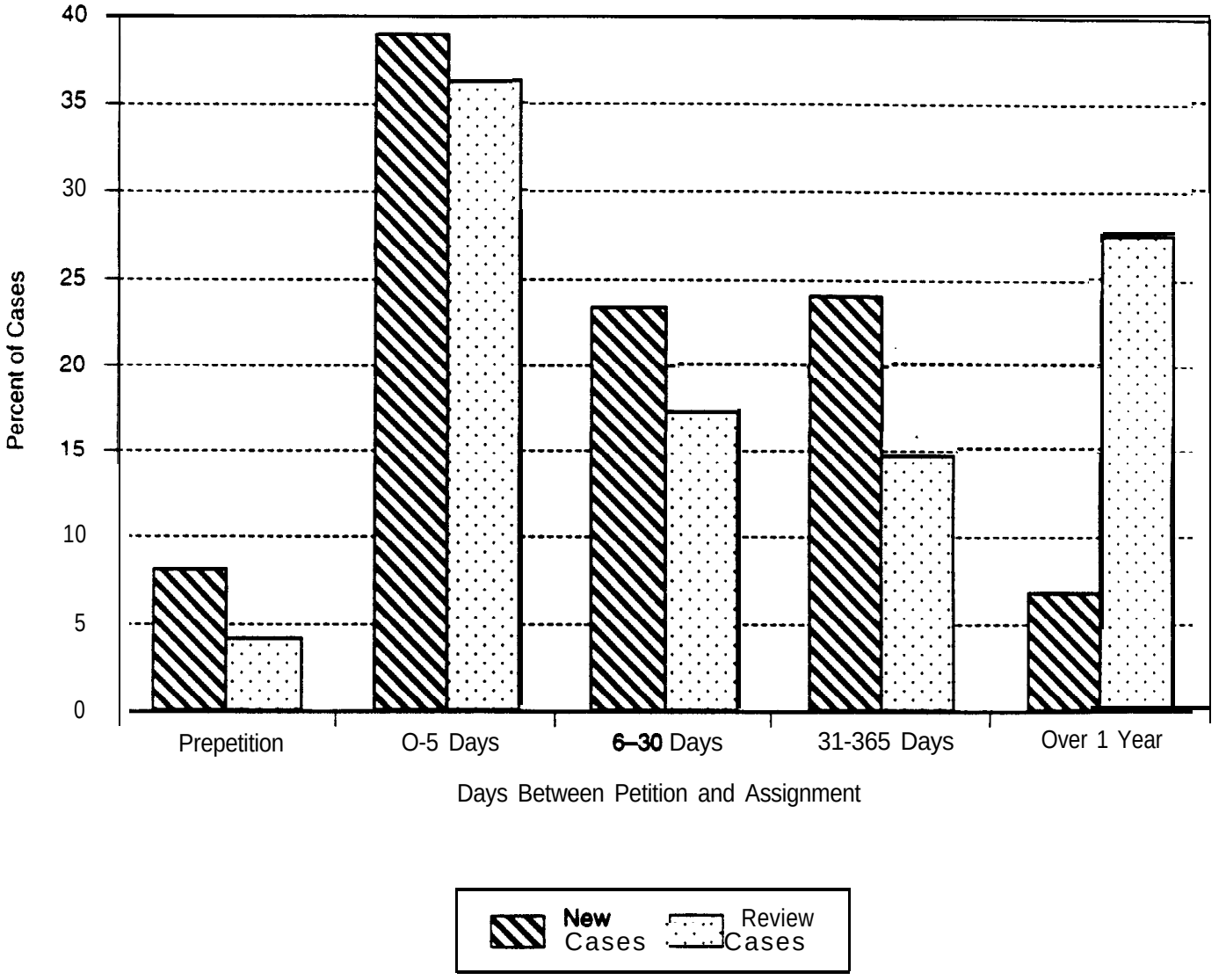


Chart 4.2-2

Timeliness of GAL Appointments by New and Review Cases



4.2.4 Supervision and Evaluation

The GALs were asked a series of questions regarding the supervision and evaluation of their activities. The responses to these questions spurred considerable debate among the TEG members about the apparent lack of accountability and quality control of GALS. The study data indicate that the majority of private attorneys (70.6 percent) were not supervised, whereas the majority of staff attorneys (87.0 percent) and CASAs (90.3 percent) were supervised. The private attorneys, when supervised, reported to a judge, whereas staff attorneys usually were supervised by a senior staff attorney. The CASAs indicated that they reported to either a GAL director or a CASA director. Similarly, performance evaluations were virtually nonexistent for the private attorney GALs (0.8 percent), whereas 58.7 percent of the staff attorneys and 22.6 percent of the CASAs received formal evaluations.

In considering these results, the TEG members were concerned about the possible lack of independence among private attorneys and the potential conflict of interest inherent in a system of supervision instituted by the appointing judges. In the counties with private attorney GALS, the judges had the authority to hold the GALs accountable both for the quality of representation and the costs billed for services. All TEG members agreed both that certain standards regarding GAL roles and responsibilities needed to be established in order to provide a yardstick by which each GAL would be held accountable and that these standards should be enforced by an independent party. Several TEG members added that such a system would not only safeguard the quality of representation but would provide GALs with a valuable independent source of feedback regarding their performance. Lack of an adequate feedback mechanism was highlighted as an area of concern, particularly for the private attorney model.

One panel member explained that Scotland already had established a group composed of select reviewers responsible for maintaining a degree of supervision and evaluation for children's representatives, thereby adequately sustaining a system of checks and balances. Many panelists agreed that such a group could be replicated in the United States, especially for the private attorneys, who are the most independent GAL representatives. However, a consensus developed among TEG members that the appointment and maintenance of such a person or group should not serve as an extension of the judicial system, since a conflict of interest could exist for judges. In the TEG's opinion, judges should have an oversight role but should not be the sole supervisors of GALs.

4.2.5 GAL Compensation

Another important area to consider in examining the differences across GAL programs is the level of GAL compensation and overall program funding. In

recent decades Federal, State, and local governments have awakened to the crisis experienced by children involved in abuse and neglect proceedings and have responded with resources and programs designed to help minimize the damage to children and families. Nonetheless, similar to other public programs, GAL programs constantly are faced with the specter of resource limitations. In an effort to deal with the problem of limited resources, policymakers often must attempt to determine the level at which the benefit of spending additional funds for certain services is maximized or, conversely, counterbalanced by the benefits of alternative spending allocations. Thus, when jurisdictions set limits on the compensation of private attorney GALs or, in the case of staff attorneys and CASAs, the level of funding their programs receive, the jurisdictions are either consciously or tacitly communicating to GALs the level of representation that the jurisdictions expect GALs to provide children.

Members of the TEG identified such a decisionmaking process at work in counties with ceilings on the level of compensation that private attorney GALs can receive on a single case. Five of the ten private attorney counties participating in the study imposed such caps, ranging from $300 to $1,500. Based on data collected on the rates of private attorney compensation, $50 seemed to be a reasonable figure to use as a measure of the hourly cost for an attorney. Using this figure, a cap of $300 communicated to GALs that they were expected to spend no more than 6 hours on a case. In contrast, a cap of $1,500 communicated to GALs that a much higher level of activity was expected.

In some cases, counties may adopt low compensation caps to correspond with specific written descriptions of GAL roles and responsibilities. In these cases, counties are making a conscious choice to provide a lower level of representation consistent with a truncated GAL role definition. However, when counties have vague definitions of GAL roles and responsibilities or no written definitions or descriptions, low compensation caps probably serve as one of the clearest indicators of the level of representation expected from GALs. Similarly, low compensation caps may send a clear message to GALs, even in counties that have a comprehensive definition of GAL roles and responsibilities, especially if the enforcement of these roles and responsibilities is lax. The effect of compensation caps on the performance of GALs is likely to be more limited in counties where judges frequently authorize GALs to exceed such caps. This suggests that future research should seek information on the frequency of such authorizations and the circumstances under which these authorizations are made in order to understand how jurisdictions ration limited resources.

A slight variation of this same decisionmaking process occurred in jurisdictions using the staff attorney model. Because the staff attorneys were salaried, compensation was not necessarily as direct a communicator of the level of representation that the attorneys were expected to provide. However, program budgets directly affected the number of staff attorneys

that programs could support, and these numbers in turn affected the size of the caseload that each GAL was expected to handle: The greater the number of GALs that were supported or employed by the program, the lower the caseloads. Thus, caseload size becomes an indirect mechanism through which the county may consciously or tacitly communicate the level of representation expected of GALs.

Because the CASAs in the study worked as volunteers, issues of compensation or salary did not apply as limits on the time and effort they might expend on a case. The CASA programs involved costs of training, facilities, and transportation, estimated by the National CASA Association at $1,400 per volunteer in 1991.' Consequently, CASAs could accept smaller caseloads and spend more time per case than could private or staff attorneys.

According to Table 4.2-2 discussed earlier, almost 85 percent of staff attorneys reported caseloads of 40 or more children, whereas 88.2 percent of the CASAs interviewed had caseloads of less than 10 children. The disparity between the caseloads of staff attorneys and CASAs, even after adjusting for differences in time spent performing GAL activities, would seem to indicate that a higher level of activity was expected of the CASAs. This may in part be linked to the expectation that CASAs would require or be willing to spend more time to complete their work Possibly for this reason, a number of CASA programs apparently enforced limitations on the size of volunteer caseloads as a means of maintaining the quality of representation provided. It also is possible that adequate representation takes more time than can be expended by private and staff attorneys on each case.

Because this study was not intended to measure cost-effectiveness of GAL activities, the data available only serve to highlight the potential relationship between resource allocation decisions and GAL effectiveness. Determining the type of GAL activities that are most cost-effective would require a study that examines the total cost of GAL representation, including both GAL compensation and program overhead; assigning these costs to specific GAL activities; and estimating the relative importance of each activity to effective representation. Such a study would need to scrutinize hidden costs, such as GAL training and support services, and the effect of caseloads on GAL performance. This type of study would be instrumental in helping policymakers develop GAL standards to maximize GAL effectiveness with varying levels of resources.

'National CASA Association (NCASAA). 1992. *1992 National CASA Association Program Survey.* Seattle, Washington: Membership Services, NCASAA.

4.2.6 Immunity From Liability

Each attorney and CASA was asked to indicate whether she/he had total, partial, or no immunity from liability regarding her/his work in representing children. In addition, the field data collectors also contacted knowledgeable public officials in each county in order to determine the type of immunity, if any, that GALs had. The results indicate that many GALs (overall, 39.4 percent) did not know whether they had total, partial, or no immunity from liability, and 35 percent thought they had no immunity (see Table 4.2-8 following this page).

The results on immunity can be misinterpreted easily because, as the TEG has indicated, there is considerable ambiguity across States and counties about this concept. The TEG members found that the laws and regulations vary considerably by State and even within States, to the extent that there is great uncertainty over the degree of representation and indemnification. The field data collectors found this to be true in many counties, especially in the absence of State law or regulation. In addition, the possibility of impending class action suits in some counties increased the degree of uncertainty among the public officials interviewed. Unlike immunity, however, issues surrounding liability clearly were understood in many counties, particularly by attorney GALs.

Independent from the interviews, data on immunity were collected from recognized secondary sources to support an understanding of immunity issues in the sites sampled. Of the 10 counties categorized under the private attorney model, 7 counties responded that they have no immunity, 2 claimed partial immunity, and 1 did not know. Of the counties designated as staff attorney counties, three stated they have no immunity, two did not know, one may have total immunity, and one may have partial immunity. All the counties designated as CASA counties have some form of immunity; four have partial and two have total immunity.

The GAL responses were cross-tabulated against responses provided by county officials. The numbers of GAL responses that agreed and disagreed with the independent "official" responses then were computed. Findings indicated that the responses of 76.1 percent of the staff attorneys, 70.9 percent of the private attorneys, and 30.8 percent of the CASAs correlated with the county officials' opinions regarding immunity from liability. Where there was a discrepancy between the GAL and the county, most of the GAL responses tended to fall in the "do not know" category. In view of the training that the CASAs received in order to become GALs, it seems somewhat surprising that CASAs were the least knowledgeable about immunity issues in their counties (approximately 57 percent of CASAs indicated they did not know). As one member of the TEG remarked, however, it is not surprising that GALs might not know about immunity issues since this is a complicated issue. This also suggests that GALs are

Table 4.2-8

GAL Reports of Immunity From Liability

Type of Immunity	Private Attorney Model		Staff Attorney Model		CASA Model		All Models	
	n	%	*n*	%	*n*	%	*n*	%
Partial, good faith immunity	10	8.3	4	a.7	17	18.3	31	12.0
Total/absolute/ judicial immunity	5	4.2	4	a.7	17	16.3	26	10.0
Do not have immunity	80	66.7	6	13.0	5	5.4	91	35.0
Do not know	23	19.2	27	58.7	52	55.9	102	39.4
Other	1	0.9	5	10.9	0	0.0	6	2.3
Did not respond	1	0.9			2	2.2	3	1.2
Total	120	100.2	46	100.0	93	100.1	259	99.9

not often threatened by lawsuits; otherwise, GALs would better informed about the status of immunity in their counties.

4.3 GAL BACKGROUND AND EXPERIENCE

GALs served as the primary source of data during the study, detailing their activities on specific new or review child abuse and neglect cases. In an effort to establish a context for the analysis of the data collected on these activities, the study also collected information from GAL respondents concerning their backgrounds and relevant experience. The experience of GALs relevant to their work as child representatives is a function of many variables. The study attempted to address a large percentage of these variables through background questions in three broad areas: (1) previous child welfare and advocacy experience, (2) years of experience as a GAL, and (3) participation in specialized training. Data in any one of these areas represent only a partial measure of GAL experience. To obtain a measure of total GAL, experience, all three types of experience must be considered.

4.3.1 Child Welfare and Advocacy Experience

GALs participating in the study indicated the number of years' experience they had in the fields of child welfare and advocacy previous to their involvement as a GAL. The term 'child welfare and advocacy" was defined broadly to include all fields and professions that minister specifically to the long-term needs of families and children in crisis. Given the complexity of the issues involved in child abuse and neglect cases, it was hypothesized that such experience would he an important asset to GALs and should be included as a component of the overall measure of GAL experience.

As illustrated in Table 4.3-l following this page, working as a GAL was the first experience in the field of child welfare and advocacy for the majority of GALs in the sample. More than 80 percent of the CASAs and private attorneys, and more than 65 percent of the staff attorneys, reported no child welfare and advocacy experience prior to becoming GALs. Those GALs who reported prior experience were fairly evenly distributed over the range of 0 to 10 years of experience, with the exception of GALs in the private attorney model. Here, a larger proportion of respondents with previous experience reported 10 or more years of such experience (10.4 percent). Conversely, the majority of CASAs and staff attorneys with previous experience tended to fall in the middle range, with 3 to 5 years of such experience.

A breakdown of the types of previous experience among GALs provides a more complete picture (see Table 4.3-2). Not surprisingly, a significant number of private and staff attorneys had some previous experience concerning family/child law (13.6 and 15.2 percent, respectively). However, almost 20 percent of the staff attorney GALs also had some previous

Table 4.3-l

GALs' Years of Previous Child Welfare or Advocacy Experience

Years of **Experience**	Prlvate Attorney Model	staff Attorney Model	CASA Model	All Models
None	82.1%	65.8%	82.4%	79.5%
0-3 years	1 .9%	5.3%	0 . 0%	1 .7%
3-5 years	3.8%	13.2%	8.2%	7.0%
5-10 years	1.9%	7.9%	4.7%	3.9%
10 or more years	10.4%	7.9%	4.7%	7.9%
Number of GALs	106	38	85	229

experience in social work or a related area, similar to CASAs (1'7.8 percent) and much more than private attorneys (4.5 percent). Less surprisingly, only the CASA GALs (9.6 percent) had any previous foster parent experience.

Table 4.3-2

GALs' Experience In Child Welfare Prior To Becoming GALs

Type of Experience	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Family/child law	13.6%	15.2%	1.4%	10.0%
Social work or related experience	4.5%	19.6%	17.8%	1 1.8%
Foster parent experience	0.0%	0.0%	9.6%	3.1%
Number of GALs	110	46	73	229

The low percentage of private and staff attorney GALs with previous experience may be an indication that the majority of such GALs become involved in child welfare as a result of their interest in law rather than choose a career in law because of an earlier interest in child welfare. In addition, child welfare is a relatively new field within the profession of law and is among the less lucrative avenues available to students. In the case of CASAs, low numbers may be an indication that people tend to choose volunteer activities that are not directly related to their professions.

The difference in previous experience between private and staff attorneys may reflect differences in the way attorneys are selected in each of the models. private attorney GALs often are chosen from a list of attorneys who have volunteered to accept GAL appointments. Often these appointments represent only a small percentage of a private attorney's practice. Conversely, staff attorneys are employed by the court or county and usually spend the majority of their time working as GALs. Because a county usually hires a relatively small number of attorneys to handle a large number of cases, more attention may be paid to the attorneys' previous experience in the fields of child welfare and advocacy. The fact that a large number of the staff attorneys in this study did not have prior child welfare and advocacy experience probably indicates either a shortage of attorneys with such experience or the lack of incentives for experienced attorneys to pursue careers as GAL staff attorneys.

4.3.2 Years of Experience as a GAL

Another measure of experience explored with GALs in the study sample was the number of years of experience working as GALs. Such data could potentially be used to measure and compare the amount of GAL experience among respondents representing each GAL model. These data are presented in Table 4.3-3 following this page.

Of particular interest is the experience of private attorneys. It was hypothesized that the majority of private attorneys are lawyers just out of law school and in need of work. The data support the opposite Ending; more than one-half of the private attorney GALs had 5 or more years' experience, indicating an unexpected level of stability in the pool of experienced private attorneys available to serve as GALs. CASAs reported the least amount of experience, with more than one-half reporting less than 2 years of experience. Staff attorneys ranked in the middle, with a median of 2 years of GAL, experience and an average of 3.9 years.

The study measured the tenure of GALs and GAL turnover. Of the three models, CASAs showed the shortest tenure, with only 13.2 percent serving as GALs for more than 5 years. The short tenure of CASAs may be due to the newness of the programs studied or other factors. Staff attorneys were second in this category, with 21.7 percent of the GALs staying on for more than 5 years. Private attorney models showed the longest tenure, with 58.5 percent of private attorney GALs staying for more than 5 years.

The turnover measure is the percent of GALs who were the original representatives on a case. Less than two-thirds of the staff attorneys were the original representatives, compared to 90 percent of both private attorneys and CASAs. Thus, staff attorneys have a shorter tenure and a higher case turnover than GALs in the other two models.

The short tenure and high turnover among the staff attorneys may be somewhat attributable to burnout. As discussed earlier in this chapter, staff attorneys typically have caseloads approaching those experienced by child welfare caseworkers and public defenders. Thus, it is not surprising that staff attorneys also might share a similar level of burnout to that typical of these other two fields. Conversely, the high number of private attorneys indicated as having remained with the program for more than 5 years must be analyzed in light of the relatively small caseloads and limited amount of time that private attorney GALs generally devote to child abuse and neglect cases.

The caseload data illuminate the interpretation of the data on the years of GAL experience in another way. While the private attorneys had the most years of GAL experience, they typically had much smaller caseloads than the staff attorneys. Thus, on average, 1 year of experience for a staff attorney GAL resulted in more "hands-on experience" than 1 year as a

Table **4.3-3**

Years of Experience as a GAL

Years of Experience	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
O-2 years	8.5%	32.6%	53.8%	29.0%
2-3 years	12.7%	23.9%	17.6%	16.5%
3-5 years	20.3%	21.7%	15.4%	18.8%
5-10 years	37.3%	8.7%	9.9%	22.4%
10 or more years	21.2%	13.0%	3.3%	13.3%
Median number of years	5.0	2.0	1.5	3.0
Mean number of years	6.5	3.9	2.3	4.5
Number of cases	118	46	91	255

private attorney GAL. Taking this into consideration, staff attorneys had the most hands-on experience, followed by private attorneys and CASAs.

A final point of interpretation for which the study did not collect data concerned the quality of experience possessed by GALs. For example, GALs in some counties may have many years of experience representing children; however, because of a lack of relevant experience and training, the children may not be represented adequately. In such cases, the data would only indicate the amount of experience the GALs have in providing services. Thus, more experience does not necessarily equate with better representation.

4.3.3 Specialized Training

In addition to examining GALs' previous and hands-on experience, the study asked its participants to report on any specialized training that they had received. GALs in the study sample provided information on the number of days of training they had received and on the topics covered in training. The usefulness of these data are limited by the absence of data measuring the quality of the training. An assumption that one is inclined to make in comparisons across models and between jurisdictions is that 1 day of training in one jurisdiction is equal to 1 day of training in all other jurisdictions. The available data, however, do not support such an assumption. Thus, an analysis of these data only allow some qualified statements about the amount of training GALs receive and the types of training topics addressed

As illustrated in Table 4.34 following this page, almost all of the GALs reported receiving some amount of training. More then 80 percent of all the staff attorneys received at least 5 days of training, and 61.9 percent received 15 or more days of training. This is substantially more training than either the CASAs or private attorneys received. Though the CASAs and/or private attorneys may have received fewer but more effective and higher quality days of training, the overall difference is large enough to suggest that the staff attorney GALs probably received more substantial training than the CASA or private attorney GALs. Given that in most cases a staff attorney's full-time profession is to represent children, such a conclusion is tenable though not conclusive.

Another indication of the different levels of training across GAL models is the number of topics covered (see Table 4.3-5). Although the CASAs received about one-half as much training as the staff attorneys, the CASAs training covered more topics than either the private attorneys' or staff attorneys'. At the other end of the spectrum, the private attorneys received training in the fewest number of topics, with an average of 3.9 topics compared to 7.5 for CASAs and 6.5 for staff attorneys.

Table 4.3-4

Amount of GAL Training

Days of Training	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
None	1.2%	4.8%	3.3%	2.7%
Less than 1 day	2.4%	0.0%	0.0%	0.9%
1-3 days	16.5%	2.4%	13.0%	12.3%
3-5 days	24.7%	9.5%	10.9%	16.0%
5-15 days	37.6%	21.4%	48.9%	39.3%
15 or more days	17.6%	61.9%	23.9%	28.8%
Median number of days	5.0	20.0	5.0	6.0
Mean number of days	9.8	24.0	12.2	13.5
Number of cases	85	42	92	219

Table 4.3-5

Topics Addressed in GAL Training

Training Topics	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Laws and regulations	69.2%	93.5%	96.8%	83.4%
Courtroom procedures	55.8%	87.0%	98.9%	76.8%
Child/family dynamics in abuse/neglect cases	62.5%	84.8%	96.8%	78.8%
Investigation, monitoring, and negotiation	40.0%	73.9%	95.7%	66.0%
Child welfare system and the courts	525%	91.3%	7.8%	75.7%
Interviewing/communicating with child/family	47.5%	80.4%	95.7%	70.7%
Identification of community services	37.5%	71.7%	95.7%	64.5%
Developing service plans	25.8%	67.4%	76.3%	51.4%
Physical and mental health aspects of child welfare	0.0%	6.5%	2.7%	2.2%
Cultural sensitivity	0.0%	0.0%	12.3%	3.9%
Sexual abuse	3.6%	0.0%	12.3%	5.7%
Substance abuse	0.9%	6.5%	8.2%	4.4%
Any topic	70.8%	93.5%	100.0%	85.3%
Average number of topics	3.9	6.5	7.5	5.7
Number of cases	120	46	93	259

Nom: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

The overwhelming majority of CASAs received training on both legal representation topics (Topics 1-5) and social service topics (Topics 6-12). The same was true of the staff attorney GALS, with the exception that slightly fewer received training on social service topics. The private attorneys participated in training across all topics in much lower numbers than either the CASAs or staff attorneys. Like the staff attorneys, the private attorneys also were more likely to participate in training on legal representation topics than on social service topics. Few GALs in any of the models received training on the physical and mental health aspects of child welfare, cultural sensitivity, sexual abuse, or substance abuse.

Members of the study's TEG were concerned that GALs in each model were least likely to receive training on the development of service plans. As indicated in Table 4.3-5, only 25.8 percent of the private attorneys, 67.4 percent of the staff attorneys, and 76.3 percent of the CASAs received training on this topic. In the opinion of the TEG, development of service plans is linked directly to permanency planning, the end goal of all abuse and neglect proceedings. One possible explanation for the low numbers is the perception by some GALs that the development of a case plan is exclusively a caseworker's responsibility. If this is true, the development of case plans is an area where the GAL's role definition is in need of clarification in order to address the potential overlap with the child welfare caseworker's role.

Without information on the quality of training, it is impossible to make judgments about which GALs are best trained.. However, another study examining the quality of training might test the hypothesis that private attorneys receive more thorough training in the few topics they cover than do CASAs in the many topics addressed in their training. Such a study also might measure the extent to which staff attorneys receive more comprehensive training.

Despite the absence of a quality measure, it is still possible to draw some preliminary conclusions from the data The lack of training time and focus on certain topics among the GALs in the study sample indicates the need to determine whether additional training for GALs should be provided or even required to ensure adequate representation of children. For example, in addition to the relatively small number of private attorneys who received training in service plan development, less than one-half of the private attorneys received training in investigating, monitoring, and negotiation; interviewing and communicating with the child and family; and identification of community services. Given the small number of private attorneys with previous child welfare and advocacy experience, such a finding indicates the need for some attention to these issues, since they constitute an important part of the GAL's role. While all the CASA programs in the study have minimum training requirements, only 3 of the 10 private attorney counties and 3 of the 7 staff attorney counties have similar requirements.

The gap between the legal experience of attorneys and that of CASA volunteers was another area of concern to the TEG. All the staff attorneys and private attorneys in the study who serve as GALs are practicing attorneys who typically have completed at least 3 years of postgraduate education and have passed the bar exam in the State in which they practice. Clearly there are some legal duties of the GAL for which such training is the only adequate preparation. Some of these duties include filing motions, calling and cross-examining witnesses, and completing termination of parental rights proceedings. In view of this, the TEG believed it necessary to mandate that every child or GAL, have access to the services of an attorney. Such a recommendation does not suggest that all GALs must be attorneys, but it recognizes the need for legal counsel where the court is involved

The TEG's recommendation emphasizes the importance of considering the legal experience of private and staff attorney GALs in addition to the broad GAL, experience explored in this section. Nevertheless, all the experts agreed that attorneys should be required to participate in specialized training on the dynamics of child abuse and neglect cases before being appointed as GALs.

The lack of previous child welfare and advocacy experience among the GALs in the study underscores the need for some GAL training to ensure at least a basic understanding of the relevant issues among GALs. The study's TEG members were adamant in their belief that effective GAL representation was vitally linked to an understanding of the dynamics of abuse and neglect cases acquired through hands-on experience and/or training. Given that most GALs are entering the field without such knowledge and experience, the need for some minimum training requirements and perhaps even a standardized curriculum becomes paramount to improving the state-of-the-art of GAL representation.

Determining the types of training that are most necessary and relevant will be a difficult undertaking, especially given the lack of a standard definition of the roles and responsibilities of GALs. However, future studies should examine the quality of training provided to GALs and explore the impact of training on the quality of services provided. Among the topics that should be explored are the following: the particular types of training that are most relevant, the extent to which volunteers can be trained in some legal duties and the types of legal duties that could or should be delegated to nonattorneys, and the impact of existing State and local training standards on the quality of GAL services.

4.4 CHARACTERISTICS OF CHILDREN AND CASES

The CREF collected data concerning demographics, case severity, case goals, placement, and services provided to children and, thus, served as an

important source of background information in understanding the role and activities of the GALs in the sample. Field data collectors used the CREF to collect information from the corresponding case records for each completed GAL questionnaire. Each CREF provided information used to corroborate the GALs' descriptions of their activities. In addition, descriptions of the children and issues involved in each case provided a context in which the GALs performed their responsibilities as children's representatives.

Data collectors used the CREF to obtain data on 206 new cases and 202 review cases during the study. If a particular GAL represented more than one child in a single case and more than one child was named in the petition, one child was randomly chosen from those named in the petition for the purposes of data collection. Thus, each completed CREF included information on one child and one case.

The CREF was used to collect information in a variety of areas, including four that are examined in this section and which provide useful background information: (1) the demographics of the child, (2) the type of abuse sustained, (3) the number and types of placement, and (4) case goals regarding final disposition of the child. Although data collectors fully completed the majority of the CREFs, some information was either unavailable or impossible to determine given the organization or contents of the case record. For example, some case records (13 out of 408) contained inadequate information regarding the number of placements the child had received since the beginning of the case. Therefore, the number of completed responses in each section of the CREF could vary. Where appropriate, the accompanying tables in this section identify the number of children (or cases) for which particular information was collected using the CREF.

4.4.1 Demographics of Children Represented

Birth date information was collected with the CREF and used to compute each child's age. The children then were grouped into one of three age categories: (1) "infant/toddler," comprising children ages 4 and younger; (2) "child," comprising children ages 5 to 12; and (3) "teenager," comprising youth ages 13 and older.

The distribution was roughly even among the three age categories, with slight differences among the models (see Table 4.4-1 following this page). Forty percent of the children represented by the GALs were between the ages of 5 and 12. The CASAs represented slightly more children in the infant/toddler category (32.5 percent) than did the staff attorney GALs (21.6 percent), and the staff attorney GALs represented more children (36.4 percent) in the teenager category than did the CASAs (23.8 percent). However, these differences are relatively minor and may or may not have implications for various GAL activities examined in the next chapter.

Males and females represented were 42.4 percent and 57.6 percent, respectively, of all cases for which a CREF was completed (see Table 4.4-1 following this page). The staff attorneys represented more female children (68.2 percent) than did the other GALs, whose clients were more evenly split between the genders. However, the difference probably reflects a sampling artifact, since staff attorney GALs usually represent all children who need a GAL, in a county, regardless of their demographic characteristics.

The case records of 399 of the children represented by the GALs in the sample had race and ethnic information which was collected using the CREF (see Table 4.4-l). More than one-half of the children (58.4 percent) represented by the GALs were Caucasian, and the second largest group of children (26.3 percent) were African-American. Some differences emerged by model, with staff attorneys representing a significantly larger percentage of African-American children than either the private attorneys or CASAs. However, the two largest counties in which staff attorney GALs were interviewed were located in large urban areas where African-American families make up a high proportion of the population, a probable explanation for the Ending. No significant differences exist between new and review cases with respect to race or any other demographic characteristic of the children.

4.4.2 Type and Severity of Abuse/Neglect Sustained

Data collectors also extracted information from case records on the type of abuse or neglect that each child sustained, as indicated in Table 4.4-2 below.

Table 4.4-2

Type of Abuse Sustained by Children, by Model

Type of Abuse	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Physical abuse	37.2%	39.0%	32.3%	36.2%
Sexual abuse	24.6%	23.9%	22.1%	23.6%
Neglect	76.4%	66.9%	75.0%	73.7%
Number of children	191	88	127	406

Nom: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

Table 4.4-1

Demographics of Children Represented

Demographics	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Age:				
0-4	29.2%	21.6%	32.5%	28.6%
5-12	37.0%	42.1%	43.7%	40.6%
13 or older	33.9%	36.4%	23.8%	30.8%
Number of children	192	88	126	406
Gender:				
Male	48.4%	31.8%	40.6%	42.4%
Female	51.6%	68.2%	59.4%	57.6%
Number of children	192	88	128	408
Race/Ethnicity:				
Caucasian	61.0%	36.5%	66.9%	58.4%
African-American	18.7%	49.4%	23.6%	26.3%
Hispanic	8.7%	7.1%	0.8%	5.8%
American Indian	0.5%	2.4%	1.6%	1.3%
Asian	0.0%	1.2%	1.6%	0.8%
Multiracial	11.2%	3.5%	5.5%	7.5%
Number of children	187	85	127	399

The type of abuse was coded under three categories-physical abuse, sexual abuse, and neglect, and more than one type of abuse could be included for each case. Nearly threequarters of the cases in the sample indicated neglect, more than one-third involved physical abuse, and nearly one-quarter involved sexual abuse (see Table 4.4-2).

Although every instance of child abuse or neglect can have severe consequences, attempts were made to obtain a more specific measure of case severity by examining whether (1) the child sustained more than one type of abuse; (2) the child was placed in a hospital, residential treatment facility, or other institution (including emergency foster care) as a result of abuse or neglect; and (3) whether criminal charges were associated with the case against the caretaker.

According to the data, children sustained two types of abuse or neglect in 21.4 percent of the cases and three types in 7.6 percent of the cases. Of the 21.4 percent that sustained two types of abuse, 67.1 percent were physically abused and neglected, 21.2 percent were sexually abused and neglected, and 11.8 percent were physically and sexually abused.

In another indication of severity, more than one-half of the children the GALs represented were placed in either a hospital, a residential treatment facility, or another institution as a result of abuse or neglect (see Table 4.43 following this page). According to the case record information, the CASAs represented more children who were placed in a hospital or other institution than did the attorney GALs. Such a difference could reflect the younger children that CASAs represent as compared to the staff attorneys and private attorneys (see Table 4.4-l); that is, more infants and very young children who are neglected or abused likely would require immediate hospitalization or placement in an institution to meet their special needs as compared to older children. Finally, the data indicate that one-quarter of the abuse and neglect cases in the sample had an associated criminal case against a caretaker that was noted in the case records at the time of data collection.

4.4.3 Number and Types of Placements

Another type of information collected using the CREF was the placement history of the children who were represented by the GALs in the study sample. At the time of data collection, more than one-third of the children (39 percent) were residing in a foster home with a nonrelative; 20.8 percent were in the original home with a custodial parent; and 15.9 percent were living in the home of a relative, which sometimes met the requirements of a foster home (see Table 4.44). The remainder of the children were living either with a noncustodial parent, in a group home or shelter, in a hospital or facility, or in an adoptive home.

Table **4.4-3**

Measures of Case Severity

Measures of Severity	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Criminal case against caretaker?				
Yes	26.1%	26.1%	23.0%	25.1%
No	72.9%	73.9%	77.0%	74.1%
Number of children	188	88	126	402
Child placed in:				
Hospital	13.4%	17.7%	20.3%	16.5%
Residential treatment facility	7.5%	10.3%	9.5%	8.8%
Other institution (including emergency foster care)	24.3%	20.5%	44.5%	29.9%
Number of children	186	87	128	401

Table 4.4-4

Type of Placement at Time of Data Collection

Type of Placement	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Original home, custodial parent	21.4%	17.1%	22.7%	20.8%
Other home, noncustodial parent	4.2%	3.4%	7.9%	4.9%
Home of relative	12.5%	23.9%	15.6%	15.9%
Foster home, nonrelative	39.1%	38.6%	39.1%	39.0%
Group home/shelter	8.3%	5.7%	6.3%	7.1%
Hospital/institution/facility	6.3%	9.1%	2.3%	5.6%
Preadoptive/adoptive home	4.7%	1.1%	5.5%	4.2%
Other	3.7%	1.1%	1.5%	2.4%
Number of children	187	88	133	408

In addition, the data illustrate the number of placements each child had received at the time of data collection. Nearly onequarter of the children represented by the GALs had only one placement since the original petition was filed, and more than one-third had two placements. However, about one-quarter of the children (24.8 percent) had four or more placements (see Table 4.4-5 below>. As might be expected given the greater length of time involved in review cases, the number of placements for review cases was significantly higher than that for new cases. While 34.7 percent of the children in review cases had been placed four or more times, more than 80 percent of the children in the new cases had three or fewer placements since the petition of abuse and/or neglect was filed.

Table 4.4-5

Overall Number of Placements per Child

Number of Placements	New Cases	Review Cases	All Cases
1 placement	31.1%	17.1%	24.1%
2 placements	40.3%	28.6%	34.4%
3 placements	12.0%	19.1%	15.9%
4 or more placements	14.0%	34.7%	24.0%
Number of children	196	199	395

It is important to note that a child with more than one placement has not necessarily had more than one type of placement. For example, if a child was removed from the original home and put in foster care, each foster home in which the child lived was considered to be one placement. The data on type of placements indicate that almost one-half of the children (46.1 percent) were placed in a foster home with a nonrelative one or more times (see Table 4.46 following this page). Nearly one-quarter of all children were placed in a group home or shelter one or more times, and almost one-quarter were placed at least once in a hospital, institution, or other facility. In addition, 17.2 percent were placed back in the original home with a custodial parent one or more times after being removed to some other living situation, and 13.4 percent lived in the home of a relative at one time or another.

4.4.4 Case Goals Regarding Placement of the Child

In an attempt to understand the way caseworkers and/or GALs make adjustments to case plans, the CREF collected data on the original goal and

Table 4.4-6

Type of Placement for Children by New and Review Cases

Type of Placement	New Cases	Revlew Cases	All Cases
Original home, custodial parent	12.8%	21.6%	17.2%
Other home, noncustodial parent	2.0%	5.5%	3.8%
Home of relative	8.2%	18.6%	13.4%
Foster home, nonrelative	38.3%	57.8%	48.1%
Group home/shelter	19.9%	26.6%	23.3%
Hospital/institution/facility	19.9%	29.1%	24.5%
Other	2.0%	2.5%	2.3%

any subsequent case goals regarding the final disposition or placement of the child. According to data extracted from the agency case plans, the original placement goal for more than one-half of the children (58.6 percent) represented by the GALs was to return the children home with services and/or monitoring (see Table 4.4-7 following this page). In addition, the original goal for another 17.9 percent was to remain home with services and/or monitoring. Such goals reflect the focus on family reunification that pervades the Child Abuse Prevention and Treatment Act legislation and illustrate the desire on behalf of child welfare agencies and caseworkers to maintain and preserve the family unit whenever possible. The low number of children whose original case plans recommended either long-term foster care (3.0 percent) or adoption (3.5 percent) further demonstrates the focus on family preservation.

As might be expected given the complexity of many child abuse and neglect cases, caseworkers often must adjust the placement goals of children as a case proceeds. Of the 408 cases for which information was obtained, nearly two-thirds (63.2 percent) required no change to the original case plan regarding the placement goal of the child (see Table 4.4-8). As could be expected, the changes were concentrated in review cases, where less than one-half (46.0 percent) had no changes. In the review cases having changes, the latest placement goals were concentrated in out-of-home placements (long-term foster care; termination of parental rights, adoption, or emancipation; or guardianship or other out-of-home placements).

These findings have implications for family support and family preservation programs. The higher number of goal changes for review cases probably reflects the impact of new information and options as the cases progress. While caseworkers and GALs usually focus on the possibility of reunification, they often must modify such goals while unraveling the complex issues involved in many child abuse and neglect cases. Over time, realistic permanent placement options begin to emerge, and the feasibility of the original case goal is tested In this way certain options for placement or services are eliminated and other services and resources are implemented until final disposition is achieved It is important that programs allow for changes in case goals to protect against inappropriate placements.

4.4.5 Summary

Data collected on case characteristics indicate few differences across GAL models regarding demographics, the types of abuse or neglect involved, the placement history, or the case goals regarding final placement for the children in the sample. Given the limited available data, it is not possible to provide a profile of the "typical" abused or neglected child served by GALs. However, general similarities among many of the children sampled indicate some common issues that GALs often confront.

Table 4.4-7

Original Placement Goal for the Child

Original Placement Goal	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Remain home, no services or monitoring	2.2%	0.0%	2.4%	1.8%
Remain home, with services or monitoring	20.8%	21.6%	11.2%	17.9%
Return home, no services or monitoring	13.7%	1.1%	4.8%	8.1%
Return home, with services or monitoring	51.4%	70.5%	60.8%	58.6%
Long-term foster care	1.7%	2.3%	5.6%	3.0%
Termination of parental rights/adoption/emancipation	2.2%	2.3%	5.6%	3.5%
Guardianship/other	8.2%	2.3%	9.6%	7.1%
Number of children	183	88	125	396

Table 4.4-8

Changes in Placement Goals and Latest Placement Goal for New and Review Cases

Changes In Case Goals	New Cases	Review Cases	All Cases
No change	80.1%	46.0%	63.2%
Remain home, no services or monitoring	0.5%	1.5%	1.0%
Remain home, with services or monitoring	3.4%	2.5%	2.9%
Return home, no services or monitoring	1.0%	0.5%	0.7%
Return home, with services or monitoring	3.9%	5.0%	4.4%
Long-term foster care	1.0%	12.4%	6.6%
Termination of parental rights/adoption/emancipation	5.8%	19.8%	12.7%
Guardianship/other	4.4%	12.4%	8.3%
Number of children	206	202	408

For example, nearly three-quarters of the Children in the sample were neglected and more than three-quarters had three or less placements since the original filing of the petition. At the time of data collection, more than three-quarters of the children were residing in one of three places: 39.0 percent of the children were living in a foster home with a nonrelative, 20.8 percent were living in their original home with a custodial parent, and 15.9 percent were living in the home of a relative. Finally, the placement goals for the children indicate that more than three-quarters originally had a goal either to return home with services or monitoring (58.6 percent) or to remain home with services or monitoring (17.9 percent), illustrating the focus on reunifying families involved in abuse and neglect proceedings whenever possible.

4.5 CASEWORKER BACKGROUND

In addition to interviewing GALs and examining case records, the data collectors interviewed 415 caseworkers who were assigned to the cases in the study sample. The caseworkers provided another source of information concerning the GALs' roles and activities performed on particular cases. The data collectors attempted to interview every caseworker assigned to each case on which a GAL was interviewed and succeeded in doing so with few exceptions. The summary of the backgrounds and experiences of the caseworkers provided below illustrates their familiarity with the system and gives some indication of their qualification to discuss the performance and effectiveness of GALS.

The tables in Section 4.5 have been created to illustrate the similarities and differences among caseworkers who worked on particular cases with GAL private attorneys, staff attorneys, or CASAs. As the tables indicate, 201 caseworkers discussed cases involving private attorneys, 87 discussed cases involving staff attorneys, and 127 discussed cases involving CASAs.

One indicator of a caseworker's knowledge of and familiarity with the child welfare system is the number of years he/she has worked as a caseworker. The average number of years reported was 7.1, with slight differences by model (see Tabie 4.5-l following this page). While almost one-half of the caseworkers (47.7 percent) had been working in the child welfare field for less than 5 years, 27.2 percent had between 5 and 10 years of experience, and 25.1 percent had 10 or more years.

Another important characteristic, which could affect the amount of work expected of GALs on particular cases, is the overall caseload of child welfare caseworkers. The current caseloads of the 415 caseworkers interviewed during the study averaged 30.7 cases (see Table 4.5-2). Almost one-half of the caseworkers (47.7 percent) reported a caseload of between 25 and 40 cases, and 39 percent reported a current caseload of 40 or more cases. Interestingly, 69.3 percent of caseworkers who worked with CASA GALs

Table 4.5-1

Years Working as a Caseworker in Child Welfare

Years as a Caseworker	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
0-3 years	29.9%	24.1%	22.0%	26.3%
3-5 years	25.4%	18.4%	17.3%	21.4%
5-10 years	26.9%	21.8%	31.5%	27.2%
10 or more years	17.9%	35.6%	29.1%	25.1%
Median number of years	4.0	6.0	6.5	5.0
Mean number of years	6.1	8.1	8.1	7.1
Number of caseworkers	201	87	127	415

Table 4.5-2

Size of Current Caseworker Caseload

Current Caseload	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
None	3.0%	2.3%	1.6%	2.4%
1-1 5 cases	1.5%	6.9%	0.8%	2.4%
15-25 cases	12.4%	6.9%	3.1%	8.4%
25-40 cases	61.2%	49.4%	25.2%	47.7%
40 or more cases	21.9%	34.5%	69.3%	39.0%
Median caseload	21.0	23.0	40.0	24.0
Mean caseload	23.0	39.0	37.2	30.7
Number of caseworkers	201	87	127	415

reported caseloads of 40 or more, as compared to only 21.9 percent and 34.5 percent of private attorney GALs and staff attorney GALs, respectively.

Each caseworker also estimated the average time he/she had spent per week on the case covered in the interview. The caseworkers reported working an average of 3.4 hours per week on each case (see Table 4.5-3 on the following page). Almost one-half of the caseworkers (47.0 percent) reported spending between 1 and 3 hours on the case per week, and 40.0 percent reported spending 3 or more hours per week A number of caseworkers indicated that the amount of time they spend on a case varies greatly depending on such conditions as the stability of the child's placement, the services required for the child or family, and whether a hearing or other legal proceeding has been scheduled for the near future.

The variability of hours per case is illustrated by the fact that, multiplying the average number of hours by the number of children in a caseload, the resulting figure implies that caseworkers worked an average of 104.4 hours per week, While caseworkers may work overtime regularly, it is unlikely that they would work that many hours on a regular basis. Therefore, the reported weekly hours per case appear to reflect those hours expended during the period when the case was active.

Some differences emerged across the three GAL models. For example, caseworkers working with private attorney GALs averaged 3.8 hours per week on each case, as compared to caseworkers working with staff attorneys and CASAs, who averaged 3.1 and 2.9 hours per week, respectively. The difference might reflect conditions discussed earlier, including the lack of support staff available to many private attorney GALs and the small amount of total time some private attorneys devote to GAL activities in general. Both conditions might require a caseworker to spend more time on a case to perform activities or conduct followup to compensate for activities that the private attorney does not have time to perform.

A slight difference also exists between the time caseworkers spent on new cases and on review cases, with 33.5 percent of the caseworkers spending 3 or more hours on review cases per week as compared to 46.4 percent of caseworkers spending 3 or more hours on new cases (see Table 4.5-4). As a result, the average amount of time spent on new cases was 4.0 hours, as compared to 2.7 hours for review cases.

4.6 BACKGROUND DATA ON JUDGES

Judges who preside over child abuse and neglect cases in the counties in which data were collected also reported on GAL activities. The data collectors attempted to interview at least one judge in every county. They ultimately succeeded in collecting information from 56 judges, with some data collectors obtaining interviews with four or five judges in their

Table 4.5-3

Time Spent by Caseworkers on Sample Case per Week

Hours per Week	Prlvate Attorney Model	staff Attorney Model	CASA Model	All Models
None	6.0%	3.4%	5.5%	5.3%
Under 1 hour	4.0%	16.1%	7.9%	7.7%
1-2 hours	22.9%	24.1%	33.9%	26.5%
2-3 hours	21.4%	19.5%	19.7%	20.5%
3 or more hours	45.8%	36.8%	33.1%	40.0%
Median number of hours	2.5	2.0	2.0	2.0
Mean number of hours	3.8	3.1	2.9	3.4
Number of caseworkers	201	87	127	415

Table 4.54

Time Spent by Caseworkers per Week on Sample Cases, by New and Review Cases

Hours per Week	New Cases	Review Cases	All Cases
None	5.7%	4.9%	5.3%
Under 1 hour	6.7%	8.7%	7.7%
1-2 hours	23.9%	29.1%	26.5%
2-3 hours	17.2%	23.8%	20.5%
3 or more hours	46.4%	33.5%	40.0%
Median	2.0	2.5	2.0
Mean	2.7	4.0	3.4
Number of caseworkers	209	206	415

respective counties. The judges offered general opinions and observations about the role and effectiveness of GALs in their counties rather than discussing specific cases.

Due to the small sample size, the data are neither weighted nor representative of any model or county. Nevertheless, the information provided by the judges serves as a useful comparison to the data collected from GALs, case records, and child welfare caseworkers. Similar to the preceding section on the background of caseworkers, the summary of the judges' backgrounds, discussed below, illustrates the judges' qualifications to provide another perspective on the performance and effectiveness of the GALs.

While the judges did not comment on specific cases covered in the study, the judges were asked to answer questions concerning the predominant GAL model of representation in their respective counties. Therefore, the discussion in this section use the terms 'private attorney judges," "staff attorney judges," and "CASA judges" in reference to the GAL models the judges discussed during the interviews. Of the 56 judges interviewed, 23 represented the private attorney model, 15 represented the staff attorney model, and 18 represented the CASA model.

One potential indicator of the judges' familiarity with issues relevant to GALs who represent abused and neglected children is the extent to which the judges had any professional or other experience in the child welfare or child advocacy fields prior to their appointments to the court. Nearly three-quarters of all the judges (73.2 percent) reported that they had some experience related to child welfare or advocacy prior to their appointments (see Table 4.6-l on the following page). These judges' experiences included representing children or parents in abuse and neglect proceedings, serving as attorneys in custody cases, and working in the district attorney's or public defender's office. The 56 judges in the sample had an average of 5.7 years of experience in the child welfare or advocacy field prior to appointment. Excluding the 15 judges who had no previous experience in child welfare or advocacy from the analysis, the mean years of experience among judges increases to 7.8.

The judges also reported how many years they had been sitting on a court that hears child abuse and neglect cases. While the average length of time sitting on such a court was 8.4 years across all judges, some differences emerged by model (see Table 4.6-2). Private attorney judges reported an average of 11.2 years of experience, as compared to staff attorney judges and CASA judges, who reported 6.0 and 6.9 years of experience, respectively. However, these differences probably represent no more than an artifact of the data and the small sample sizes of judges for the different models.

Table 4.6-1

Judges' Years of Experience in Child Welfare or Advocacy

Years of Experience	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
None	34.8%	26.7%	16.7%	26.8%
O-2 years	4.3%	0.0%	5.6%	3.6%
2-5 years	8.7%	26.7%	22.2%	17.9%
5-10 years	17.4%	20.0%	33.3%	23.2%
10 or more years	34.8%	26.7%	22.2%	28.6%
Median number of years	5.0	4.0	5.0	5.0
Mean number of years	5.9	5.5	5.7	5.7
Number of judges interviewed	23	15	18	56

Table 4.6-2

Judges' Years Hearing Child Abuse and Neglect Cases

Years	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
None	0.0%	0.0%	0.0%	0.0%
O-2 years	8.7%	33.3%	11.1%	16.1%
2 - 5 years	8.7%	20.0%	33.3%	19.6%
5-10 years	39.1%	33.3%	22.2%	32.1%
10 or more years	43.5%	13.3%	33.3%	32.1%
Median number of years	7.0	2.5	5.0	5.5
Mean number of years	11.2	6.0	6.9	8.4
Number of judges interviewed	23	15	18	56

A final indicator of experience with issues relevant to GALs is the average number of child abuse and neglect cases heard each week Similar to the average length of time sitting on the court, these numbers also varied by GAL model (see Table 4.6-3 following this page). Staff attorney and CASA judges reported hearing an average of 28 cases per week, as compared to private attorney judges, who heard an average of 13 cases per week In addition, one-third (33.3 percent) of the CASA judges and almost one-half (46.7 percent) of the staff attorney judges reported hearing 30 or more cases per week, as compared to only 8.7 percent of private attorney judges.

Background information provided by the case record extractions and interviews with the caseworkers and judges helps one better understand the environments in which GALs work It is difficult to determine the extent to which the activities a GAL performs on a specific case will be influenced by issues such as case goals and placement or the experience of a judge who hears a case. Nonetheless, this background information provides the context in which to view the roles and responsibilities of GALs.

Table 4.6-3

Number of Child Abuse and Neglect Cases Heard by Judges Each Week

Weekly Caseload	Prlvate Attorney Model	staff Attorney Model	CASA Model	All Models
None	0.0%	6.7%	5.6%	3.6%
1-10 cases	43.5%	0.0%	11.1%	21.4%
10-15 cases	17.4%	20.0%	27.8%	21 .4%
15-30 cases	30.4%	26.7%	22.2%	26.8%
30 or more cases	8.7%	46.7%	33.3%	26.8%
Median numberofcases	12.0	25.0	15.0	15.0
Mean number of cases	13.2	28.4	28.5	21.9
Number of judges interviewed	23	15	18	56

Chapter 5. ANALYSIS OF GAL EFFECTIVENESS

This chapter presents the field data collection results pertaining to the five GAL role dimensions identified by Professor Donald Duquette (see Chapters 2 and 3) and the assessment of select activities in each role dimension. The data collection plan was based on the Duquette model and is all inclusive in that it attempts to cover the myriad aspects of the roles and responsibilities of the guardian *ad litem (GAL).* This chapter, however, focuses only on selected measures of GAL, effectiveness. As discussed in Chapter 3 of this report, the study measured effectiveness based on the activities performed by the GAL, not on the outcomes of cases. The GAL has the responsibility to advocate for the best interests of the child, whether that be removal from the home or reunification with the family.

The focus of the analysis was influenced heavily by the discussions and recommendations arrived at during a technical expert group (TEG) meeting held in early September 1993. The purposes of the meeting were to review a preliminary draft of the tabulated survey data and to discuss the GALs' roles and responsibilities. In discussions with the TEG, the evaluation staff were able to clarify what was important in each role dimension, thereby permitting the analyses to concentrate on the roles, tasks, and activities viewed by the TEG as central to effective performance of the GAL function. In addition, the TEG assisted in classifying the myriad GAL activities that directly or indirectly relate to core GAL functions in each role dimension.

The TEG reviewed the data pertaining to GAL activities in each of the five role dimensions and suggested a core set of functions that GALs should perform in order to be effective. The TEG members believed that the evaluation should make it clear that, in the context of this study, "effectiveness" should be construed in a procedural sense as work actually performed on a case, rather than on a specific outcome of the case. The sections that follow discuss each role dimension of the GAL. Each section begins with a summary of the discussion at the TEG meeting regarding effective activities of a particular role dimension. In addition, the variables, or cluster of variables, that formed the object of the discussion of effectiveness during the TEG meeting appear first in each role dimension s&ion. The remaining variables were selected as important additional components of that role dimension.

Before delving into each specific role dimension, however, it is important to briefly discuss some of the overarching principles of child advocacy and representation that emerged from discussions with the TEG. It was agreed that child advocacy, in many ways, is in an early stage of development and that the time is favorable for setting out some general principles that would help inform the debate in the field over the next few years or even decade. The TEG members eschewed developing a list of roles and responsibilities,

which they believed had been done by others and was not feasible in the time allotted, Rather, the members used the data obtained from the survey to highlight areas where deficits in GAL activities could be clearly recognized and underscored. The TEG members thoroughly reviewed the data presented for each role dimension and developed what they considered to be a set of core principles and related activities which they thought was inherent in the function of a child advocate, irrespective of the model.

The general principles enumerated below are at the heart of any model of child advocacy and cut across specific role dimensions.

Advocate for the child.-The TEG members thought that the GAL should be considered responsible for pursuing the child's best interests, both within and outside the confines of the courtroom. This advocacy role extends beyond the confines of what is narrowly construed to be the role as purely one of legal representation for the child. TEG members felt that the GAL should advocate for the child (similar to how a reasonably concerned parent would for his/her own child), even if the recommendations fall outside (1) the court mandate, (2) the ability of the agency to implement, or (3) the child's concurrence.

Client-centered orientation.—The implication of this principle is that the focus of GAL activity is on identifying the concrete legal and nonlegal needs of children and on actively and vigorously seeking to meet them. In addition, this implies a sensitivity to the age-specific, developmental, and cultural situation and needs of the child. Various characteristics of a client-centered approach were enunciated by the TEG. These include the following:

- Developing an awareness of the emotional, psychological, developmental, and physical needs of the child;
- Talking with the child;
- Observing the child;
- Familiarizing the child with the court procedures; and
- Maintaining cultural sensitivity in communicating with the child and the family.

Continuity of representation.-The TEG believed that the GAL must remain continuously involved with the child, from the initial emergency hearing to the time when the court no longer has jurisdiction over the child (e.g., if the child is adopted, emancipated, or reaches the age of majority). This requires that the GAL have continuing contact with the child throughout the various stages in the case and that the GAL be contacted by the court, agency, or other actor if changes are made in the case.

Accountability.—The TEG noted that there must be an established mechanism to ensure that the GAL is held accountable for his/her actions on behalf of the child. While staff attorneys and court-appointed special advocates (CASAs) typically have their performances monitored and evaluated, such supervision usually is lacking for many private attorneys. Some TEG members believed that GALs would be reluctant to adopt these principles and implement these recommended activities unless they were held directly accountable by the court or other body.

Independence.—The TEG members thought that the GAL should act independently of the child welfare agency and the court and should be encouraged by these bodies to advocate for the child. The GAL's independence should be upheld, even though the results of his/her activities might slow down court processing of these cases and present difficulties for the agency.

The data on the GAL program's structure and background in Chapter 4 addressed some of these issues, but not all were addressed by data collected in the evaluation. This chapter presents the data collected during the study on GALs' performance of the five roles and tasks; the GALs' own assessments of their effectiveness in performing these roles; and comparative information collected from the case records, the caseworkers, and the judges. The chapter compares, across the three GAL models and between new and review cases, where these differences are important. The reader should be aware that, in addition to the limitations of individual items noted in the discussions that follow, the entire sample of data consists of 458 GAL reports, 415 caseworker reports, 408 case record extractions, and reports from 56 judges. Given these small sample sizes, differences of less than 10 percentage points between the models are unlikely to be substantively important or statistically significant.

The analysis begins with a discussion of the activities performed by GALs in the factfinding and investigation role. This is followed by sections discussing activities in the GAL roles of legal representation, negotiation and mediation, case monitoring, and resource brokering. The chapter concludes with a summary.

5.1 FACTFINDING AND INVESTIGATION

The role of factfinder is typically the first capacity in which the GAL becomes involved during a child abuse or neglect case; this role continues to be important throughout the case. In performing this role, the GAL consults a variety of sources to obtain information on the facts of the case, the interpretation of these facts by each of the parties to the case, and each party's corresponding assessment. Professor Duquette (1990) identifies these three components of the f&finder role as (1) investigation, (2) consultation, and (3) assessment. These activities are all closely related

and often are performed concurrently as the GAL collects information and interviews parties to the case.

Baaed on information obtained through factfinding, the GAL makes decisions about what is in the best interest of the child and, consequently, sets the underlying structure for activities in the four remaining GAL roles as legal representative, case monitor, mediator, and resource broker. Because of this central influence on the direction of the case, the factfinder role is most important during the early stages of the court proceedings. Later in the case, factfinding continues to be important as circumstances evolve and new developments occur; however, the scope of the task is diminished relative to the initial investigation. Effective performance of this role helps the GAL clarify inconsistencies in information, identify potential areas of disagreement, seek suggestions for solutions, and make his/her own assessments of the case.

In performing as factfinder, the GAL gathers information from a combination of written sources and personal contacts. Possible written sources include the petition detailing the accusation of abuse and/or neglect, the agency case record, court records, police records, mental health records, medical records, school records, and any evaluations of the child or parents which may have been performed Important persons to contact regarding the facts of the case are the child, the parents of the child, the parents' attorney, the State's attorney, the agency caseworker, the foster parents, relatives, neighbors, and siblings.

Because GALs often are forced to operate on tight timetables, it is not always possible to thoroughly investigate all of these potential sources of information. The TEG members agreed that guidelines should be set to help GALs prioritize investigation activities and spend their limited time most effectively. It also was firmly stated that topping any such list of activities should be contact with the child, visitation of the parents' home, visitation of the child's current home or placement, contact with the caseworker, thorough reading of the petition, and review of the agency case record.

The remainder of this section presents data collected on GAL factfinding activities, emphasizing the areas given high priority by the TEG.

5.1.1 Contact With the Child

The TEG members were unanimous in stating that it is the responsibility of GALs to meet with and/or observe the children they represent. In the cases of older children such a meeting allows GALs to hear directly from the child his/her feelings about his/her family, the circumstances surrounding the alleged abuse or neglect, and the children's wishes concerning the outcome of the proceedings. Although such information may be available in the agency case record or other written documents, such information should not be considered a substitute for direct contact with the child. Speaking with a

child, a GAL can ask his/her own questions and benefit from the added information provided by tone of voice and pauses in speech. Contact in person is a step better in that such contact enhances a child's statements with the added meaning of body language and allows a GAL to supplement knowledge of a child's physical condition with a visual appraisal. During the review process, such contact helps the GAL track the child's situation and monitor progress.

In the case of an infant or toddler, although direct verbal communication may not be possible, it is equally important for a GAL to have some contact, if only to see how the child behaves and reacts to the new setting. Such contact also serves the purpose of establishing a link between GALs and the children they represent. It personalizes the GAL/client relationship and helps the GAL attach the name on a docket to a child with a future. This is an important part of any advocate/client relationship, irrespective of the client's age.

The study asked four questions relevant to GAL contact with the child. One of the questions broadly addressed the issue, asking GALs if they contacted the child personally or by phone. A second question sought to determine the proportion of GALs who spoke with the child without the parents present. The remaining two questions asked if the GAL contacted the child personally or by phone to assess placement needs or service needs. The question regarding placement needs also asked if the GAL observed the parent and child interacting.

As illustrated in Table 5.1-1 on the following page, a surprisingly large number of the GALs interviewed had no contact with the children they represented Almost 30 percent of the private attorneys had no type of contact with their clients, followed by 17.4 percent of staff attorneys and 8.9 percent of CASAs. Part of the explanation behind these high numbers is the perception among GALs that contact with infants and toddlers is not applicable to investigating and preparing for the case. In 27.3 percent of the cases in which the GAL did not contact the child in person or by phone, the GAL indicated it was not applicable to do so. In 92.6 percent of these cases, the children were toddlers or infants. The effect of this perception on the percentage of GALs contacting children is illustrated in Table 5.1-2. According to this table, GALs were least likely to have any contact with infants and toddlers (65.5 percent) and most likely to have some contact with teenagers (88.5 percent). Based on these numberr, infants and toddlers made up approximately one-half of the children who were not contacted by their GAL.

Table 5.1-1

GAL Reports of Contact With Children

Type of Contact	Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models
Contacted in person or by phone	68.6%	77.2%	84.9%	75.5%
Talked to child without parents present	57.3%	64.1%	64.4%	60.9%
Talked to child to assess placement needs	53.6%	70.7%	62.3%	59.8%
Observed parent-child interaction to assess placement needs	37.7%	40.2%	63.7%	46.5%
Talked to child to assess service needs	45.9%	64.1%	58.2%	53.5%
Any topic above	72.7%	82.6%	91.1%	80.6%
Number of cases	220	92	146	458

Nom: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

Table 5.1-2

GAL Contact by Age of Child

Any Contact?	Infant/Toddler	Child	Teen	Total
Yes	65.5%	83.8%	88.5%	80.1%
No	34.5%	16.4%	11.5%	19.9%
Number of cases	116	165	122	407

Regarding specific types of contact with the child, Table 5.1-1 presents data on GAL, contact without the parents present. This question was designed to determine how common it is for GALs to speak with their clients outside the influence of parents. There is little variation across models in the proportion of GALs making this type of contact with the child. This also may be linked to the way in which GALs perceive their role based on the age of their clients. The majority of GALs who responded "yes" to the broad question of contact with the child also responded "yes" to this question, with the noticeable exception of GALs with clients under the age of 5. Thus, it appears that of the GALs who believed that contact with infants and toddlers was applicable, the majority did not think that it was necessary or applicable for this contact to take place in the absence of the parents. Conversely, of the GALs representing children 5 years of age and older who spoke with their clients, the majority implied that it was important for this contact to at least in part take place outside the influence of parents.

Lastly, Table 5.1-l presents data on contacts with children to assess placement and service needs. Regarding the assessment of placement needs, two types of contact are measured: talking with the child and observation of the parent-child interaction. In all three models, over 90 percent of the GALs performed activities to assess the placement needs of the child. Staff attorneys most often consulted the child in making this assessment (70.7 percent), compared to private attorneys (53.6 percent) and CASAs (62.3 percent). This may be due partly to the fact that the staff attorney sample of cases is slightly weighted toward older children.

Most CASAs (63.7 percent) observed the parent-child interaction in assessing the child's placement needs, but the percentage of private attorneys (37.7 percent) and staff attorneys (40.2 percent) doing so is much lower. Given the emphasis placed on family preservation by agencies and in the Child Abuse Prevention and Treatment Act legislation, it is surprising that more GALs are not observing parent-child interaction in making their placement assessments, especially in review cases where decisions regarding permanent placement and the feasibility of family reunification must be made. The data collected in this study do not provide an explanation for

this. To more effectively address this issue, future studies should specifically define what is meant by "observing parent-child interaction" and seek to link such activities to cases in which family reunification is being contemplated.

Over one-half of GALs in each of the models performed activities to assess the service needs of the children and families the GALs served. As in the case of placement needs, staff attorneys most often sought the child's opinion in making this assessment (64.1 percent), followed closely by CASAs (58.2 percent) and private attorneys (45.9 percent). This pattern, similar to placement needs assessments, also may be linked to the fact that the staff attorney sample is more heavily weighted toward older children who may have more to say on the subject of their own service needs.

Interviews with the caseworkers also provided information on the extent of contacts between the GAL and the child. Caseworkers were not asked an overall question but were asked what the GAL did to assess the child's placement needs and the child's or family's need for services. In the context of placement needs, caseworkers were asked both if the GAL talked with the child and if the GAL observed the interaction between the parent and the child. The caseworker data are summarized in Table 5.1-3 on the following page.

The most interesting Ending in the caseworker reports is that caseworkers reported contacts in a lower percentage of cases than did GALs. For example, GALs reported talking with the child to assess placement needs in 59.8 percent of the cases, while caseworkers reported such contacts in only 45.5 percent of the cases. For observing parent-child interaction, GALs reported such contact in 46.5 percent of cases, while caseworkers reported this in only 24.1 percent of the cases. The percentages for contacts to assess service needs were 53.5 and 41.2 percent, respectively.

Across models, caseworkers reported contacts by CASAs in the highest percentage of the cases in each of the measures, similar to the GAL reports. Caseworker reports of contacts by private attorneys and staff attorneys were similar, and averaged approximately 20 percentage points lower than for CASAs. In separate tabulations (not shown here), the pattern of contacts by age reported by caseworkers was similar to that reported by GALs, with some contact reported for 71.0 percent of teenagers, 61.0 percent of children, and 33.0 percent of children under 5 years of age. Thus, the patterns of activity are similar, but the caseworkers report lower levels than do the GALs.

The caseworker data on contacts, like other data presented later in this chapter, are important gauges of caseworker perceptions, but the data may not be reliable gauges of the absolute level of contacts. GALs have many opportunities for interacting with the child and the family over the course of a case, and caseworkers may not be present to witness all of these interactions. In addition, the contacts may take place over a long period of

Table 5.1-3

Caseworker Reports of GAL Contact With Child

Type of Contact	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Talked with child to assess placement needs	41.3%	39.1%	56.7%	45.5%
Observed parent/child interaction to assess placement needs	11.9%	21.8%	44.9%	24.1%
Talked with child to assess service needs	36.3%	34.5%	53.5%	41.2%
Number of cases	201	87	127	415

time, and caseworkers might forget some of the contacts. On the other hand, GALs might be expected to overreport contacts to some extent, especially when they know the importance of such contacts in performing the basic GAL roles and functions.

The implications of these data for assessing the effectiveness of GALs in total and by model are mixed. GALS reported contacting virtually all teenagers and most children ages 5 to 12 but only two-thirds of children under 5 years of age. It would have been desirable to have a comprehensive measure of the extent to which GALs observed the youngest children. Unfortunately the data do not permit measurement of observing the child, except in the context of observing the interaction between the parent and child for purposes of assessing placement needs. In that context, only one-half were observed, and there was no difference by age group of the child.

Given these data, it would appear that GALs did contact or observe the child in most cases where they thought the child was old enough for the contact. Nonetheless, it would seem desirable to emphasize in GAL, training the importance of either talking with or observing the child in all cases.

5.1.2 Visiting the Home

The TEG panel placed a high priority on the need for GALs to visit the home from which the child was removed and the home in which the child is temporarily placed. The visit to the child's original home is an important part of the factfinder role, because the home is often the scene of the alleged abuse or neglect and thus a potential source of information either supporting or refuting statements made in the petition. This is especially important in cases of neglect where an unsanitary living environment may be the cause for removal from the home. In addition to substantiating claims made in the petition, a visit to the child's original home is also important because the visit gives the GAL an opportunity to assess the home as a permanent placement option and to assess the services the family may need to create a safe and nurturing environment for the child.

Visiting the foster home or shelter in which a child temporarily is placed is important for many of the same reasons. As the child's representative, the GAL has the responsibility to assess the adequacy of the child's placement and to ensure that the needs of the child are being met. Personally visiting tbe child at the new placement is essential to fulfilling this responsibility and to protecting the child's right to a safe and nurturing environment.

The study collected data on the number of GALs who, in the course of assessing placement or service needs, visited the parents' homes and/or the children at their temporary placements. The results, presented in Table 5.14 on the following page, show that the majority of CASAs visited the parent's or child's home as part of their placement and service assessment activities. Less than one-third of GALs in the attorney models made any

Table 5.1-4

GAL Reports of Visits Made During Investigation and Preparation

Type of Visit	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Visited foster home or shelter to assess placement needs	26.8%	31.5%	70.5%	41.7%
Visited parents' home to assess placement needs	10.5%	19.6%	52.1%	25.5%
Visited foster home or shelter to assess service needs	20.0%	28.3%	63.7%	35.6%
Visited parents' home to assess service needs	10.9%	18.5%	50.0%	24.9%
Visited with adult	34.5%	35.9%	89.7%	52.4%
Number of cases	220	92	146	458

Nom: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

visit to the home in each of the four categories of visits, but both models were eclipsed by the large proportion of CASAs who made visits. In all three models, GALs were more likely to visit the child than they were to visit the parents.

These differences among models generally are supported by the data on GAL visitation collected from caseworkers, although the study did not ask caseworkers about visits to the parents' home to assess service needs. Table 5.1-5 on the following page shows that caseworkers reported lower percentages of GALs making visits than GALs reported in Table 5.1-4. Differences between caseworker and GAL data in the private attorney and CASA models are, in most cases, less than 10 percent and are likely due to problems of recall and incomplete knowledge of GAL activities. The differences in the staff attorney model are slightly larger, though not large enough to support any sound conclusions.

According to TEG members, there are several factors that may be at work behind these low numbers reported by attorneys. Regarding visitation of the parents' home, if the parent is represented in the case by an attorney, it would not be ethical for an attorney GAL to interview the parent without obtaining the consent of his/her attorney. The parent's counsel may be reluctant to give such consent. However, a visit to the home is not the same as an interview. The TEG strongly recommended that home visits be conducted to observe the living situation and family interaction, even if the GAL cannot interview the parent.

Safety is another factor affecting visitation with both the parent and the child. TEG members commented that, in many cases, the neighborhood in which the parents or children live is an unsafe area. GALs also may have to contend with parents who are hostile to the inspection of their home by an 'outside.?' associated with the court who took their children away. Caseworkers and social workers usually have access to security escorts in such circumstances. According to members of the TEG, no such protection is routinely available to GALs. The panel suggested that, if necessary, the GAL should arrange a joint visit with the caseworker and the caseworker's security guard.

In summary, the data indicate that most attorney GALs are not making any visits to the homes of parents and children. This represents an area of concern, given the importance that experts in the field assign to such visits. The fact that many CASAs did make visits indicates that perhaps the greatest barrier to such activities is the perception among attorney GALs that they are not important to their investigation. This perception is a training issue, which should be addressed in any standardized GAL curriculum. GALs also may feel hindered in attempts to visit the homes of parents and children due to legal restrictions and safety concerns. The extent to which these and other factors prevent GALs from making visits should be ascertained and properly addressed in any new training and program guidelines.

Table 5.1-5

Caseworker Reports of GAL Contact With Adults and Visits to Homes

Type of Visit	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Visited foster home or shelter to assess placement needs	17.4%	13.8%	59.1%	29.4%
Visited parents' home to assess placement needs	5.0%	4.6%	42.5%	16.4%
Visited foster home or shelter to assess service needs	13.9%	13.8%	56.7%	27.0%
Number of cases	201	87	127	415

Note: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

'Data was not collected from caseworkers on GAL visits to the parents' homes to assess service needs.

5.1.3 Contact With the Agency Caseworker

Caseworkers play a central role in child abuse and neglect proceedings. As employees of the State and local social service agencies, they are charged with the responsibility of assisting and monitoring families in crisis. Thus, it is typically the caseworker who investigates allegations of child abuse or neglect and decides if it is necessary to file a petition to remove the child from the home. Through this decisionmaking process and the work that follows in cases where the child is removed, caseworkers become expert sources on the facts surrounding the case. In some cases, caseworkers may also have extensive information on the case gathered over a long history of working with the family. Based on this information, caseworkers make assessments of the child and the family and develop a case plan specifying services and treatment and permanent placement objectives. This high level of involvement in the case underscores the importance of the caseworker as a source of information available to the GAL.

To measure the number of GALs accessing this valuable source of information, the study asked GALs if they discussed any aspect of the case with the agency caseworker. The results presented in Table 5.1-6 below indicate that the majority of GALs consulted with the caseworker about the case. CASAs were most likely to do so (97.3 percent), followed by staff attorneys (90.2 percent) and private attorneys (86.4 percent). These numbers are strongly supported by the responses obtained from the caseworkers, which appear in Table 5.1-7 on the following page.

Table 5.1-6

GAL Reports of Contact With Caseworker

Contact?	Private Attomey Model	Staff Attorney Model	CASA Model	All Models
Yes	86.4%	90.2%	97.3%	90.6%
No	12.3%	9.8%	2.7%	8.7%
Missing Data	1.4%	0.0%	0.0%	0.7%
Number of cases	220	92	146	458

Table 5.1-7

Caseworker Reports of Contact With GAL

Contact?	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Yes	83.1%	83.9%	96.1%	87.2%
No	10.0%	9.2%	2.4%	7.5%
Missing Data	7.0%	6.9%	1.6%	5.3%
Number of cases	201	87	127	415

While consultation with the caseworker can save the GAL an immense amount of time investigating the case, TEG members warned that the GAL should not rely too heavily on the caseworker. This is especially true in cases where the GAL has no prior experience working with the caseworker. To ensure the accuracy and completeness of information provided by the caseworker, the GAL should interview other parties to the case to the extent that time permits. Table 5.1-8 on the following page presents data on the number of such contacts GALs made.

Overall, in a large number of cases, GALs were able to contact sources other than the caseworker and the child in investigating and preparing for the case. CASAs ranked highest in most of these categories, with the notable exception of contact with the State's attorney and the parents' attorney. This may be an indication of CASAs' tendency to avoid the legal aspects of GAL representation where they lack experience and to focus on social service activities where their training and skills are more readily applied. This tendency will be more thoroughly addressed in the following section of this chapter, which discusses the legal representation role.

To conclude, the data indicate that GALs are consulting a variety of persons in preparing and investigating cases. In a very high percentage of the cases, GALs contacted the caseworker, but it is puzzling that GALs did not contact the caseworker in all cases. All of the cases included in the study had been adjudicated, meaning that all GALs had ample time and reason to consult with the caseworker. The data also indicate that CASAs and, to a lesser extent, attorneys supplement information obtained from the caseworker and written sources with information gained from other sources. Such a variety of sources reduces GALs' dependence on caseworkers and establishes them more firmly as independent representatives of children.

Table 5.1-8

Other Persons Contacted During Investigation Activities

Person Contacted	Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models
Parents	65.0%	50.0%	84.2%	68.1%
Relatives	43.6%	48.9%	60.3%	50.0%
Foster parents	42.7%	55.4%	77.4%	56.3%
Neighbors	6.4%	7.6%	14.4%	9.2%
Medical personnel	20.0%	29.3%	36.3%	27.1%
Law enforcement personnel	20.5%	17.4%	28.1%	22.3%
Education personnel	19.1%	31.5%	41.8%	28.8%
State's attorney	79.5%	82.6%	41.8%	68.1%
Parent's attorney	67.3%	78.3%	48.6%	63.5%
Other GAL	10.5%	38.0%	32.9%	23.1%
Prior representative	3.2%	18.5%	4.1%	6.6%
Mental health personnel	30.0%	42.4%	55.5%	40.6%
Siblings	25.9%	44.6%	47.3%	36.5%
Number of cases	220	92	146	458

Note: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

5.1.4 Written Sources of Information

Written sources of information can be every bit as important as personal contacts to the investigation and preparation of a case. Two sources noted by the TEG of particular importance are the petition filed to remove the child from the home and the agency case record. The petition provides a concise summary of the circumstances that deemed it necessary to remove a child from the home. It is usually the first piece of information received by the GAL and makes for a good starting point. The case record can be a virtual gold mine of information, depending on the thoroughness of the caseworker and the format of the agency's recordkeeping system. In the best case scenario, the case record includes information on every evaluation, assessment, and record used in the court proceedings. This includes medical records, mental health records, school records, police reports, child protective services (CPS) records, and foster care records.

The study examined the written sources of information consulted by the GAL during the course of conducting an investigation. The results are summarized in Table 5.1-9 on the following page. Overall, GALs consulted some type of written source in 94 percent of the cases. The CPS agency record was examined in 83.8 percent of cases, and court records (pleadings, petitions) were examined in 84.3 percent of cases.

There were some differences among the models in the types of records examined. CASAs were more likely than other GALs to look at police reports, child welfare records on the family, and correctional center records. Staff attorneys were more likely to look at third-party statements and medical records. With the exception of police records, the differences are not large, and it is unclear whether that difference is important.

The TEG panel was very interested in the potential time savings that GALs could incur by examining case records, which include all of the available written records on the child and family. Such a complete case record would limit the time GALs would have to spend gathering data and conducting interviews. Table 5.1-10 presents data on the types of records included in the case records of cases selected for the study, and Table 5.1-11 presents data on the types of evaluations appearing in the case records. Based on these data, it appears that in the agency case record, GALs frequently can find CPS records; medical records; educational records; and (to a lesser extent) foster care records, mental health evaluations, and medical evaluations. Anecdotal data collected from GALs and caseworkers, however, indicate that the completeness of case records varies greatly by jurisdiction and by caseworker.

In summary, it appears from these data that GALs consulted a wide range of written information sources. It is unclear whether most of these sources were contained in case records, because the case record extraction did not attempt to document all the contents of case records. The TEG expressed a concern that GALs may face some barriers in obtaining written records

Table 5.1-9

Written Sources of Information Consulted by GALs

Source	Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models
Police reports	33.6%	31.5%	60.3%	41.7%
CPS agency record	80.5%	83.7%	89.0%	83.8%
Child welfare records on family	63.6%	58.7%	74.0%	65.9%
Court records (pleadings, petitions)	83.2%	89.1%	82.9%	84.3%
Third-party statements	59.5%	83.7%	61.6%	65.1%
Medical records	44.1%	59.8%	54.8%	50.7%
Mental health records	46.8%	53.3%	58.2%	51.7%
School records	35.9%	37.0%	36.3%	36.2%
Correctional center records	5.0%	5.4%	14.4%	8.1%
Detoxification center records	10.9%	18.5%	12.3%	12.9%
Other records	17.3%	13.0%	9.6%	14.0%
Any written sources	92.3%	94.6%	96.6%	94.1%
Median	5.0	5.0	5.0	5.0
Mean	4.5	5.0	5.2	4.9
Number of cases	220	92	146	458

Note: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

Table 5.1-l 0

Type of Agency Records Appearing in Case Records

Record	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Educational*	46.9%	48.9%	46.9%	47.3%
Medical	74.0%	75.0%	78.1%	75.5%
Mental health	48.4%	36.4%	57.0%	48.5%
Alcohol/drug	13.0%	13.6%	29.7%	18.4%
Police	38.0%	34.1%	64.1%	45.3%
CPS records	90.6%	90.9%	96.9%	92.6%
Foster care	69.3%	55.7%	80.5%	69.9%
Number of cases	192	88	128	408

Note: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

'Approximately 71 percent of the children included in this study were school aged.

Table 5.1-11

Evaluations Appearing in Case Records

Evaluation	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Educational	37.0%	37.5%	32.8%	35.8%
Medical	49.5%	59.1%	53.1%	52.7%
Mental health	62.0%	59.1%	56.3%	59.6%
Alcohol/drug	10.9%	17.0%	25.0%	16.7%
Number of cases	192	88	128	408

Note: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

pertinent to their cases, especially drug and alcohol records. Panel members agreed that all such barriers should be removed, including those blocking ready access to court records. More than 80 percent of GALs in each model had access to both case records and court records, so access to records does not appear to be a significant barrier to the GALs in carrying out their functions.

5.1.5 Opinions About Preparation and Effectiveness

In addition to the quantifiable activities conducted during the course of investigation and case preparation, the study also collected rating scale data on overall perceptions of the extent to which GALs prepared for cases and the effectiveness of this preparation. GALs and caseworkers were asked to rate the overall extent to which the GAL, investigated or prepared for the case, and judges were asked to rats the thoroughness of GALs in general. While such opinions may not always be grounded in fact, they play an important role in describing how the actors in child welfare feel about the role of the GAL.

Table 5.1-12 below summarizes the data collected from the three groups of respondents on the subject of extensiveness of preparation. GALs overall reported that they had prepared extensively in 55.7 percent of the cases. By model, CASAs reported extensive preparation in 71.2 percent of the cases, staff attorneys in 63.0 percent, and private attorneys in 42.3 percent. When new and review cases were examined separately (not shown in the table), 63.3 percent of GALs reported extensive preparation in new cases, compared to 48.0 percent in review cases, where 9.1 percent of the GALs did not prepare at all. The drop in the number of GALs reporting extensive preparation is roughly equal across all three models.

Table 5.1-l 2

Assessment of GAL Preparation

Found Extensive Preparation of GAL	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Total Responses
GALs (self-report)	42.3%	63.0%	71.2%	55.7%	450
Caseworkers	38.3%	36.8%	63.8%	45.8%	415
Judges	26.1%	53.3%	77.8%	50.0%	56

The caseworkers' perceptions of CASA and private attorney preparation were only slightly lower than the self-reported assessments of the GALs in these two models. Caseworkers reported that in 63.8 percent of the CASA

attorney cases the GA
extensively. In contrast, caseworken disagreed with almost one-half of the staff attorney GALs who said they prepared extensively for their cases; caseworkers reported extensive GAL preparation in only 36.8 percent of the staff attorney cases, compared to the 63.0-percent figure reported by GALs in this model. There was little difference in caseworker assessments between new and review cases.

Further supporting the contention that CASAs prepare most extensively were the responses of the judges reporting on CASAs. Over three-quarters of the judges reported that the CASAs had prepared extensively. Of the judges reporting on staff attorneys, just over one-half indicated that staff attorneys had prepared extensively. Approximately one-quarter of the judges reporting on private attorneys indicated that they had prepared extensively.

Comparing the ratings across the different groups of respondents, the consistency of the responses is remarkable and disappointing at the same time; remarkable because of the agreement between parties with much different perspectives of GALs, and disappointing because so many attorneys did not extensively prepare to represent their clients. As is common with self-reported data, GALs rated themselves somewhat higher than did the caseworkers and judges. By model, CASAs were rated highest on preparation by all three groups of respondents, followed by staff attorneys in their own opinions and in the opinions of judges. The large discrepancy between the self-evaluations of staff attorneys and the ratings given them by caseworkers may point to problems in the working relationship between the two groups. Such a problem was documented in one of the counties in which the study was performed and may have been present in other counties.

GALs, caseworkers, and judges also were asked to rate the GALs effectiveness in investigating and preparing for their cases. This question differs from the question on the extensiveness of preparation in that it seeks to measure the impact of investigation activities on the quality of the representation provided by the GAL. The percent of GALs rated very effective by each type of respondent is summarized in Table 5.1-13 on the following page.

Table 5.1-l 3

Assessment of GAL Investigation

Found GAL To Be Very Effective	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Total Responses
GALs (self-report)	55.5%	71.7%	68.5%	62.9%	456
Caseworkers	27.9%	31 .0%	59.1%	38.1%	415
Judges	30.4%	53.3%	72.2%	50.0%	56

The GALs rated themselves very effective in 62.9 percent of the cases, with staff attorneys at 71.7 percent, CASAs at 685 percent, and private attorneys at 55.5 percent. There was no difference between new and review cases in these ratings.

Caseworkers' opinions sharply differed from those of GALs. Caseworkers rated GALs as very effective in only 38.1 percent of the cases, with CASAs at 59.1 percent, staff attorneys at 31.0 percent, and private attorneys at 27.9 percent. Judges fell between these two extremes, with 50.0 percent rating GALs as very effective. CASAs were rated very effective by 72.2 percent of judges in their counties; staff attorneys received the same rating from 53.3 percent of their judges; and private attorneys, from 30.4 percent of the judges that preside over their cases.

The most interesting Ending in these data is the disparity between the GAL ratings and those of the caseworkers and the judges. In the private and staff attorney models, the percent of GALs who rated themselves very effective in investigation were as many as 40 percentage points higher than the caseworkers and judges who rated them as very effective. CASAs' self-reported ratings were 9 points higher than the caseworkers' ratings but 3.7 points lower than the judges' ratings.

In discussing preliminary data from these rating scales, the TEG surmised that the high ratings of CASAs by judges might reflect (or be biased by) the fact that the courts are very heavily involved in the development of CASA programs and in training of CASAs. While the results do not dismiss that as a motivation, the greatest difference is seen in the ratings of caseworkers, who are not involved in GAL selection. The consistent pattern evident across the three sets of responses indicates that CASAs prepare for cases more extensively and are more effective in performing investigation activities than are GALs in the other two models. The data also seem to indicate that staff attorneys and, to a lesser extent, private attorneys seem to have different standards of thoroughness and effectiveness in preparation than those held by caseworkers and judges.

5.1.6 Summary

The data on GAL investigation and preparation show that, by all measures used in the study, CASAs are rated the highest, followed by staff attorneys and private attorneys. While some of the data may reflect biases of the respondents, the consistency across the measures points to substantive differences. The source of these differences in ratings most likely lies in the differences in training, hours per case, and hours per week, as reported in Chapter 4. CASAs have the most extensive GAL-specific training and spend the greatest number of hours on each case. Staff attorneys rank second with regard to specific training and hours spent per week performing GAL functions. Although staff attorney hours per case are small, staff attorneys have access to social workers and other support staff to assist them in case preparation. These factors give CASAs and staff attorneys more training and more hours to devote to GAL functions than private attorneys, and it would be surprising if the combination of training and hours did not show up in the levels of activity and the opinion-based ratings.

5.2 LEGAL REPRESENTATION

The GAL's role as legal representative encompasses those tasks most often associated with GAL representation. In this capacity the GAL is the child's voice in the court room, giving air to the interests and concerns of the child and protecting the child's rights throughout the court proceedings. Performing this role involves a wide range of activities including presentation of arguments and recommendations before the court, handling of procedural details unique to the court environment, consultation with the child, and legal tasks associated with trial law.

For the purposes of this discussion, the legal representation role is divided into five categories of activities. Section 5.2.1 discusses the courtroom activities of GALs. Legal activities such as making opening statements, calling and cross-examining witnesses, subpoenaing records, presenting evidence, filing motions or pleadings, and making closing statements will be examined.

Section 5.22 addresses the legal activities related to offering recommendations to the court. GAL activities such as submitting written reports for the record, reporting orally to the court, offering a case plan, offering opinions concerning the most desirable outcome for the child, making recommendations for placement, providing services to the child or family, and addressing visitation concerns will be reviewed.

Section 5.2.3 examines all of the disagreements that the GALs had, either with the Stats agency, the child, or the caseworker. Such disagreements primarily had to do with the case goals, placement of the child, provision of services to the child or family, and visitation concerns. The GAL's version

of events are case linked and compared to the caseworker's account. Also in this section, the conflict GALs encounter when deciding whether to represent the "best interest" or "wishes" of the child will be examined.

Section 5.2.4 explores the extent to which the children, who were represented by the GALs in the sample, spoke in court Questions as to when and where it is appropriate for children to speak in court will be examined. In addition, the GAL's description of the events are case linked and compared to the caseworkers version of the events.

Section 5.2.5 examines the GALs' self-assessments of their effectiveness in their role as child representatives. These assessments will be compared to the accounts given by the caseworkers and judges. Also, the extent to which the courts adopted the GAL's recommendations will be examined, and this information will be used as another indication of the level of the GAL's effectiveness.

5.2.1 Courtroom Activities

The TEG unanimously agreed that it was unacceptable for any child to appear before the court without being represented by either an attorney or another person equally qualified to fulfill the role. Furthermore, in the event that some aspect of a case is contested, the panel firmly stated that an attorney should be present in order to guide the child through the legalities of the judicial process and went so far as to recommend that such a requirement be federally mandated This reflects a strongly held belief among experts in the field that contested cases involve certain legal representation tasks which require the expertise of an attorney.

This distinction drawn by the TEG between contested and uncontested cases implies that the courtroom activities performed by GALs should differ substantially between the two types of cases. The following analysis will break out activities performed by GALs between contested and uncontested hearings to test this hypothesis. The analysis also will present legal activities by new and review cases to examine how activities may vary over the course of a case. The following definitions of new and review cases and uncontested and contested hearings will provide the background necessary to understand this approach to the analysis.

As described in Chapter 3, the terms "new case" and "review case" were created for the purposes of this study and have no standard use in the field of child advocacy. The purpose of the terms is to distinguish between cases for which the study collected information on activities performed early in the case and cases for which the study collected data on activities performed later in the case. The first review hearing was selected as the demarcation point at which to divide the new from the review cases. Thus, new cases include only cases that have not yet had a review hearing, while review cases include only cases that have had at least one review hearing.

A contested hearing is defined as any hearing in which a party involved in the proceedings disputes some aspect of the case. Conversely, an uncontested hearing is defined as any hearing in which no aspect of the case is disputed. In the new cases, the most commonly contested point is the allegation of abuse/neglect. Later in the case, other factors often are contested, such as the direction of the case plan, recommendations, visitation, adoption, and other factors pertaining to permanency planning.

In uncontested hearings a substantial amount of legal activity is precluded. Since all parties agree to the allegations and choose not to contest the ensuing goals of the case plan, lengthy legal battles are avoided. The opposite is often true in contested cases.

The study asked GALs a number of questions regarding their activities at contested and noncontested hearings. The broadest of these questions asked GALs if they attended "some," 'most," "all," or "none" of the hearings since they were appointed as GALs on the case. The purpose of the question was to measure the level of GAL involvement in the legal proceedings of the case and to establish a context for the answers to questions on specific activities. As illustrated in Table 5.2-l on the following page, 94.5 percent of the private attorneys and 91.3 percent of the staff attorneys for new cases attended all of the hearings following their appointments as child representatives. Private and staff attorney attendance for review cases, however, decreased to 80 percent and 73.9 percent, respectively. CASAs reported having attended all of the hearings in only 53.4 percent of the new cases and 60.3 percent of the review cases.

Based on these data, it seems as though attorneys prioritize their time differently than do the volunteers. The attorneys evidently place a greater importance upon attending hearings than do CASAs. Such differences may be attributed to the fact that both the attorney and volunteer GALs perceive their time to be more productively spent engaged in those activities that they were trained to perform. Since attorneys specialize in legal activities, attorneys may concentrate their efforts on courtroom activities, whereas the CASAs are often better trained to perform nonlegal, social service activities and thus concentrate more of their efforts on activities outside the courtroom. This hypothesis is supported by the data presented in Chapter 4 on time spent performing legal representation activities. CASAs indicated that they spend an average of 14.8 percent of their time performing legal representation activities, compared to averages of 39.9 percent and 30.0 percent for private attorneys and staff attorneys, respectively.

Table 5.2-2 presents data on the legal activities performed by GALs in contested and uncontested hearings. As would be expected based on the above discussion, CASAs rank lowest in almost every category. However, it is surprising that private attorneys rank only slightly higher than CASAs and actually rank lower in several categories. Staff attorneys reported having performed the greatest number of legal activities in almost every category. Nowhere was their predominance in performing legal activities

Table 5.2-l

Percent of Hearings Attended by GALs Since Appointed

Self-Report of Number of Hearings Attended	New Cases				Review Cases			
	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
All	94.5%	91.3%	53.4%	80.8%	80.0%	73.9%	60.3%	72.5%
Most	5.5%	8.7%	19.2%	10.5%	18.2%	21.7%	31.5%	23.1%
Some	0.0%	0.0%	6.8%	2.2%	1.8%	4.3%	5.5%	3.5%
None	0.0%	0.0%	20.5%	6.6%	0.0%	0.0%	2.7%	0.9%
Number of cases	110	46	73	229	110	46	73	229

Table 5.2-2

GAL Activities in Contested and Uncontested Hearings

	Actlvltles	New Cases				Revlew Cases			
		Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models	Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models
Uncontested	Subpoenaed records	0.9%	26.1%	2.7%	6.6%	6.4%	17.4%	4.1%	7.9%
	Presented evidence	26.4%	47.8%	28.8%	31.4%	42.7%	58.7%	42.5%	45.9%
	Filed motions	21.8%	19.6%	11 .0%	17.9%	22.7%	39.1%	16.4%	24.0%
	Other	8.2%	19.6%	1.4%	8.3%	10.0%	23.9%	0.0%	9.6%
	Number of cases	110	46	73	229	110	46	73	229
Contested	Subpoenaed records	4.2%	50.0%	0.0%	17.4%	17.2%	43.3%	13.0%	23.4%
	Presented evidence	58.3%	84.6%	58.3%	66.3%	60.3%	80.0%	60.9%	65.8%
	Filed motions	27.1%	42.3%	33.3%	32.6%	4 1 .4%	73.3%	30.4%	47.7%
	Number of cases	48	26	12	86	58	30	23	111

more pronounced than in the contested cases, but this is evident in almost every other category as well.

Two important observations stand out in the data. First, GALs in all three models reported having performed a greater number of activities on review cases than on new cases. Second, as anticipated, the respondents reported having performed significantly more legal activities for the contested than the uncontested cases. Thus, GALs performed the greatest number of legal activities in review cases with contested hearings.

In 197 of the 458 cases included in the study, some aspect of the case was contested. Of the cases in which contested hearings took place, 111 were review cases and 86 were new cases. Staff attorneys reported the highest proportion of contested hearings (60.9 percent), followed by private attorneys (48.2 percent) and CASAs (24.0 percent).

As discussed earlier, there are inherent differences between new and review hearings as well as between uncontested and contested hearings. These differences lend some meaning to the data presented in Table 5.2-2 as well as in Table 5.2-3 on the following page. In exploring why there were more contested hearings at the review stage, some of the panelists provided insight as to why such a phenomenon may have occurred

In contested new cases, the point of dispute usually pertains to the allegation of abuse/neglect. In such instances, the ramifications are not wide reaching. The parent tells his/her side of the story, the State's attorney tells the State's side, and then the judge makes the decision. The task is to ascertain whether or not enough evidence has been presented to prove the allegation of abuse/neglect. If sufficient evidence has been presented, the judge then has the opportunity to temporarily remove the child from the home of the abuser.

In the review stage of the hearings, the stakes become much higher. At this point, if the judge finds that the parent is either unwilling or unable to provide an adequate living environment for the child, the judge reserves the right to move for permanent action in the case. The child may be removed from the parent's home, a termination of the parent's rights may be issued, and the child's permanent placement may be decided. Since the stakes are so much higher in the review stage of the contested hearings, the panel noted that there may be a greater number of cases tried. After all, this is the parent's last chance. The child may be taken away from the family permanently by being put up for adoption, placed in foster care, or placed in some other permanent living situation. The parent may see this stage as the final opportunity to win the child back; thus, more cases may be tried, and consequently, a greater number of legal activities may occur.

The study anticipated that cases with contested hearings would be more involved and require more complex legal activities. Table 5.2-3 presents data on legal activities of GALs who participated in contested hearings.

Table 5.2-3

Additional GAL Activities in Contested Cases

GAL Activities	New Cases				Review Cases			
	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Made an opening statement	33.3%	46.2%	25.0%	36.0%	56.9%	50.0%	17.4%	46.8%
Called lay witnesses	16.7%	69.2%	0.0%	30.2%	34.5%	56.7%	0.0%	33.3%
Called expert witnesses	12.5%	26.9%	0.0%	15.1%	22.4%	26.7%	8.7%	20.7%
Cross-examined witnesses	89.6%	73.1%	8.3%	73.3%	96.6%	83.3%	8.7%	74.8%
Made a closing statement	72.9%	69.2%	8.3%	62.8%	77.6%	90.0%	17.4%	68.5%
Number of cases	48	26	12	86	58	30	23	111

Note: The percentages in hi table may exceed 100 percent because multiple responses to the question am tabulated

According to the table, in the contested hearings, staff and private attorneys were the most likely to call and cross-examine lay and expert witnesses and to make closing statements, while the CASAs reported minimal activity for these legal functions. Differences among the models occurred between new and review cases, as well as according to the predilections of the models.

A large majority of attorney GALs reported having cross-examined witnesses an&or made a closing statement in both new and review cases, while CASAs performed these activities in very few cases. Attorney GALs were also much more likely to call lay witnesses and make an opening statement than were CASAs. None of the models placed an emphasis on calling expert witnesses. These data underscore the concerns expressed by the TEG regarding contested hearings in which CASAs do not have the assistance of an attorney. Based on the data in Table 5.2-3, the conclusion can be drawn that, in contested hearings where the child's only representative is a CASA, activities that are significant to the representation of the child will go unperformed in a majority of cases.

In summary, as cases evolved from the new to the review stage of the hearings, a greater number of courtroom activities were performed Similarly, there were more activities performed in the contested than in the uncontested hearings. Also, staff attorneys for the most part performed the greatest number of activities, followed by private attorneys and CASAs, who were minimally involved in contested hearings. In the uncontested hearings, all three models placed a greater emphasis upon presenting evidence and filing motions than subpoenaing records. However, in new cases, 26.1 percent of the staff attorneys subpoenaed records compared to the private attorneys and the CASAs who reported little activity.

For contested hearings, Tables 5.2-2 and 5.2-3 illustrate that GALs in the attorney models participated more frequently than did CASAs. Staff attorneys reported the most activity, reporting significant activity in presenting evidence, filing motions, calling lay witnesses, cross-examining witnesses, and making opening and closing statements. Private attorneys reported substantial activity in presenting evidence, making opening and closing statements, and cross-examining witnesses. CASAs were involved minimally in courtroom activities in contested hearings, focusing on presenting evidence and, to a lesser extent, filing motions.

The TEG was encouraged by the fact that the CASAs were less inclined to represent children in contested cases. The panel was adamantly opposed to volunteers representing children in contested hearings unless the volunteers were accompanied by an attorney. Of the 35 CASAs who responded that they were involved in contested hearings, 21 responded that they were assisted by another representative. While the instrument was unable to distinguish whether the assisting representative was an attorney or lay person, it is most likely that the representative was an attorney. Tbe low number of CASAs who reported involvement in contested hearings is

promising, but as the panel noted, no CASA should represent a child in the courtroom in a contested case unassisted by an attorney.

5.2.2 Data Analysis of Recommendations

In regard to recommendations presented to the court, GALs were asked whether they submitted written reports to the court, reported orally, or offered a case plan. Overall, GALs reported offering a greater number of recommendations in review cases than in new cases. Also, differences among the models were apparent.

Regarding the submission of written reports for the record, the data suggest that the CASAs placed a greater degree of importance upon the writing of these documents than GALs in either of the attorney models (see Table 5.2-4 on the following page). This was true in both contested and uncontested hearings in new and review cases. GALs from all three models were more likely to submit a written report in review cases than in new cases.

GALs in all three models of representation placed an emphasis upon reporting orally to the court. As presented in Table 5.24, nearly 70 percent of the GALs submitted an oral report to the court in new cases, and over 80 percent did so in review cases. The private attorneys reported doing this moat often, followed by staff attorneys and CASAs.

Lastly, on the subject of case plans, GALs were more likely to offer case plans in review cases than in new cases. CASAs offered a case plan in the highest proportion of cases, followed by private attorneys and staff attorneys. There was also some variation between activities in contested and noncontested hearings; with the exception of staff attorneys, GALs were more likely to offer case plans at contested hearings.

GALs also were asked if they formed an opinion concerning the most desirable and realistic placement of the child and, if so, what their opinion was, with whom they discussed it, and whether they made a recommendation to the court. The results are presented in Tables 5.2-5 through 5.2-8.

More than 95 percent of all the representatives reported having formed an opinion concerning placement (see Table 5.2-5). As presented in Table 5.2-6, GALs across models assessed the best placement option for their clients in roughly similar proportions among the placement options. There is a difference, however, between new and review cases.

Table 5.2-4

GAL Activities in Making Recommendations to the Court in Contested and Uncontested Hearings

	Activities	New Cases				Revlew Cases			
		Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Private Attorney Model	staff Attorney Model	CASA Model	All Models
Uncontested	Submitted written report	10.9%	10.9%	67.1%	28.8%	15.5%	23.9%	80.8%	38 .0%
	Submitted oral report	75.5%	65.2%	64.4%	69.9%	86.4%	71.7%	78.1%	80.8%
	Offered case plan	24.5%	23.9%	42.5%	30.1%	41.8%	45.7%	54.8%	46.7%
	Number of cases	110	46	73	229	110	46	73	229
Contested	Submitted written report	25.0%	38.5%	83.3%	37.2%	27.6%	53.3%	95.7%	48.6%
	Offered case plan	45.8%	26.9%	58.3%	41.9%	58.6%	40.0%	82.6%	58.6%
	Number of cases	48	26	12	86	58	30	23	111

Note: The percentages in this table may exceed 100 percent because multiple responses to (he question are tabulated.

Table 5.2-6

Most Desirable and Realistic Placement Situation for the Child

Most desirable and realistic placement according to the GAL	New Cases				Review Cases			
	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Keep child at home	17.3%	8.7%	16.4%	15.3%	3.6%	6.5%	2.7%	3.9%
Place with relative	13.6%	23.9%	15.1%	16.2%	12.7%	21.7%	12.3%	14.4%
Place with nonrelative	12.7%	6.5%	2.7%	8.3%	19.1%	13.0%	5.5%	13.5%
Place in foster home with relative	3.6%	8.7%	9.6%	6.6%	5.5%	6.5%	11.0%	7.4%
Place in foster home with nonrelative	21.8%	21.7%	28.8%	24.0%	19.1%	15.2%	15.1%	17.0%
Place in group home	3.6%	2.2%	1.4%	2.6%	5.5%	4.3%	2.7%	4.4%
Arrange for independent living	0.0%	2.2%	0.0%	0.4%	0.0%	0.0%	0.0%	0.0%
Place in residential treatment facility	3.6%	6.5%	0.0%	3.1%	9.1%	10.9%	1.4%	7.0%
Return child home	9.1%	10.9%	5.5%	8.3%	5.5%	4.3%	11.0%	7.0%
Other	4.5%	0.0%	5.5%	3.9%	10.9%	4.3%	6.8%	8.3%
TPR* and adoption	4.5%	2.2%	8.2%	5.2%	7.3%	8.7%	24.7%	13.1%
Number of cases	104	43	68	215	108	44	68	220

* Termination of parental rights

Table 5.2-5

GAL Opinions About Placement

Dld GAL form an opinion about placement?	Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models
Yes	96.8%	96.7%	93.2%	95.6%
No	3.2%	3.3%	6.8%	4.4%
Number of cases	220	92	146	456

In 23.6 percent of the new cases, GALs indicated that keeping the child in the home or returning the child to the original home was the most desirable and realistic placement option. In review cases, this proportion drops to 10.9 percent, and termination of parental rights and adoption rises to 13.1 percent from 5.2 percent. This reflects how placement options can change over the course of a case. Because the primary aim of child welfare and advocacy professionals is to uphold the family unit whenever possible, GALs may hope for successful reunification in the earlier stages, but at some point, GALs may have to abandon such optimistic thinking when it becomes apparent that such an outcome could not possibly be the best placement option given the circumstances of the case.

In regard to whether the GALs discussed the aforementioned most desirable and realistic placement options with any other relevant parties to the case, Table 5.2-7 following this page shows that nearly 90 percent of all GALs (88.2 percent in the new and 88.6 percent in the review) discussed such options with other parties. Although little difference existed between the new and review hearings, different parties were addressed by different representatives. Overall, GALs discussed placement options most often with the caseworker or agency's attorney, regardless of case evolution. Overall, CASAs were slightly less likely to speak to either the caseworker or the agency's attorney than were attorney GALs. Staff attorneys and private attorneys reported discussing placement options with the parent's attorney in over one-half of the cases, whereas CASAs reported having spoken with the parent's attorney in just over one-quarter of the cases.

The data in Table 5.2-7 also show that, of the three remaining parties to whom the GALs could have spoken, GALs reported having discussed placement options more often for review cases than for new cases. With respect to consulting foster parents, significant differences were most evident within the private attorney and CASA models. Whereas only 21.8 percent of the private attorneys reported having discussed options with foster parents for new cases, by the time of the review hearing, 43.6 percent

Table 5.2-7

Parties With Whom GAL Discussed Placement

Party	New Cases					Review Cases				
	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Number Of Cases	Private Attorney Model	Staff Attomoy Model	CASA Model	All Models	Number Of Cases
Any party	93.6%	93.5%	76.7%	66.2%	202	66.2%	91.3%	67.7%	66.6%	203
Caseworker or agency's attorney	91.6%	60.4%	74.0%	63.6%	192	64.5%	69.1%	64.9%	65.6%	196
Parent's attorney	60.0%	67.4%	27.4%	51.1%	117	54.5%	63.0%	26.6%	46.0%	110
Foster parents	21.6%	32.6%	43.6%	31.0%	71	43.6%	39.1%	60.3%	48.0%	110
Child	42.7%	45.7%	26.6%	36.9%	69	52.7%	54.3%	39.7%.	40.9%	112
Other party	32.7%	37.0%	35.6%	34.5%	79	36.2%	52.2%	39.7%	41.5%	95

Note: The percentages In this table may exceed 100 percent because multiple responses to he question am tabulated

responded positively. Likewise, 43.8 percent of the CASAs reported having discussed placement options with foster parents for new cases, while 60.3 percent responded similarly for review cases.

A similar pattern developed when the respondents were asked whether they discussed placement options with the child. Although the attorney models were more likely to have discussed the placement options with the child, all three models reported having discussed such options more often in review cases than in new cases. Staff attorneys were the most likely to have discussed the options with the children, responding affirmatively in 45.7 percent of the new cases and 54.3 percent of the review cases.

As shown in Table 5.2-8 on the following page, few differences arose either among the models or according to the evolution of the case regarding recommendations to bring about the placement options discussed above. For the most part, the GALs reported having offered more recommendations for new cases than for review cases. The most dramatic difference occurred in the private attorney model, in which 76.4 percent reported having made such recommendations during the new stage compared to 59.1 percent during the review stage of the hearings. Although the staff attorneys reported making slightly more recommendations concerning visitation than did the other GALs, all three models reported more activity in new cases than in review cases.

The TEG panel believed that it is important for GALs to make recommendations to the court concerning their views as to the most suitable outcome for the child. In complicated cases where recommendations are difficult to establish, the GAL, while noting the complexities of the case, must nonetheless endorse one of the placement options. Further, the TEG explained that the GAL's presentation and recommendations affords the judge the opportunity to assess the level of the GAL's involvement.

5.2.3 Disagreements Between GALs and Other Parties to the Case

The GALs were asked whether they disagreed with either the child welfare agency or with the child in regard to the child's placement, provision of services, and visitation concerns. Then the representatives were asked whether any of the aforementioned disagreements were presented to the court and, if so, whether the view of the child, the view of the representative, or both views were presented to the court.

5.2.3.1 *Disagreements With the Caseworker*

As Table 5.2-9 illustrates, over one-half of the GALs did not report having disagreed with the caseworker on any of the above mentioned activities. Overall, 39.5 percent reported disagreement with some issue, the greatest number occurring with regard to the child's placement. The staff attorneys were the most likely to report having had disagreements regarding

Table 5.2-8

GAL Recommendations on Placement, Services, and Visitation

Recommendations	New Cases				Review Cases			
	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Private Attorney Model	Staff Attorney Model	CASA Model	All Mod.18
Placement	74.5%	67.4%	60.3%	66.6%	69.1%	65.2%	69.5%	66.1%
Provision of services	76.4%	73.9%	72.6%	74.7%	59.1%	79.3%	60.3%	63.3%
Visitation	65.5%	73.9%	61.6%	65.9%	55.5%	63.0%	57.5%	57.6%
Number of cases	110	46	73	229	110	46	73	229

Note: The percentages In this table may exceed 100 percent because multiple responses to he question are tabulated.

Table 5.2-9

GAL Reports on Disagreement With Caseworker

Area of Disagreement	Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models
Child's placement	22.3%	34.8%	21.2%	24.5%
Provision of services	10.9%	27.2%	17.1%	16.2%
Visitation	18.6%	19.6%	16.4%	18.1%
Other	10.0%	7.6%	4.1%	7.6%
Disagreement about any issue	39.6%	46.7%	34.9%	39.5%
Number of cases	220	92	146	458

placement (34.8 percent), compared to 22.3 percent of the private attorneys and 21.2 percent of the CASAs.

Staff attorneys were most likely to have disagreed with the caseworker with regard to the provision of services to the child or family, reporting disagreements in 27.2 percent of the cases. CASAs followed next, reporting such disagreements 17.1 percent of the time; private attorneys reported such disagreements in only 10.9 percent of the cases. Concerning the issue of visitation, GALs reported disagreements in 18.1 percent of the cases. There were no significant differences between either the new and review cases or among the models regarding this issue.

Of the 39.5 percent of GALs who reported disagreements with the caseworkers, over 75 percent were able to resolve either all (52.5 percent) or some (25.7 percent) of tbe differences (see Table 5.2-10 following this page). In addition, 41.3 percent of those who had disagreements expressed them to the court.

In an attempt to corroborate the self-reported information recounted by the GALs, the caseworkers were interviewed. Consequently, a system of checks and balances was created, thereby identifying inconsistencies between the GALs and the caseworkers. Both the GALs and the caseworkers reported few disagreements. When no differences of opinion existed, it was assumed that the information was accurate. However, when differences of opinion occurred, the inconsistencies were noted.

As shown in Table 5.2-11, 27 percent of the caseworkers responded that they disagreed with the GALs about some issue related to the case. Although the overall number of disagreements was relatively modest, differences were reported to arise most often between the caseworkers and the staff attorneys. The CASAs were the next most likely to differ with the caseworkers, followed by the private attorneys.

The child's placement was the area in which disagreements were most likely to occur. There were slight differences among the models, with 19.5 percent of the caseworkers reporting that they had differences of opinion with tbe staff attorneys, compared to 15.0 percent of the CASAs and 12.9 percent of the private attorneys. Concerning the provision of services to the child or the patent, 16.1 percent of the caseworkers reported that they disagreed with the staff attorneys, while 8.7 percent differed with the CASAs and only 4.0 percent reported differences with the private attorneys.

5.2.3.2 *Differences With the Child*

When differences arose between the GAL and the child-regarding such case aspects as case goals or permanent placement-the GALs were presented with a difficult decision. They had to decide whether to represent (1) the best interest of the children, as congressionally mandated, or (2) their clients' wishes as their profession dictated. The TEG panel

Table 5.24 0

GAL Reports on Resolution of Disagreement With Caseworker

	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Were **differences** between GAL and caseworker **resolved?**				
Yes, all	55.3%	50.1%	43.1%	52.5%
Yes, some	28.2%	18.6%	27.5%	25.7%
No, none	16.5%	23.3%	29.4%	21 . a%
Were any **differences** expressed to the court?				
Yes	41.2%	41.9%	41.2%	41.3%
No	58.8%	58.1%	54.9%	57.5%
Not applicable	0.0%	0.0%	3.9%	1.1%
Number of cases	85	43	51	179

Table 5.2-l 1

Caseworker Reports on Disagreement With GAL

Area of Disagreement	Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models
Child's placement	12.9%	19.5%	15.0%	14.9%
Provision of services	4.0%	16.1%	8.7%	8.0%
Visitation	9.0%	10.3%	1 1.8%	10.1%
Other	7.0%	16.1%	7.1%	8.9%
Any topic	22.4%	36.8%	27.6%	27.0%
Number of cases	201	87	127	415

recommended that in such instances, the GAL should present both opinions to the court.

Table 5.2-12 below illustrates that there were few disagreements between the GALs and the children they represented. Only 19.7 percent of the GALS reported having disagreements with the child, whereas 43.9 percent responded that they did not disagree with the child and 35.8 percent responded that the question was inapplicable. Table 5.2-13 below shows the viewpoints regarding disagreements that were presented to the court. Most commonly the GALs presented both their views and the children's wishes to the court, including 16.8 percent of the private attorneys, 15.2 percent of the staff attorneys, and 6.2 percent of the CASAs.

Table 5.24 2

GAL Disagreement With Child: Percent of Incidence

Dld the GAL disagree wlth the child?	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Yes	21.8%	20.7%	15.8%	19.7%
No	43.6%	47.8%	41.8%	43.9%
Not applicable	34.5%	29.3%	41.8%	35.8%
Number Of cases	220	90	145	458

Table 5.24 3

GAL Disagreement With Child: Viewpoints Presented to the Court

Viewpoint	Private Attorney Model	staff Attorney Model	CASA Model	All Models
Children's wishes	1.4%	1.1%	0.7%	1.1%
GALs' views	2.7%	4.3%	6.8%	4.4%
Both views	16.8%	15.2%	6.2%	13.1%
Number Of cases	220	90	145	458

In summary, the caseworkers were most likely to report disagreements with the staff attorneys, followed by the CASAs and private attorneys. However,

it is important to note that the disagreement levels between the caseworker and the GALs may reflect communication problems between the two parties in particular **counties** and have no relation to the effectiveness of the GALs. More than 50 percent of all disagreements between the GALs and the caseworkers were resolved.

The TEG panel recommended that all case-related disagreements be made known to the court. AU pertinent, case-related information should be presented to the court in order to fully establish the case record The fact that many of these differences were not presented to the court may indicate that differences are being resolved between court appearances, that GALs are not making disagreements with other parties known to the court, or some combination of these two.

5.2.4 The Child's Voice in Court

Table 5.2-14 below shows that, although the private attorneys represented the most children who either spoke in court or to the judge (18.6 percent), the majority of GALs responded that the children were not actively involved at the litigation level. In fact, only 9.8 percent of the staff attorneys and 12.3 percent of the CASAs reported **that the** children they represented spoke in court.

Table 5.2-l 4

GAL Data on Whether Child Spoke in Court

Did child talk In court or to the judge?	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Yes	18.6%	9.8%	12.3%	14.8%
No	75.0%	85.9%	81.5%	79.3%
Not applicable	5.9%	4.4%	5.5%	5.5%
Number of cases	220	92	146	458

Most of the children who spoke in court articulated their views in the courtroom atmosphere, but as evidenced by the low percentage rates in Table 5.2-14, most of the respondents either answered negatively to the question or dictated that questions related to the issue were inapplicable. The low number of children who spoke in court troubled many of the TEG panel members, especially the judges. Since 1699, when States began to establish juvenile court systems in order to address the problems of children, and more recently in 1967, with the Supreme Court's landmark

Gault case, much debate has centered around the child's role in the judicial process.

Today questions as to whether the child should play an active or passive role in the proceedings still remain. At one end are those who believe that the child should be fully integrated into the process (thereby instilling in the child a sense of self-worth and independence), in effect, treating the child as an equal party to the case. On the opposite end are those who maintain that the proceedings do more damage than good for the child. Thus, in an attempt to look after the best interests of the child, he/she should remain only minimally involved in the proceedings.

In the middle are those who advocate the integration of the child into the process except when testimony might prove particularly disturbing or other circumstances might prove potentially harmful to the child's emotional welfare. In any event, the TEG panel agreed that for every case in which the child is able and desires to express himself/herself, the view must be made known to the court. The panel also agreed that GALs should seek an appropriate time for the child to speak in order to minimize the intimidating circumstances.

The majority of the caseworkers (77.3 percent) corroborated with the GALs in that the children, for the most part, did not speak in court. However, the children who were represented by the private attorneys were the most likely to speak in court, speaking in 27.9 percent of the cases. The children who were represented by CASAs and staff attorneys were less likely to have spoken, speaking in 18.9 percent and 16.1 percent of the cases, respectively.

5.2.5 GALs' Self-Assessment of Effectiveness

When the representatives were asked to analyze their advocacy efforts on behalf of the children they represented, 71.7 percent of the staff attorneys, 55.0 percent of the private attorneys, and 35.6 percent of the CASAs reported that they were very forceful in their representation (see Table 5.2-15 following this page).

Table 5.2-16 indicates that the caseworkers agreed with the GALs in that the staff attorneys were the most forceful in representing the child, although the caseworkers rated the staff and private attorney's level of forcefulness lower than the GALs rated themselves (52.9 and 40.8 percent, respectively). In contrast, caseworkers rated the CASAs higher than the CASAs rated themselves (41.7 percent versus 35.6 percent).

Table 5.2-17 presents the judges' assessments of the GALs' level of forcefulness in advocating for the best interests of the child. The judges reported little difference between the attorney models. In fact, 47.8 percent of the judges rated the private attorneys as very forceful in their representation compared to 46.7 for the staff attorneys. Only 27.8 percent of the judges rated the CASAs as very forceful in their representation.

Table 5.2-15

GALs' Self-Assessments of Forcefulness in Advocacy

GALs' Assessments	Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models
Very forceful or assertive	55.0%	71.7%	35.6%	52.2%
Somewhat forceful or assertive	39.5%	25.0%	54.8%	41.5%
Not at all forceful or assertive	5.0%	3.3%	9.6%	6.1%
Missing	0.5%	0.0%	0.0%	0.2%
Number of cases	220	92	146	458

Table 5.2-I 6

Caseworkers' Assessments of GAL Forcefulness in Advocacy

Caseworkers' Assessments	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Very forceful of assertive	40.8%	52.9%	41.7%	43.6%
Somewhat forceful or assertive	41.8%	39.1%	43.3%	41.7%
Not at all forceful or assertive	15.4%	6.9%	14.2%	13.3%
Missing	2.0%	1.1%	0.8%	1.4%
Number of cases	201	87	127	415

Table 5.2-17

Judges' Assessments of GAL Forcefulness in Advocacy

Judges' Assessments	Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models
Very forceful or assertive	47.8%	46.7%	27.8%	41.1%
Somewhat forceful or assertive	47.8%	53.3%	66.7%	55.4%
Not at all forceful or assertive	4.3%	0.0%	5.6%	3.6%
Number of judges	23	15	18	56

Although the GALs and the caseworkers rated the staff attorney model as the most effective model of representation (85.9 and 63.5 percent, respectively), the judges rated the private attorney model the most effective (69.6 percent) (see Table 5.2-18 below). According to the GAL's, 85.9 percent of the staff attorneys, 78.1 percent of the private attorneys, and 45.0 percent of the CASAs rated themselves as very effective in their representation. Lower ratings of GAL effectiveness were reported by the caseworkers, of whom 63.5 percent rated staff attorneys as very effective in their representation, 58.7 percent rated private attorneys as very effective, and 49.6 percent rated CASAs as very effective. According to the judges, 69.6 percent of the private attorneys were very effective, compared to 46.7 percent for staff attorneys and 43.8 percent for CASAs.

Table 5.2-l 8

Opinions of GAL Effectiveness in Legal Representation

Rated GAL Very Effective	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Number of Cases
GALs	78.1%	85.9%	45.0%	69.4%	451
Caseworkers	58.7%	63.5%	49.6%	56.9%	404
Judges	69.6%	46.7%	43.8%	55.6%	54

In summary, the data on legal representation show that private attorneys and staff attorneys were much more likely than CASAs to conduct the range of activities and tasks measured in the study. In addition, both attorney models received higher effectiveness ratings than did the CASA model. These Endings point to the need to strengthen legal representation in the CASA model.

5.3 ACTIVITIES RELATED TO NEGOTIATION AND MEDIATION

Duquette[1] defines the negotiation and mediation role as one in which GALs facilitate a collaborative working relationship among all concerned parties so that problems can be resolved and a generally acceptable agreement can be presented to the court Because of the often conflicting viewpoints among parents, children, and the State, the GAL is in a unique position to promote negotiations that lead to cooperative solutions within the scope of

[1]Duquette, D. 1990. *Advocating for* the Child in *Protection Proceedings*. Lexington, MA: Lexington Books.

the child's interests and welfare. In addition, the GAL can work to ensure that the child's best interests will be protected through the swift resolution of the legal dispute through cooperative nonadversarial means (e.g., stipulations or out-of-court settlements).

The discussion of this role dimension during the TEG meeting was significantly less extensive than the discussions of the factfinding and investigation, legal representation, and monitoring roles. However, there was general agreement among the TEG members that CASAs often are trained to seek out common ground and to promote cooperation among the conflicting parties, in contrast to attorneys who are trained to be adversarial. In this respect, the TEG members believe that CASAs represent a different style of child advocacy than attorneys.

At the same time, several TEG members noted that some jurisdictions promote conciliation through the use of trained mediators, although the concern was expressed that the *GAL* might not be allowed to participate in the mediation sessions. Although the panel conceded that such mediation generally takes place with less severe cases, there was agreement that exclusion of the GAL from mediation activities could raise an ethical issue regarding protecting the child's best interests. The TEG members concluded that the overarching principle to these mediation-related activities is that the GAL should be a party to all the negotiations.

5.3.1 Findings Related to the GAL's Mediation Role

Since most of the mediation and conciliation activities performed by GALs focus on court hearings, the study included questions about this role description under the legal representation questions. This was done in order to preserve the continuity of the questioning during the interview to the extent that court-related issues were discussed at one time, whether or not the questions represented disparate roles. (However, this question structure set up a complicated skip pattern that produced some interesting and perplexing responses.) Respondents were asked a variety of questions about whether and when negotiations took place, with whom they were involved, and the topic(s) of such negotiations. GALs were requested to perform a self-assessment of their own involvement, importance, and effectiveness in pursuing or conducting negotiations. Caseworkers also were asked to provide their opinions about the GAL's activities and to assess the GAL's involvement, importance, and effectiveness in these activities.

5.3.1.1 Whether *the GAL Attempted To Negotiate an Agreement of Stipulation*

The first question regarding mediation and conciliation involved whether the *GAL* had attempted to negotiate an agreement or stipulation. Respondents on new cases were asked to focus on the period prior to the dispositional hearing, while respondents on review cases were asked about

activities after the dispositional hearing. The responses to this question are presented in Table 5.3-l on the following page. Overall, just over 59 percent of GALs with both new and review cases said that they attempted to negotiate an agreement at some point in the case. When this figure is broken down by case type, there is only a modest difference: Just over 62 percent of GALs with new cases and just over 56 percent with review cases indicated that they had indeed attempted to negotiate an agreement or stipulation.

Irrespective of case type, staff attorneys are most likely to indicate that they attempted to negotiate (84.8 percent). Private attorneys followed with 62.7 percent and CASAs indicated that they attempted to negotiate in only 38.4 percent of the cases. The consistently low percentage among the CASAs is surprising in view of the type of training they receive. As stated above, CASAs are thought to place greater overall importance on negotiation.

It is interesting to note here the widely differing perceptions of GAL activities recorded by the GALs themselves and the caseworkers. An analysis of GAL and caseworker responses was conducted in which these answers were matched and their response patterns were compared (see Table 5.3-2). Of 412 possible matched comparisons of valid GAL and caseworker responses (both new and review cases combined), only 40.5 percent of responses (167) actually coincided on whether or not the GAL attempted to negotiate agreements on the case. In other words, only 38 of 412 matched responses (9.2 percent) agreed that the GAL had actually attempted to negotiate a settlement. The remaining 129 (31.3 percent) coincided in the view that the GAL did not attempt to negotiate a settlement. However, as discussed below, there is a higher coincidence of perceptions of GALs and caseworkers as to whether or not the GAL performed a specific activity.

5.3.1.2 *Whether the Negotiations Resulted In an Agreement*

GALs then were asked whether the negotiations resulted in an agreement. Table 5.3-3 presents the responses to this question. Overall, GALs with both new and review cases who indicated that they had conducted negotiations said that these negotiations resulted in an agreement in about two-thirds of their attempts. Just under one-third said that the attempt had not resulted in an agreement. At the aggregate level, there are no major differences in the number of agreements reached for either new or review cases. However, while the percentage of cases resulting in agreements remains about the same for private attorneys and CASAs across cases, the percentage of staff attorneys indicating success varies considerably. Staff attorneys with new cases reported that their negotiations resulted in an agreement in 72.1 percent of cases; this declined to 51.4 percent of review cases.

Table 5.3-l

Percent of GALs Who Attempted To Negotiate an Agreement

Negotiated an Agreement	New Cases				Review Cases				All Cases			
	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Yes	64.6%	94.6%	36.4%	62.0%	60.9%	76.1%	36.4%	566%	62.7%	646%	36.4%	59 4%
No	33.6%	4.4%	60.3%	36.2%	36.4%	23.8%	61.6%	41.9%	35.0%	14.1%	61 0%	39.1%
Do not know	0.0%	2.2%	0.0%	0.4%	0.0%	0.0%	0.0%	0.0%	0 0 %	1.1%	0.0%	0.2%
Not applicable	1.3%	0.0%	1.4%	1.3%	2.7%	0.0%	0.0%	1.3%	2.3%	0.0%	0.7%	13%
Number of cases	110	46	73	229	110	46	73	226	220	92	146	458

Table 5.3-2

Concurrence Between GALs and Caseworkers Over Whether GAL Attempted To Negotiate

Did the GAL attempt to negotiate an agreement of stipulation?		Caseworker Response			
		Yes	No	Other	Total
GAL Response	Yes	38	187	18	243
	No	21	129	12	162
	Other	1	5	1	7
Number of cases		60	321	31	412

Table 5.3-3

Percent of Cases in Which Negotiations Resulted in an Agreement

Did negotiations result in agreement or stipulation?	New Cases				Review Cases				All Cases			
	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Yes	64.8%	72.1%	75.0%	69.0%	71.6%	51.4%	64.3%	646%	66.1%	626%	69.6%	66.6%
No	333.6%	27.6%	21.4%	26.6%	26.8%	46.7%	35.7%	33.6%	30.4%	35 9%	266%	31.6%
Do not know	0.0%	0.0%	0.0%	0.0%	0.6%	2.9%	0.0%	0.6%	0.0%	1.3%	00%	0.4%
Did not answer	1.4%	0.0%	3.6%	1.4%	1.5%	0.0%	0.0%	0.6%	1.4%	00%	16%	1.1%
Number of cases	71	43	26	142	67	35	26	130	136	76	66	272

5.3.1.3 *Issues Dealt With in the Negotiations*

Respondents were asked to indicate the issues that were the subject of negotiations. There was a list of seven possible issues, including the following: stipulation of abuse or neglect, placement, services or treatment for the child, services or treatment for the parents, visitation, legal guardianship, and any other activity the GAL cared to mention.

Table 5.3-4 on the following page presents data on the responses to this question. The data presented here include responses by model across both new and review cases and only include respondents who said that they had attempted to conduct negotiations. The table indicates that the most frequently mentioned item involved the issue of the child's placement (79.6 percent). The next set of issues includes services or treatment for the parents, visitation issues, and services or treatment for the child, all of which are approximately the same percentage (68.8, 68.0, and 65.8 percent, respectively). Issues involving the stipulation of abuse or neglect were mentioned in 51.5 percent of the cases, while legal guardianship was mentioned in 41.5 percent of cases. Over 17 percent of respondents indicated that another issue was dealt with in the negotiations. There was an assortment of different responses in this category, of which the most common were the following: termination of parental rights and adoption issues, support and protection for the child, housing, custody, relations with the father, and payment for services.

As expected, the ordering of these issues is somewhat sensitive to the time in case processing. For instance, the stipulation of abuse or neglect ranks relatively high on new cases and drops to last place on review cases. There were less extreme shifts in percentages in the other response categories across new and review cases. For instance, the issue of services or treatment for parents ranks second on new cases and fourth on review cases. Conversely, visitation and services and treatment for children rank relatively lower on new cases than they do on review cases.

5.3.1.4 *Besides the GAL, Other Parties That Were Involved In the Negotiations*

Respondents were asked to identify the individuals, other than the GAL, who were involved in the negotiations. These included the parents' attorney(s), the agency's attorney, the child's attorney, a lay volunteer, the caseworker, and any other individual the GAL might like to mention.

Table 5.3-5 presents data on the percentages of the GALs who indicated that other parties were involved in the negotiations, by model. The data presented here include responses across both new and review cases and only include respondents who said that they had attempted to conduct negotiations. The table indicates that the individual mentioned most frequently by the GALs was the caseworker, in almost 92 percent of the

Table 5.3-4

Issues That Were Dealt With in the Agreement

	New Cases				Review Cases				All Cases			
What issues were dealt with in the agreement?	Private Attorney Model	Staff Attomry Model	CASA Model	All Models	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Stipulation of abuse or neglect	70.4%	72.1%	50.0%	66.9%	32.8%	34.3%	39.3%	34.6%	52.2%	55.1%	44.6%	51.5%
Placement	81.7%	74.4%	82.1%	78.6%	91.0%	88.6%	71.4%	86.1%	86.2%	60.8%	76.8%	82.7%
Services/treatment for the child	59.2%	58.1%	64.3%	59.9%	73.1%	77.1%	64.3%	72.3%	65.8%	66.7%	64.3%	65.8%
Services/treatment la the parent	85.9%	62.8%	64.3%	74.6%	67.2%	62.8%	50.0%	62.3%	76.6%	62.8%	57.1%	68.6%
Visitation	73.2%	46.5%	57.1%	62.0%	76.1%	74.3%	71.4%	74.6%	74.6%	59.0%	64.3%	68.9%
Legal guardianship	46.5%	37.2%	32.1%	40.8%	44.8%	51.4%	25.0%	42.3%	45.6%	43.6%	28.6%	41.5%
Other	15.5%	18.65%	14.3%	16.2%	16.4%	25.7%	17.9%	19.2%	15.8%	21.6%	16.1%	17.6%
Number of cases	71	43	26	142	67	35	28	130	136	76	56	272

Note: The percentages in this table may exceed 100 percent because multiple responses to he question are tabulated.

Table 5.3-5

Other Individuals Involved in the Negotiations

Which other individuals were involved in the negotiations?	New Cases				Review Cases				All Cases			
	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Parent's attorney	77.5%	97.7%	78.6%	83.8%	70.1%	74.3%	57.1%	68.5%	73.9%	87.2%	67.9%	76.5%
Agency's attorney	91.5%	39.5%	67.9%	71.1%	83.6%	65.7%	57.1%	73.1%	87.7%	51.3%	62.5%	72.1%
Child's attorney	54.9%	55.8%	35.7%	51.4%	52.2%	57.1%	21.4%	46.9%	53.6%	56.4%	28 6%	49.3%
Lay volunteer	5.6%	7.0%	42.9%	13.4%	13.4%	0.0%	21.4%	11.5%	9 4%	3.8%	32 1%	12.5%
Caseworker	95.8%	76.7%	89.3%	88.7%	95.5%	97.1%	92.9%	95.4%	95.7%	85.9%	91.1%	91.9%
Other	32.4%	60.5%	42.9%	43.0%	35.8%	60.0%	39.3%	43.1%	34.1%	34.1%	41.1%	43.0%
Number of cases	71	43	28	142	67	35	28	130	138	78	56	272

Note: The percentages in this table may exceed 100 percent became multiple responses to the question am tabulated.

cases. Negotiations with the parent's attorney and the agency's attorney were mentioned in over 75 and 72 percent of cases, respectively. Negotiations with the child's attorney and individuals mentioned in the 'other" category were mentioned in just under 50 percent of the cases. Negotiations with a lay volunteer fell far to the bottom of the list, with 12.5 percent of responses; in the CASA model the figure was 32.1 percent, but the figure fell below 10.0 percent in both the private attorney and staff attorney models. About 60.0 percent of GALs said that it was inapplicable to negotiate with a lay volunteer, probably because there were few lay volunteers assigned to any cases in the private and staff attorney models.

A variety of individuals were mentioned, the most common of whom included the following: State or prosecuting attorneys, foster parents, CPS or social workers, parents, other GALs, and school officials. As expected, some of the responses were sensitive to the time in case processing. For instance, at the aggregate level, contacts with the parent's attorney rank fairly high at 63.8 percent in new cases, while this drops to 66.5 percent in review cases. The other response categories do not show a marked shift from new to review cases.

On the surface, the data appear to indicate that attorneys (both private and staff) were generally more likely than CASAs to *talk* to a variety of attorneys (e.g., the parent's attorney, agency's attorney, and the child's attorney), while CASAs were more likely to talk to other volunteers. However, the wording of the question did not specify whether the GAL should be included, and it appears from the response patterns that some attorneys and some CASAs included themselves in the list of parties contacted. Therefore, the interpretation of contacts with children's attorneys and volunteers is ambiguous.

5.3.1.5 *Activities Performed During Nego*tiations

Respondents were asked to indicate the types of activities they pursued during the negotiations. The activities presented in the questionnaire included the following: attempting to bring the different parties together, highlighting the common goals of the parties, encouraging the parties to negotiate, suggesting options, drafting a written agreement, and any other activity not listed.

Table 5.3-6 on the fallowing page presents data on the percentages of the GALs who responded to each of the possible answers in this question, by model. The data presented here include responses across both new and review cases and only include respondents who said that they had attempted to conduct negotiations. The table indicates that, in over 90 percent of combined cases, the GAL mentioned having suggested options to the parties. Encouraging the parties to negotiate and highlighting the common goals of the parties were activities mentioned in over 80 percent of the cases. The next most frequently mentioned activity, attempting to bring the different parties together, was mentioned for over 70 percent of the

Table 5.3-6

Activities Conducted by the GAL During the Negotiations

GAL Activities Conducted	New Cases				Review Cases				All Cases			
	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Private Attorney Model	Staff Attorney Model	CASA Model	All Models	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Attempted to bring the different parties together	67.6%	74.4%	64.3%	69.0%	71.6%	88.6%	60.7%	73.8%	69.6%	80.8%	62 55%	71.35%
Highlighted the common goals of the parties	80.3%	76.7%	85.7%	80.3%	76.1%	94.3%	85.7%	83.1%	78.3%	84 6%	85.7%	81.6%
Encouraged the parties to negotiate	78.9%	90.7%	85.7%	83.8%	88.1%	85.7%	75.0%	84.6%	83.3%	88 5%	80 4%	84.2%
Suggested options	87.3%	93.0%	85.7%	88.7%	88.1%	94.3%	96.4%	91.5%	87.7%	93.6%	91.1%	90.1%
Drafted a written agreement	2.8%	11.6%	14.3%	7.7%	10.4%	11.4%	21 4%	13.1%	6.5%	11.5%	17 9%	10.3%
Other	9.9%	25.6%	10.7%	14.8%	9.0%	28.6%	0.0%	12.3%	9.4%	26 9%	5 4%	13.6%
Number of cases	71	43	28	142	67	35	28	130	138	78	56	272

Note: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

cases. The other two activities, drafting a written agreement and any other activity the GAL thought important to mention, were mentioned in just over 10 percent of the cases.

While there are some slight differences between the models in each of the activity categories at the aggregate level, only a few stand out as notable. Staff attorneys indicated that they attempted to bring the different parties together in over 8.0 percent of the cases. Staff attorneys were also much more likely to indicate another type of activity in the 'other" question, indicating a positive response in 26.9 percent of cases on this question. CASAs were more likely than attorneys to attempt to draft a written agreement.

It is interesting to note that the relative order of the activities is maintained across both new and review cases for the four categories mentioned most frequently. In addition, the percentage in each category was slightly higher on review cases as compared to new cases.

Caseworkers also were asked to indicate what activities they thought the GAL was involved in during negotiations. The responses to this question are presented in Table 5.3-7 on the following page. One can see that, at the aggregate level, the percentage of caseworkers who indicated that the GAL performed a certain activity tends to be slightly lower than the GAL's claim that she/he performed an activity (see also Table 5.3-6). This holds for all activities except drafting a written agreement. Because the caseworker may not be fully knowledgeable about when and if the GAL actually performed a specific activity, especially one outside the court, one must be circumspect in how one interprets such perceptions. The GAL's response was cross tabulated with the caseworker's response in each activity category, and responses were matched When the noise (e.g., did-not-knows, skips, and nonresponses) was filtered out, caseworkers agreed with the GAL's assessment between one-third and two-thirds of the time on new cases, and the percentage agreement jumped to between two-thirds and three-quarters of the time on review cases. This convergence of perceptions about activities performed may be due to a number of factors, such as the fact that GALs and caseworkers have more opportunity to become acquainted with one another as time progresses. Second, relations between the GAL and caseworker may be more adversarial during a time of intense court-related activity, and there may be less contact outside the courtroom during new cases than review cases.

5.3.2 Assessment of the GAL's Contribution to the Negotiations

On the survey instrument, GALs were asked to assess their contribution to the negotiations in terms of their involvement, their importance to the outcome of the negotiations, and their effectiveness in presenting options and advocating for the child's interests. In addition, caseworkers also were asked to assess the GAL's contribution in each of these categories. A four-point Likert scale was used in each of the response categories. The

Table 5.3-7

Caseworker Perceptions of Activities Conducted by GAL During Negotiations

Actlvltles	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Attempted to bring the different parties together	71.4%	78.1%	58.8%	68.9%
Highlighted the common goals of the parties	69.1%	81.3%	88.2%	77.3%
Encouraged the parties to negotiate	76.2%	68.8%	74.5%	74.3%
Suggested options	79.8%	78.1%	90.2%	82.6%
Drafted a written agreement	8 . 3 %	18.8%	31.4%	17.4%
Other	6.0%	34.4%	5.9%	11.4%
Number of cases	84	32	51	167

Nom: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

responses of GALs to these questions (presented in Table 5.3-8) are based on those who answered positively to the question of whether they attempted to negotiate an agreement. The responses of caseworkers to these questions are presented in Table 5.3-9; caseworkers were only included if they answered positively to this question, whether or not the GAL also responded positively.

5.3.2.1 *Degree of the GA L's Involvement in Negotiations*

Respondents were asked to describe their involvement during negotiations on a 4-point scale ranging from very involved to not involved at all. As illustrated in Table 5.3-8, for all cases, GALs rated their involvement in the negotiation process as "very involved" in two-thirds of cases and 'somewhat involved" in 26.3 percent of cases. Overall, there is little difference between the various models in terms of those who said that their involvement was very or somewhat involved. It is interesting to note that staff attorneys rate themselves very low in comparison to both private attorneys and CASAs in terms of minimal involvement in negotiations. In terms of new and review cases, this general pattern holds, although all GALs rate their involvement slightly higher on review than on new cases.

Overall, caseworkers tend to assess the GAL's involvement in the negotiations in fairly similar terms to the GAL's own assessment. Across all models, caseworkers tend to view the GAL's degree of involvement as slightly less than the GAL's own assessment; the biggest difference is found in the assessment of staff attorney involvement (see Table 5.3-S).

5.3.2.2 GAL's Importance to the Outcome of the Negotiations

Respondents were asked to characterize the importance of their contribution on a 4-point scale ranging from very important to not important at all (see Table 5.3-8). Overall, respondents reported that their contribution to the outcome of the negotiations was "very important" in 48.6 percent of cases and "somewhat important" in 35.8 percent of cases. Staff attorneys and CASAs tended to rate their importance to the outcome as somewhat higher than private attorneys, who more modestly reported their contribution as 'somewhat important.* Private attorneys also were more likely to describe their contribution as "minimally important" to the outcome, as compared to staff attorneys and CASAs. There is a pronounced difference between the assessments of GALs on new and review cases, in that the assessment is generally lower on new cases and correspondingly higher on review cases.

It is interesting that caseworkers tended to value the GAL's contribution to the outcome of the negotiations as being somewhat more important than the GAL's assessment of their own contribution (see Table 5.3-9). While the difference is not statistically significant overall, 51.8 percent of the caseworkers considered the GAL's contribution to be "very important," while only 48.6 percent of GALs viewed their own contribution as "very

Table **5.3-8**

Assessments of GAL Involvement in, Contribution to, and Effectiveness in Advocating for Child During Negotiations

Assessment	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Involvement in the negotiations:				
. Very involved	62.6%	71.6%	67.4%	66.3%
. Somewhat involved	29.3%	23.0%	23.9%	26.3%
. Minimally involved	8.1%	1.4%	6.5%	5.8%
. Not at all	0.0%	0.0%	0.0%	0.0%
. Did not know	0.0%	4.1%	0.0%	1.2%
. skip	0.0%	0.0%	2.2%	0.4%
Contribution to the outcome of the negotiations:				
• Very important	34.1%	67.6%	56.5%	48.6%
. Somewhat important	46.3%	20.3%	32.6%	35.8%
. Minimally important	16.3%	5.4%	4.3%	10.7%
. Not at all	1.6%	1.4%	2.3%	2.1%
. Did not know	1.6%	5.4%	0.0%	2.5%
. skip	0.0%	0.0%	2.2%	0.4%
Effectiveness in presenting options and advocating for the children's interests:				
. Very effective	57.1%	70.3%	63.0%	62.6%
. Somewhat effective	32.5%	18.9%	28.3%	27.6%
. Minimally effective	8.1%	4.1%	2.3%	5.8%
. Not at all	0.8%	0.0%	2.3%	0.8%
. Did not know	0.8%	6.8%	2.3%	0.4%
. skip	0.0%	0.0%	2.3%	
Number of cases	123	74	46	243

Table 5.3-9

Caseworker Assessment of GAL Involvement in, Contribution to, and Effectiveness in Advocating for Child During Negotiations

Assessment	Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models
Involvement in the negotiations:				
• Very involved	59.3%	56.7%	64.0%	59.6%
• Somewhat involved	30.5%	36.7%	32. 0%	32.5%
• Minimally involved	6.8%	6.7%	4.0%	6.1%
• Not at all	0.0%	0.0%	0.0%	0.0%
• Not applicable	3.4%	0.0%	0.0%	1.8%
Contribution to the outcome of the negotiations:				
• Very important	50.8%	43.3%	64. Wo	51.8%
• Somewhat important	28.8%	43.3%	20.0%	30.7%
• Minimally important	16.9%	13.3%	12.0%	14.9%
• Not at all	1.7%	0.0%	0.0%	.9%
• Not applicable	1.7%	0.0%	4.0%	1.8%
Effectiveness in presenting options and advocating for the children's interests:				
• Very effective	62.7%	60.0%	56.0%	60.5%
• Somewhat effective	27.1%	26.7%	32. Wo	28.1%
• Minimally effective	8.5%	3.3%	4.0%	6.1%
• Not at all	1.7%	0.0%	4.0%	1.8%
• Did not answer	0.0%	1 o.wo	4.0%	3.5%
Number of cases	59	30	25	114

important" to the outcome of the negotiations. Caseworkers rated the contribution of private attorneys in the "very important" category 16.7 percent higher than the attorneys rated themselves and 24.3 percent lower than staff attorneys.

5.3.2.3 *Effectiveness in Presenting Options and Advocating for the Child's Interests*

GALs were asked to assess their effectiveness in presenting options and advocating for the child's interests (see Table 5.3-8). Overall, 62.6 percent of GALs reported that they were "very effective" and 27.6 percent said they were "somewhat effective" in advocating for the child's interests. Staff attorneys with new cases were much more likely than private attorneys or CASAs to report that they were "very effective." This difference does not hold on review cases.

Overall, caseworkers rated the GAL's effectiveness in advocating for the child's interests in similar terms to the GAL's own self-assessment. Caseworkers rated the GAL as being "very effective" in 60.5 percent of cases, while GALs rated themselves as being "very effective" in 62.6 percent of cases. Caseworkers tended to rate the effectiveness of private attorneys as being slightly higher and staff attorneys and CASAs as being slightly lower than their GAL counterparts.

5.3.2.4 *Overall Effectiveness in Negotiations*

GALs were asked to assess their overall effectiveness in negotiations (see Table 5.3-10 on the following page). In addition, caseworkers and judges were asked to comment about the GAL's overall effectiveness (see Tables 5.3-11 and 5.3-12, respectively). The caseworker's assessment of the GAL's effectiveness is linked to activities performed on a specific case; the judge's assessment is global and refers to all GALs practicing in the jurisdiction of the court.

Overall, GALs rated their performance as "very effective" in 37.0 percent, "somewhat effective" in 42.5 percent, and "ineffective" in 6.8 percent of cases. The ratings are fairly comparable across the models, except that staff attorneys rated themselves as "very effective" in almost one-half of the cases (49.4 percent), while private attorneys and CASAs rated themselves as "very effective" in 32.5 and 35.4 percent of cases, respectively.

Caseworkers tended to assess the GAL's overall effectiveness slightly below the GALs' self-assessments. Caseworkers were less likely to consider GALs "ineffective" (12.6 percent) and more likely to consider GALs as "somewhat effective" (37.0 percent) or "very effective" (31.9 percent) in negotiations. When these figures are broken down by model, caseworkers assessed private attorneys as being "very effective" more frequently (34.5 percent) than CASAs (31.5 percent) or staff attorneys (26.4 percent).

Table 5.3-l 0

GALs' Self-Assessment of Overall Effectiveness in Negotiations

GAL's Effectiveness	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Ineff ective	8.0%	9.2%	3.1%	6.8%
Somewhat effective	44.5%	39.1%	41.7%	42.5%
Very effective	32.5%	49.4%	35.4%	37.0%
Not applicable	12.5%	2.3%	18.1%	12.1%
Did not respond	2.5%	0.0%	1.6%	1.7%
Number of cases	200	87	127	414

Table 5.3-l 1

Caseworkers' Assessment of Overall GAL Effectiveness in Negotiations

Assessment	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Ineffective	13.5%	13.8%	10.2%	12.6%
Somewhat effective	36.5%	43.7%	33.1%	37.0%
Very effective	34.5%	26.4%	31.5%	31.9%
Not applicable	11.0%	11.5%	20.5%	14.0%
Did not respond	4.5%	3.4%	3.9%	4.1%
Other	0.0%	1.1%	0.8%	0.4%
Number of cases	200	87	127	414

Table 5.3-l 2

Judges' Assessment of Overall GAL Effectiveness in Negotiations

Assessment	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Ineffective	18.2%	13.3%	0.0%	11.5%
Somewhat effective	22.7%	6.7%	33.3%	21.2%
Very effective	59.1%	80.0%	60.0%	65.4%
Not applicable	0.0%	0.0%	6.7%	1.9%
Number of judges	22	15	15	52

Judges, in contrast to caseworkers, rated GAL effectiveness fairly high in negotiations, with 65.4 percent stating that GALs performed very effectively during negotiations. The percent of judges indicating that GALs are ineffective is comparable to the caseworkers assessment (11.5 percent). In terms of the different GAL models, judges rated staff attorneys very high (80.0 percent as very effective); CASAs and private attorneys were given somewhat less favorable ratings (60.0 percent and 59.1 percent, respectively, were considered very effective).

5.3.2.5 *Summary*

In summary, GALs indicate that they attempted to mediate or negotiate an agreement in about 60 percent of the cases, with staff attorneys being most likely to negotiate and CASAs least likely to negotiate. These negotiations are likely to result in an agreement in about two-thirds of cases. In about two-thirds of the cases, these negotiations included such issues as placement, services or treatment for the child or the parent, and visitation matters. The most common activities GALs performed during negotiations included suggesting options, encouraging the parties to negotiate, highlighting the common goals of the parties, and attempting to bring the different parties together. For most of these activities, staff attorneys were more likely than both private attorneys and CASAs to claim that they performed the activity. It is worth noting that this perception is not shared by caseworkers, who indicated that CASAs were more likely than staff attorneys or private attorneys to perform these activities.

In terms of assessing the GAL's role in these negotiations, GALs assessed their own involvement and effectiveness in advocating for the child's best interests as being very important and very effective in over 60 percent of the cases where negotiations were pursued GALs rated their contribution to the outcome of the negotiations as being very important in just under 50 percent of the cases. In each of these dimensions, staff attorneys rated their role more positively than CASAs, followed by private attorneys. In aggregate, the caseworkers mirrored these perceptions. However, caseworkers diverged somewhat from the rankings derived from the GAL's se&assessments. For instance, caseworkers were less likely to support the staff attorney's self-assessed importance in terms of involvement and contribution; caseworkers rated CASAs first and private attorneys second in these dimensions. Caseworkers rated private attorneys first, staff attorneys second, and CASAs last in terms of effectiveness in advocating for the child's best interests. Judges rated staff attorneys first in terms of overall effectiveness in conducting negotiations, followed by CASAs and private attorneys with comparable scores.

5.4 MONITORING ACTIVITIES

Case monitoring is intended to ensure that, while the child has been placed in a safe environment, the case is moving swiftly through the court process and the child and family are receiving the services contained in court orders, agreements, and case plans. The tasks involved in the standard definition of monitoring include permanency planning, identification of action steps, and followup on case plans. Data collection in this study focused on followup tasks.

The activities a GAL may undertake to monitor the progress of a case will differ depending upon a number of factors, including the circumstances and history of the case, the severity of abuse or neglect, the needs of the child and family, and the placement options available. In general, however, the TEG agreed that the GAL should check on compliance with court orders and voluntary agreements between hearings; continue to review the order to ensure that it is up to date; advocate for timely hearings; see that services ordered are received in a timely manner and that the court is informed of additional service needs; monitor the special needs of the child; and maintain contacts with the child, family, and caseworker as appropriate.

To be an effective monitor, the GAL should have a clear idea of what needs to happen when and by whom, so she/he can take action as necessary. For example, if the case plan requires special education or counseling, the GAL needs to verify that the services are being provided. If not, the GAL may need to bring any violation to the court's attention. This monitoring can be done by telephone or in face-to-face meetings with the child, family members, caseworker, and other professionals. The contacts that a GAL develops while conducting the investigation and factfinding will likely serve as useful contacts in monitoring the case.

The study collected data on case monitoring activities from the GALs, the caseworkers, and case records. Opinion data on GAL effectiveness in monitoring was collected from the GALs, the caseworkers, and the judges. This section presents data on activities conducted to maintain contact with the child, the family, and other parties and to follow up on case plans and court orders. It also presents GAL, caseworker, and judge effectiveness assessments. Data on specific activities were collected only for review cases, because moat new cases offer little opportunity for monitoring.

5.4.1 Contact With the Child

Maintaining contact with those involved in case activities, including the child, appears to be an important tool in monitoring the progress of the case and in keeping abreast of any changes in the case plan or circumstances of the child. Talking with the child on the phone, when possible, and visiting the child can indicate to the GAL how the child is adjusting to a new placement and the effects of any services the child or family may be

receiving. Visiting the child, as opposed to only talking with him/her on the phone, increases the likelihood that the information gathered by the GAL regarding the child's placement and condition is reliable.

GALs reported on how frequently, since the review hearing, they had contacted the child on matters other than those dealing with hearings. Of the 228 GALs interviewed, only 10.5 percent reported contacting the child very frequently (see Table 5.41 on the following page). Exactly 25.0 percent of the GALs reported they contacted the child somewhat frequently, 28.5 percent reported doing so infrequently, and 36.0 percent said that they did not contact the child at all. Some of the GALs explained that the review hearing recently had taken place and there was no need yet to contact the child.

There was a considerable difference among models in respect to contacting the child. CASAs contacted the child very frequently or somewhat frequently in 63.0 percent of the cases. In comparison, 54.5 percent of the private attorneys and 40.0 percent of the staff attorneys reported not contacting the child at all. This was true for only 5.5 percent of the CASAs.

Caseworkers also were asked how frequently the GAL, contacted the child on matters other than those dealing with hearings. Their reports, shown in Table 5.42, were similar to those of the GALs. Of the 205 caseworkers interviewed, 8.8 percent said the GAL contacted the child very frequently. Nearly one-third (30.7 percent) said the GAL made no contacts, and 21.0 percent said they did not know if the GAL contacted the child. A significant difference exists among the models, with caseworker reports indicating that CASAs contacted the child on matters other than those dealing with hearings more frequently than did the attorney GALs.

In addition, judges were asked if, in their opinion, GALs maintain sufficient contact with the child after completion of the dispositional hearing. Overall, 30.4 percent of the 56 judges interviewed said GALs maintained sufficient contact with the child, 41.1 percent indicated that the GALs did not maintain sufficient contact, and 28.6 percent of the judges said they did not know (see Table 5.4-3). More than one-half of the judges in CASA counties (56.6 percent) reported that CASAs maintained sufficient contact with the child, compared to only 20.0 percent of the judges reporting on staff attorneys and 17.4 percent of the judges reporting on private attorneys.

Table 5.4-1

Frequency of Contact With Child Since Review Hearings

How frequently GAL contacted child	Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models
Very frequently	4.5%	6.7%	21.9%	10.5%
Somewhat frequently	13.6%	26.7%	41.1%	25.0%
infrequently	27.3%	26.7%	31.5%	28.5%
Not at all	54.5%	40.0%	5.5%	36.0%
Number of cases	110	45	73	228

Table 5.4-2

Caseworkers' Assessment of Frequency With Which GAL Contacted Child

Assessment	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Very frequently	5.9%	2.4%	17.5%	8.8%
Somewhat frequently	12.9%	7.3%	36.5%	19.0%
Infrequently	25.7%	12.2%	17.5%	20.5%
Not at all	35.6%	48.8%	11.1%	30.7%
Do not know	19.8%	29.3%	17.5%	21.0%
Number of cases	101	41	63	205

Table 5.4-3

Judges' Opinions Regarding GAL Maintaining Sufficient Contact With Child After Completion of Dispositional Hearing

Judges' Responses	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Yes	17.4%	20.0%	55.6%	30.4%
No	69.6%	46.7%	0.0%	41.1%
Do not know	13.0%	33.3%	44.4%	28.6%
Number of judges	23	15	18	56

5.4.2 Contacts With Other Parties

Maintaining contact with other persons or parties (not including the child) on matters other than those dealing with the hearings is integral to effectively performing the role of case monitor. As indicated in Table 5.4-4, 65.1 percent of the GALs had contacted one or more individuals. CASAs reported making contacts most often (83.6 percent), followed by staff attorneys (71.7 percent) and private attorneys (50.0 percent). The three most common parties contacted, according to GAL, reports, were the caseworker or foster care worker (59.8 percent), foster parents (41.0 percent), and the child welfare agency (37.6 percent) (see Table 5.4-5 on the following page). Contact with caseworkers is especially important, because they are often the ones who develop case plans in which services are recommended and permanent placement objectives developed. The GALs need to be aware of what is in the child welfare case plan so that they can recommend changes and conduct followup as appropriate.

Table 5.4-5

Parties Contacted by GAL Since Review Hearing

Party	Private Attorney Model	staff Attorney Model	CASA Model	All Models
Parents	15.5%	10.9%	53.4%	26.6%
Other adults in home	5.5%	8.7%	23.3%	11.a%
Foster parents	25.5%	32.6%	69.9%	41.0%
Caseworker	43.6%	60.9%	63.6%	59.8%
Relative(s)	16.4%	21.7%	37.0%	24.0%
Child welfare agency	22.7%	43.5%	56.2%	37.6%
Parents' attorney	18.2%	30.4%	28.8%	24.0%
State's attorney	24.5%	26.1%	21.9%	24.0%
Medical personnel	6.4%	10.9%	13.7%	9.6%
Mental health personnel	16.4%	26.1%	50.7%	29.3%
Educational personnel	8.2%	19.6%	35.6%	19.2%
Court employee	7.3%	8.7%	8.2%	7.9%
Other	11.a%	23.9%	17.8%	16.2%
Any contact made	50.0%	71.7%	83.6%	65.1%
Median	0.0	3.0	6.0	3.0
Mean	2.2	3.2	5.0	3.3
Number of cases	110	46	73	229

Note: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

Table 5.4-4

GAL Contact With Other Persons or Parties Since Review Hearing

Contact Wtth Other Persons/Parties	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Yes	50.0%	71.7%	63.6%	65.1%
No	46.2%	26.3%	16.4%	34.1%
Not applicable	1.8%	0.0%	0.0%	0.9%
Number of cases	110	46	73	229

In addition, caseworkers themselves were asked if they were contacted by the GAL on matters other than those pertaining to the hearings (see Table 5.4-6 below). Of the 206 caseworkers interviewed, 51.0 percent reported that the GAL had contacted them. Again, notable differences exist among the models. Nearly 80 percent of the caseworkers reported that the CASAs made contact with them, compared to 43.9 percent of the staff attorneys and 36.3 percent of the private attorneys. Thus, while caseworkers reported lower overall percentages of contacts than did the GALs, comparisons of the data indicate similar differences acmes the models.

Table 5.4-6

Caseworker Reports Regardlng Contact With GAL

Conhct With GAL	Private Attorney Model	staff Attorney Model	CASA Model	All Models
Yes	36.3%	43.9%	79.4%	51.0%
No	62.7%	56.1%	20.6%	48.5%
Donotknow	1.0%	0.0%	0.0%	0.5%
Number of cases	102	41	63	206

5.4.3 Followup on Case Plans and Court Orders

GALs were asked if, since the review hearing, they had done anything to carry out some aspect of a court order, voluntary agreement, or case plan. Just over 44 percent of the GALs had taken action in this respect (see Table 5.4-7 below). In addition, 3.1 percent of the GALs reported that the question was not applicable; it is possible that some GALs reported not doing anything to carry out some aspect of a court order, voluntary agreement, or case plan because there was no need to. Nevertheless, more than half (52.9 percent) of the GALs reported not doing anything to carry out some aspect of a court order, voluntary agreement, or case plan.

Table 5.4-7

Since the Review Hearing, Has GAL Done Anything To Carry Out Some Aspect of a Court Order, Voluntary Agreement, or Case Plan?

GAL's Response	Private Attorney Model	staff Attorney Model	CASA Model	All Models
Yes	31.8%	50.0%	59.2%	44.1%
No	83.8%	50.0%	38.0%	52.9%
Not applicable	4.5%	0.0%	2.8%	3.1%
Number of cases	110	46	71	227

When judges were asked how diligent GALs have been in carrying out some a court order, GALs ted

CASAs ing on the CASA model rated
just over one-half of the ju staffes rated private
very

Table 5.4-8

Judges' Opinions Regarding Diligence of GALs in Carrying Out Court Orders, Voluntary Agreements, or Case Plans

Judge& Responses	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Very diligent	57.1%	53.8%	94.4%	69.2%
Somewhat diligent	42.9%	38.5%	5.6%	28.8%
Not diligent	0.0%	7.7%	0.0%	1.9%
Number of judges	21	13	18	52

As a case progresses, special needs of the child often are identified, which may require various changes in the case. GALs were asked if any changes were necessary in the following areas of the case: placement of the child, services for the child, services for the parentis), or the hearing schedule. Over one-third (34.4 percent) believed changes were necessary in placement, 28.6 percent reported changes were needed in services for the child, 24.2 percent said changes were necessary in services for the parent, and 16.3 percent thought changes in the hearing schedule were needed (see Table 5.4-9 on the following page). There were slight differences among the models.

Of the 110 GALs who believed that changes were necessary in one or more of these areas, 76.4 percent reported that they had recommended a change to the case plan order (see Table 5.4-10), and 20.9 percent reported that they had filed a motion or pleading to obtain changes (see Table 5.411). Over one-half of the staff attorneys (52.2 percent) reported filing a motion or pleading, compared to approximately 12.5 percent of the CASAs and private attorneys. Almost 70 percent of the GALs said that the action of filing a motion or pleading was not applicable, and 20.9 percent said a change to the case plan was not applicable. In one-half of these cases, the GALs reported that changes were made as a result of their intervention, led by staff attorneys at 69.7 percent.

Table 5.4-9

Changes Necessary Since Review Hearing

Changes Necessary	Private Attorney Model	staff Attorney Model	CASA Model	All Models
Placement of child	29.1%	43.5%	36.6%	34.4%
Services for the child	21.8%	39.1%	32.4%	28.8%
Services for parent(s)	20.0%	23.9%	31.0%	24.2%
Hearing schedule	8.2%	26.1%	22.5%	16.3%
Other changes need	11.8%	10.9%	12.7%	11.9%
Any change	50.9%	63.0%	63.0%	57.2%
Median	1.0	1.0	1.0	1.0
Mean	0.9	1.4	1.3	1.1
Number of cases	110	46	71	227

Note: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

Table 5.4-I 0

GALs Who Recommended Changes to Case Plan Orders

Recommended a Change to the Case Plan Order	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Yes	70.7%	65.2%	80.0%	76.4%
No	2.1%	8.7%	0.0%	2.7%
Not applicable	19.1%	26.1%	20.0%	20.9%
Number of cases	47	23	4 0	110

Table 5.4-I 1

GALs Who Filed Motions/Pleadings To Obtain Changes

Filed a Motion or Pleading	Private Attorney Model	staff Attorney Model	CASA Model	All Models
Yes	12.8%	52.2%	12.5%	20.9%
No	10.6%	0.0%	15.0%	10.0%
Not applicable	76.6%	47.8%	72.5%	69.1%
Number of cases	47	23	40	110

5.4.4 Time Spent in Monitoring

For both new and review cases, GALs were asked to look over the whole case and estimate the time they spent doing certain activities. This information is summarized in Table 5.4-12 on the following page. GALs estimated that they spend, on average, 18.5 percent of their time conducting monitoring activities. Two-fifths (40.0 percent) reported spending 20 percent or more of their time in monitoring activities, while nearly one-fifth (18.8 percent) said they spend no time on monitoring. The difference among models is striking: Over two-thirds of the CASAs estimated that they spend 20 percent or more of their time in monitoring activities, compared to one-third (33.7 percent) of staff attorneys and less than one-quarter (23.6 percent) of private attorneys. It is worth noting that 29.1 percent of private attorneys estimated that they spend none of their time doing monitoring activities.

Table 5.4-12

GALs' Estimates of Time Spent Performing Monitoring Activities

Time Spent In Monitoring Activities	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
0 percent	29.1%	14.1%	6.2%	18.8%
1 to 10 percent	18.6%	10.4%	8.2%	15.3%
10 to 20 percent	28.6%	33.7%	17.1%	26.0%
20 percent or more	23.6%	33.7%	68.5%	40.0%
Median	10.0	10.0	25.0	11.0
Mean	11.0	15.0	31.5	18.5
Number of cases	220	92	146	458

Caseworkers were asked to estimate the percentage of time they thought GALs should spend monitoring an average case (see Table 5.4-13 below). Caseworkers believed that GALs should spend, on average, 23.5 percent of their time monitoring the case, somewhat more than the 18.5 percent reported by GALs. Almost two-thirds (63.1 percent) of the caseworkers said GALs should devote 20 percent or more of their time to this activity.

Table 5.4-13

Caseworker Estimates of GAL Time That Should Be Spent Performing Monitoring Activities

GAL time that should be spent in monitoring activities	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
0 percent	4.6%	1.2%	0.0%	2.7%
5 to 10 percent	7.2%	11.9%	3.3%	7.0%
10 to 20 percent	28.9%	29.0%	22.8%	272%
20 percent or more	59.3%	57.1%	73.2%	53.1%
Median	20.0	20.0	30.0	20.0
Mean	20.1	19.8	31.3	23.5
Number of cases	194	84	123	401

5.4.5 Effectiveness in Case Monitoring Role

GALs rated their effectiveness, for both new and review cases, in each of the five role dimensions. In the area of monitoring, 37.9 percent rated themselves very effective, 39.2 percent said they were somewhat effective, and 4.4 percent reported themselves to be ineffective (see Table 5.4-14). CASAs rated themselves highest in this area, followed next by staff attorneys and private attorneys. In addition, a significant number of private attorneys (27.9 percent) reported that monitoring activities were inapplicable to their role in the case and did not provide an effectiveness rating.

Comparatively, 31.7 percent of caseworkers rated GALs as very effective in monitoring, 42.8 percent rated them as somewhat effective, and 21.4 percent said they were ineffective (see Table 5.4-15). There was some difference among the models, with CASAs more likely to be rated as very effective in this area than the attorney GALs.

Table 5.4-l 4

GALs' Self-Assessments of Effectiveness in Monitoring

Assessment	Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models
very effective	24.2%	41.3%	56.3%	37.9%
Somewhat effective	42.3%	41.3%	33.3%	39.2%
ineffective	5.6%	4.3%	2.8%	4.4%
Not applicable	27.9%	13.0%	7.6%	18.4%
Number of cases	215	92	144	451

Table 5.4-l 5

Caseworkers' Assessments of GAL Effectiveness in Monitoring

Assessment	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Very effective	19.9%	22.9%	56.1%	31.7%
Somewhat effective	44.0%	51.8%	35.0%	42.8%
Ineffective	29.8%	21.7%	8.1%	21.4%
Not applicable	6.3%	3.6%	0.8%	4.0%
Number of cases	191	63	123	397

Approximately one-third of the 55 judges (34.5 percent) who evaluated GALs in the area of monitoring rated them as very effective, and over 40 percent (41.8 percent) rated them as somewhat effective (see Table 5.4-16). The percentage of judges rating CASAs as very effective (76.5 percent) was noticeably higher than that for the attorney GALs (averaging about 15 percent). Two judges in private attorney counties said monitoring activities were not applicable to the role of the GAL.

54.6 Summary

The role of the GAL as case monitor is vital not only to ensure that the child remains free from harm, but also to ensure that the child's placement is viable and appropriate, that the case is moving swiftly through the court process, and that the services the child or family need in order to attain or maintain case goals are being provided. For these reasons, maintaining contact with the child and other relevant parties as the case progresses is an important role of the GAL. However, given the time constraints of GALs and the more pressing needs the children whom they represent may have, monitoring activities may not always be a top priority. Therefore, clear communication between the caseworker and GAL is necessary to ensure that each is informed and aware of case activities and able to take appropriate followup actions when necessary.

Of the three models, CASAs reported spending significantly more time monitoring the case than did the attorney GAL. In addition to higher levels of activity, CASAs received higher effectiveness ratings from caseworkers and judges than did the attorney GALS. The fact that 18.4 percent of GALs reported case monitoring activities as inapplicable to their role seems to indicate that some GALs do not view monitoring as their responsibility. Future training programs may want to emphasize the importance, on the part of the GAL, to remain actively involved in the case beyond the roles of investigation and legal representation.

5.5 RESOURCE BROKERING

Resource brokering can involve providing information about a resource or directly assisting the child or family in accessing a resource so that they are able to obtain the services they need. Services the children receive may be vital to their adjustment to a new living situation and to helping them deal with the issues surrounding the abuse and/or neglect. In some cases, services provided to parents or other family members prepare the family for reunification. A child may be placed out of the home temporarily while the parents receive services that prepare them to provide a stable and safe living environment for their child.

Some members of the TEG were of the opinion that brokering services was a function of the caseworker that should be shared with the GAL. In the

Table 5.4-1 6

Judges' Assessments of GAL Effectiveness in Monitoring

Assessment	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Very effective	17.4%	13.3%	76.5%	34.5%
Somewhat effective	47.8%	53.3%	23.5%	41 .a%
Ineffective	26.1%	33.3%	0.0%	20.0%
Not applicable	8.7%	0.0%	0.0%	3.6%
Number of judges	23	15	17	55

absence of a clear definition of what specific activities are the responsibility of the caseworker vis a vis the GAL, there is the possibility of role conflicts. Some panel members suggested that the caseworker be the service provider and the GAL be a catalyst in activating services to children and families.

5.5.1 Resource identification

GALs were asked if they provided information about a resource to the family, the agency, or court which they were unaware of or did not recommend themselves. It is important to note before going any further that these questions do not provide any measure of how involved GALs were in the role of resource brokering. It is likely that GALs provided information to the court, agency, or family regarding resources that other parties also were aware of or recommended In that case, their activities were not accounted for by these measures.

Slightly more than one-quarter of the GALs reported providing information about a resource. Information provided by GALs most commonly involved the availability of services (19.4 percent) and current placement options (13.8 percent). CASAs and staff attorneys were at least twice as likely to provide information about resources than were private attorneys. Table 5.5-l on the following page presents the percentage of total GALs who provided resource information that other parties did not recommend.

Judges reported on how frequently GALs provided resource information to the child and/or family that the court, agency, or family was unaware of or did not recommend themselves. Over one-third of the judges, or 36.5 percent, reported that GALs provided resource information somewhat frequently, and 48.1 percent said GALs did so infrequently (see Table 5.5-2). According to the opinions of 56 judges, availability of services and changes in the circumstances of the family or child were the aspects of the case for which GALs most commonly provided information (see Table 5.5-3).

Data on whether GALs assisted the child or family directly to obtain social services or attempted to ensure that the child welfare agency provided services is illustrated in Table 5.5-4. Overall, 30.1 percent of the GALs assisted the family or child in some way, with CASAs (37.0 percent) and staff attorneys (38.0 percent) more likely to provide assistance than were private attorneys (22.3 percent). Close to one-quarter of all GALs contacted the caseworker or other professional about a need the family or child bad or contacted the caseworker or other professional to follow up. CASAs were more likely than the attorney GALs to assist the family or child by providing information about resources, discussing and arranging referral or direct services, and escorting the client to a service agency.

Table 5.5-5 illustrates the different types of services GALs assisted tbe child or family in obtaining. The most common services GALs attempted to or actually obtained for the child or family were therapy/counseling services (21.2 percent) and parenting classes (12.0 percent). The differences among

Table 5.5-1

GAL Data on Information Provided About Resources

Type3 of Information	Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models
Availability of services	11.4%	23.9%	20.0%	19.4%
Availability of resources	9.1%	17.4%	10.3%	11.1%
Change in circumstances	8.6%	15.2%	13.0%	11.4%
Current case plan (new only)	2.3%	6.5%	9.6%	5.5%
Current placement options	9.5%	18.5%	17.1%	13.8%
Other	4.5%	2.2%	5.5%	4.4%
Any topic	17.7%	33.7%	35.6%	26.6%
Number of cases	220	92	146	458

Table **5.5-2**

Judges' Assessments Regarding Frequency of Provision of Resource Information by **GALs**

Assessment	Prlvate Attorney Model	staff Attorney Model	CASA Model	**All Models**
Very frequently	9.1%	0.0%	5.9%	5.8%
Somewhat frequently	27.3%	46.2%	41.2%	36.5%
Infrequently	45.5%	53.8%	47.1%	48.1%
Not at ail	**18.2%**	0.0%	5.9%	9.6%
Number of judges	22	13	17	52

Table 5.5-3

Judges' Reports on Aspects of Cases for Which GALs Provided Information

Type of Information	Prlvate Attorney Model	staff Attorney Model	CASA Model	All Models
Availability of services	43.5%	53.3%	50.0%	48.2%
Availability of resources	60.9%	66.7%	72.2%	66.1%
Change in circumstances of family or child	47.8%	73.3%	77.8%	64.3%
Case plan	30.4%	66.7%	38.9%	42.9%
Placement options	43.5%	66.7%	50.0%	51 .a%
Other	4.3%	0.0%	11.1%	5.4%
Any topic	69.6%	86.7%	88.9%	80.4%
Number of judges	23	15	18	56

Nom: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

Table 5.5-4

GAL Data on Assisting Children or Families in Obtaining Social Services

Type of Assistance	Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models
Providing information about resources	13.2%	12.0%	26.7%	17.2%
Discussing and arranging referral or services	6.4%	14.1%	19.2%	12.0%
Escorting client to agency	1.4%	0.0%	8.9%	3.5%
Contacting child welfare agency or other professional about need	15.0%	32.6%	30.8%	23.6%
Contacting child welfare agency or other professional to follow up	17.7%	30.4%	28.8%	23.8%
Other	3.6%	5.4%	4.8%	4.4%
Assisting in any way	22.3%	38.0%	37.0%	30.1%
Number of cases	220	92	146	458

Note: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

Table 5.5-5

Types of Services GALs Assisted in Obtaining

Type of Service	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Therapy/counseling	12.7%	30.4%	28.1%	21.2%
Physical health	5.0%	13.0%	11.6%	8.7%
Legal matters unrelated to GAL activities	5.0%	5.4%	2.7%	4.4%
Educational or vocational training	4.5%	10.9%	13.7%	8.7%
Housing assistance	4.1%	5.4%	4.1%	4.4%
Financial services	3.6%	6.5%	9.6%	6.1%
Homemaker services	3.2%	8.7%	1.4%	3.7%
Child care service	2.3%	6.5%	5.5%	4.1%
Employment service	1.4%	3.3%	6.8%	3.5%
Transportation service	1.8%	6.5%	15.8%	7.2%
Alcohol/drug abuse service	5.0%	8.7%	8.2%	6.8%
Parenting classes	8.6%	16.3%	14.4%	12.0%
Other	5.9%	7.6%	9.6%	7.4%
Any service	22.3%	37.0%	37.7%	30.1%
Number of cases	220	92	146	458

Note: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

the models are very slight; however, staff attorneys and CASAs were more likely to assist with service provision than were private attorneys.

55.2 Services Ordered and Received According to Case Record Data

Information was collected from 408 *case records on services* that were ordered by the court or recommended by the child welfare agency for the child *or family. As* shown in Table 5.5-6 following this page, the most commonly recommended services were family counseling (73.5 percent), parenting classes (72.5 percent), and medical/health services (60.0 percent). As might be expected, services were recommended or ordered slightly more often in review *cases than in new cases.*

Services that were recommended or ordered for the family and/or child were provided, on average, 78.2 percent of the time. 'Services provided" means that a service was offered and made available to the child or family. If, for example, parenting classes were offered and the parents refused to participate, services were said to be provided although they were not actually received

Over 90 percent of those who were recommended for medical/health services, legal assistance, and transportation services were provided with those services, and over 85 percent were provided with the educational services and financial assistance as recommended. Less than 70 percent received parenting classes, substance abuse treatment, employment services, vocational services, and housing assistance, even though these services were recommended Based on the information contained in the case records, it was often difficult to determine instances in which the child or family flatly refused services (in particular, family counseling or AOD abuse treatment) that had been recommended by child welfare or other service providers.

5.5.3 Time Spent in Resource Brokering

GALs were asked to review the whole case under study and estimate the amount of time they spend performing various activities. On average, GALs reported that they spend 5.2 percent of their time providing information about possible resources and support services to other parties and advocating for resources for the family and child (see Table 5.5-7). However, nearly one-half of all GALs (46.3 percent) estimated that they do not spend any time in the area of resource brokering. This was reported most often by private attorneys, with 60.5 percent reporting that they do not spend any time in this activity.

Table 5.5-8 presents caseworker estimates of the amount of time GALs should, in the caseworkers' opinions, spend in resource brokering activities. Approximately one-half of the caseworkers said that between 10 and 20 percent of the GAL's time should be spent in this area, and another 23.9

Table 5.5-6

Services Recommended or Ordered by Child Welfare or the Court and Percent of Services Received

Type of Service	Services Recommended or Ordered		Provided as Percent of Recommended or Ordered	
	Number	Percent	Number	Percent
Family counseling	300	73.5%	223	74.3%
In-home family preservation services	119	29.2%	91	76.5%
Parenting classes	296	72.5%	187	63.2%
Medical/health services	245	60.0%	231	94.3%
AOD abuse treatment	177	43.4%	109	61.6%
Homemaker services	61	15.0%	48	78.7%
Child care service	94	23.0%	7 8	83.0%
Employment service	56	13.7%	33	58.9%
Financial assistance	117	28.7%	105	89.7%
Legal assistance	181	44.4%	172	95.0%
Housing assistance	85	20.9%	55	64.7%
Transportation services	135	33.1%	129	95.6%
Educational services	126	30.9%	111	88.1%
Vocational services	51	12.5%	31	60.8%
Other services	156	38.2%	114	73.1%
Average	147	3 5 %	115	78.2%

Note: The percentages in this table may exceed 100 percent because multiple responses to the question are tabulated.

Table 5.5-7

GALs' Estimates of Time Spent in Resource Brokering

Time Spent Resource Brokerlng	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
0 percent	60.5%	38.0%	30.1%	46.3%
1 to 10 percent	22.3%	37.0%	36.9%	30.2%
10 to 20 percent	13.2%	20.7%	24.7%	18.3%
20 percent or more	4.1%	3.3%	8.2%	5.2%
Median time spent	0.0	5.0	5.0	5.0
Mean time spent	3.8	5.4	6.7	5.2
Number of cases	220	92	146	458

Table 5.5-8

Caseworkers' Estimates of GAL Time
That Should Be Spent in Resource Brokering

GALs' Time That Should Be Spent Resource Brokering	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
0 percent	8.2%	4.8%	15.4%	9.7%
5 to 10 percent	26.3%	25.0%	19.5%	23.9%
10 to 20 percent	56.2%	48.8%	39.8%	49.6%
20 percent or more	9.3%	21.4%	25.2%	16.7%
Median time spent	10.0	10.0	10.0	10.0
Mean timespent	9.5	11.8	11.2	10.5
Numberofcases	194	84	123	401

percent said this should be between 5 and 10 percent. Nearly 10 percent of all caseworkers said that GALS should not spend any of their time in this activity.

5.5.4 Effectiveness in Resource Brokering

GALs were asked to rate their effectiveness in resource brokering (see Table 5.5-9 following this page). For both new and review cases, 20.5 percent rated themselves as "very effective" and 33.2 percent rated themselves as "somewhat effective." However, the most outstanding finding was the 38.6 percent who reported the activity as not applicable. Nearly one-quarter of the CASAs (24 percent), 35.9 percent of the staff attorneys, and almost one-half of the private attorneys (49.5 percent) reported resource brokering as not applicable to their role in the case.

Caseworkers also rated the effectiveness of GALs in resource brokering for all cases (see Table 5.5-10). Over 40 percent of caseworkers reported GALs to be "somewhat effective," while slightly less than 20 percent said they were "very effective," and almost one-quarter rated them "ineffective." CASAs were rated more highly than were the attorney GALs, and only 9.9 percent of the caseworkers found resource brokering to be inapplicable to the case.

Over threequarters of the 56 judges interviewed rated GALs as either "very effective" (28.6 percent) or "somewhat effective" (50.0 percent) in the area of resource brokering (see Table 5.5-11). Of the 15 judges in staff attorney counties interviewed, 7 (or 46.7 percent) viewed the GALs as very effective. Only one judge found the activity of resource brokering as not applicable.

5.5.5 Summary

Since there appears to be some ambiguity concerning the extent to which GALs should be involved in resource brokering activities, the role of the GAL as a resource broker is something that merits further discussion in the future. Given the time constraints of GALs and the compensation they receive, it seems reasonable that a number of GALs would contend that resource brokering is not part of their job. For this reason, it is important that the individual roles of the GAL and caseworker be defined in each case and communicated to all parties. This could be accomplished by prior agreement between child protective services and CASA organizations, by agreement between the GAL and the caseworker, or by order of the judge in the case. This will help ensure that resource brokering services are provided to the families that need them and that GAL and caseworker activities do not overlap unnecessarily. In any event, the family needs to know who is going to provide services, and the judge needs to know who will implement the services ordered and follow up to see that they are provided.

Table 5.5-9

GALs' Self-Assessments of Effectiveness in Resource Brokering

Assessment	Prlvate Attorney Model	staff Attorney Model	CASA Model	All Models
Very effective	13.6%	23.9%	28.8%	20.5%
Somewhat effective	26.8%	35.9%	41.1%	33.2%
Ineffective	8.6%	4.3%	4.1%	6.3%
Not applicable	49.5%	35.9%	24.0%	38.6%
Number of cases	217	92	143	458

Table 5.5-l 0

Caseworkers' Assessments of GAL Effectiveness in Resource Brokering

Assessment	Prlvate Attorney Model	Staff Attorney Model	CASA Model	All Models
Very effective	13.9%	17.2%	30.7%	19.8%
Somewhat effective	44.3%	36.8%	39.4%	41.2%
Ineffective	29.4%	32.2%	10.2%	24.1%
Not applicable	8.5%	9.2%	12.6%	9.9%
Number of cases	193	83	118	415

Table 5.5-11

Judges' Assessments of GAL Effectiveness in Resource Brokering

Assessment	Private Attorney Model	Staff Attorney Model	CASA Model	All Models
Very effective	21.7%	46.7%	22.2%	28.6%
Somewhat effective	56.5%	33.3%	55.6%	50.0%
Ineffective	21.7%	20.0%	11.1%	17.9%
Not applicable	0.0%	0.0%	5.6%	1.8%
Number of judges	23	15	17	56

5.6 CONCLUSION

The analysis of effectiveness showed differences among the three models in each of the five functional area8 of child advocacy. The models showed different strengths and limitations in each of the functions. The major findings are a8 follows:

- In factfinding and investigation, GALs should talk with or observe every child, and they should visit the home to assess its suitability for placement. CASAs contacted the child and visited the home in a higher percentage of the cases than did either private or staff attorneys, but all three models could improve in this regard. CASAs also received the highest ratings for investigation on the opinion-based effectiveness scales.

- In legal representation, the GAL should attend all hearings, and an attorney should be present at all formal and informal legal proceedings. The private and staff attorneys attended a much higher percentage of the hearing8 than did the CASAs. It was not clear in the CASA model whether an attorney was present to represent the child at the negotiation8 and hearings. These are important limitations of the CASA model, and the CASA GALs were rated as less effective in legal representation than were the attorney model GALs.

- Mediation and negotiation are essential steps in resolving a case, and an attorney should participate in these activities. Again, the private and staff attorney GAL8 were more likely to be involved in negotiations than the CASA GALs and received higher effectiveness ratings.

- Monitoring and resource brokering were most often conducted by CASAs, and they received the highest effectiveness ratings in these functions. A significant number of GALs spent little or no time in monitoring or resource brokering and reported such activities as inapplicable to their role in the case. This is an issue that may need to be addreseed in training, in policymaking, in definition of GAL roles and responsibilities in each jurisdiction, and in the allocation of time and resources for GAL representations.

- Effectiveness rating8 given by caseworkers were always lower than the self-assessments given by the GALs, and those given by the judges were often lower a8 well. The difference was particularly striking between staff attorney8 and caseworkers in rating8 of legal representation and negotiation. These disparate perception8 may reflect different expectation8 between the parties.

This short summary highlight.8 the major findings on GAL effectiveness presented in Chapter 5. Chapter 6 provides a more comprehensive summary of the major findings, linking the background information in Chapter 4 with the effectiveness findings in Chapter 5 (1) to provide a

comprehensive assessment of the strengths and limitations of GAL representation, (2) to identify the underlying causes of the limitations, and (3) to recommend improvements to strengthen child advocacy through GAL representation in the future. Chapter 6 concludes with recommendations for additional research.

Chapter 6. FINDINGS AND RECOMMENDATIONS

The Child Abuse Prevention and Treatment Act (CAPTA) legislation requires that a guardian *ad litem* (GAL) *be* appointed in every child abuse and neglect case to advocate for the best interest8 of the child in all court and child protective service proceedings. This evaluation of the GAL, program collected background data on GALs, caseworkers, and children; measured GAL activities in representing children; and surveyed opinions about the procedural effectiveness of GAL activities held by GALs, caseworkers, and judges. The background data on the programs and the GALs point to gaps in program design, resource limitations, and training deficiencies that need to be remedied. The descriptions of activities conducted by GALs in performance of their child advocacy responsibilities suggest some very important gap8 in performance, which were confirmed by the opinion-based assessments reported by various stakeholders. This chapter summarizes the study finding8 in each of these areas and concludes with recommendation8 for addressing the various limitations of GAL performance.

The purpose of this study was to assess the effectiveness of the following three GAL models in providing advocacy services to children: (1) the private attorney model, (2) the staff attorney model, and (3) the lay volunteer or court-appointed special advocate (CASA) model. The study originally was planned to validate findings from a 1988 study, but changes in the study design and the program due to the time lapse limit the comparability between the earlier study and the present study. The definition of effectiveness used in the study was based on the process or procedural effectiveness of GALs in carrying out the five roles and tasks recommended as part of a comprehensive model by Duquette (1990). These five functions are a8 follows: (1) factfinding and investigation, (2) legal representation, (3) mediation negotiation, (4) monitoring, and (5) resource brokering.

An understanding of the study methodology is important to an accurate interpretation of the results. The data presented in this report were collected in interview8 conducted during summer 1993 with GALs, caseworkers, and judge8 in 26 counties selected to represent each model. Data could not be collected in 3 of the 29 sample counties because clearance could not be obtained.

The GALs were asked to report on two recent cases: (1) a new case that had completed the dispositional hearing and (2) a review case that had received a recent review hearing. Data were collected from 259 GALs covering 229 new case8 and 229 review cases. Caseworkers in the same cases were interviewed, providing comparison information on 415 cases, and case record data were abstracted for 408 of these cases. The study also interviewed 56 judge8 to obtain their opinions about the effectiveness of

GALs in general. In addition, there were important changes in case placement goals that have implications for future programs

The indicators of procedural effectiveness were prioritized by a meeting of the technical expert group (TEG). The TEG consisted of attorneys, CASAs, judges, and academicians who had extensive practical experience and publications in the field of child advocacy. Their insights were invaluable in defining issues and directing the focus of the data analysis.

The study design affected the interpretation of study findings. The counties were a representative sample, and the GALs were sampled from randomized lists, but only the most recent new and review cases were selected for each GAL,. Therefore, the sample of cases was not representative of all cases, and the study findings cannot be generalized to measure all GAL activities in child abuse and neglect cases nationwide. Furthermore, the study concentrated on one model of representation in each county. Since several of the counties had multiple or mixed models, the results presented in this report do not provide comprehensive measures of GAL activities within the sampled counties. Finally, the number of cases in the sample limits the statistical significance of differences between the models.

Despite these limitations, the data analyses demonstrate strong patterns that link elements in the program structure, resources, and training to activity levels and effectiveness assessments. The first part of this chapter summarizes the cogent features of program and GAL backgrounds. The background is followed by summaries of the study findings in each of the five functional areas, and the chapter concludes with recommendations that have been supported by the TEG.

6.1 PROGRAM STRUCTURE AND BACKGROUND

The study defined three prototype models of GAL representation and collected information on each model. The prototype private attorney model uses court-appointed private attorneys, but in some counties CASAs or other lay volunteers support the private attorneys. The prototype staff attorney model uses attorneys on the staff of the county or a private law firm under contract to the county. Staff attorneys often are supported by social workers and other staff. The prototype CASA model uses lay volunteers, but some counties also appoint attorneys in each case, and many CASA programs provide an attorney to support the CASA Thus the programs studied represent a mixture of the pure prototypes.

This information describes recruitment, GAL training, experience, hours worked per week, caseloads, and compensation. Important differences among the models in each of these areas are summarized below. Some of these differences are thought to be related directly to differences in the

effectiveness of GALs. In addition, there were important changes in case placement goals that have implications for future programs.

6.1.1 Recruitment, Training, and Experience

Recruitment was examined for the private and staff attorney GALS. Private attorneys were most likely to initiate requests to be included on court lists of GALs (82.5 percent), and 35.2 percent said they were solicited by the court. Private attorneys in two counties reported that their firms were under contracts to the counties, which makes these two counties similar to staff attorney counties. Virtually all staff attorneys reported that their firms or agencies represent children. In retrospect, it would have been useful also to investigate the motivations of the GALs to seek child representation work This is an area of inquiry that should be addressed by future research.

Experience and training are essential to be effective in any field The TEG recommended that all GALs be trained in child welfare law and procedures, child advocacy practices, and substantive child welfare issues. Fewer than 20 percent of GALs surveyed had any prior experience in child welfare or advocacy, with the exception of 34.2 percent of the staff attorneys. Areas of prior experience included family/child law, social work, and (in the case of CASAs) foster parenting.

Virtually all GALs reported that they received some specialized training before assuming GAL duties. Staff attorneys reported the most training, with a median of 20 days, as compared to 5 days for the other two models. CASAs and staff attorneys received training in more of the 12 topics tabulated than did private attorneys. Private attorneys were least likely to be trained in each of the topics tabulated. The CASA programs in general have written guidelines and structured training, while staff models have ongoing training, at least some of which is informal, on-the-job training.

Years of GAL experience differed sharply among the models. Private attorneys had a median of 5 years' experience; staff attorneys, 2 years; and CASAs, 1.5 years. More than one-half of the CASAs had less than 2 years' experience, compared with 32.6 percent of staff attorneys and 8.5 percent of private attorneys. The TEG panel members were concerned about the low levels of training for private attorneys because the panel believed that in many cases private attorneys are young and inexperienced, but the private attorneys surveyed were the most experienced, although experience alone does not guarantee good quality of representation. The TEG panel commented that years of experience can be a misleading indicator of qualifications when the quality of performance is not taken into account. On the whole, the panel placed more emphasis on training than experience as a prerequisite for highquality GAL representation.

An additional issue—that of delayed appointments-was detected in the CASA model. Two of the CASA counties routinely delayed appointing GALs

to cases until the review phase. Such delays are inconsistent with the spirit of the law. These and other counties appoint attorneys at the time the petition is filed, but the data show that the majority of CASA appointments are delayed by more than 30 days after the petition is filed, and a substantial fraction are delayed by more than 1 year. Planned delays in appointing CASAs impede the start of investigative services by the CASAs during critical parts of new cases. These delays also prevent continuity of representation between the new and review phases of the case.

6.1.2 Caseloads and Hours Worked

The differences among the GAL models in caseloads and hours worked were dramatic. The median caseload for staff attorneys was 500, compared to 15 for private attorneys and 4 for CASAs. To some extent, the differences in caseloads were offiet by the hours per week spent conducting GAL duties, with a median of 40 hours for staff attorneys, 3 hours for private attorneys, and 4 hours for CASAs. In addition, GALs were asked how many hours they spent per week on the specific case in the sample. The median was 1 hour each for private and staff attorneys, but 2.5 hours for CASAs. The additional hours spent by CASAs would be expected to show up in measures of activities performed on the cases, and the data presented later in this chapter support that hypothesis in three of the five functions.

The data show that CASAs perform additional, important activities on cases that are not performed by private or staff attorneys, especially in investigation, monitoring, and brokering. On the other hand, the private and staff attorneys perform more of the legal representation and negotiation activities measured, which are very important in the conduct of each case. None of these data takes into account the ebb and flow of cases or the additional time and effort required to prepare for court hearings as compared with other phases of a case. Such considerations account in part for the large number of cases reported by the staff attorneys, who may share work on a given case over the course of a year.

In this accounting of caseloads and hours, the study did not adequately measure the contribution of persons other than the individual GAL. This omission is important because the models actually studied were hybrids rather than pure prototypes. Thus, some private attorneys were not independent sole practitioners but were members of firms, and some of them worked with CASAs on some cases. Some staff attorneys had support staff, including social workers, to conduct parts of the investigation and monitoring tasks on cases. Some of the CASAs had access to attorneys for the legal aspects of cases. Although the study data collectors were instructed to include these additional resources, the instruments did not explicitly request the information, and it is likely that the contributions of persons other than GALs were not measured adequately. A discussion of these limitations of the data led the TEG to conclude that some experimental variations in partnership arrangements that include GALs, caseworkers, lawyers, and other staff should be conducted. As one TEG

member pointed out, this is a new field and it is quite appropriate that different approaches be tested to determine the most cost-effective approach to providing quality representation of abused children.

6.1.3 Compensation

The compensation of private attorneys is an important issue, especially for independent practitioners who take GAL cases in addition to other private practice cases. If they are to continue as GALs, they need to earn an adequate income. Private attorneys sometimes are compensated on a per-case basis, but an hourly rate with a differential between in-court and out-of-court time was more typical as reported in this study. Most counties had a maximum limit on cases, ranging from $300 to $1,500. At the rate of $50 per hour, these maximums would purchase between 6 and 30 hours of time per case. In addition, the private attorneys typically are compensated only for those hours billed and actually approved by a judge.

Staff attorneys are compensated by salary, while CASAs are more likely to be motivated by the spirit of public service. However, the shorter average tenure for staff attorneys and CASAs suggests that the compensation may not be sufficient to motivate persons of either model to make long-term commitments. It is possible that staff attorneys move on to more remunerative or less demanding work while CASAs limit their volunteer efforts to other activities. This issue demands careful attention by the field to ensure that individuals who serve as GALs earn a sufficient and fair income-a prerequisite to recruiting and retaining qualified individuals.

6.1.4 Supervision and Evaluation

The supervision and evaluation of GAL performance showed marked differences among the models. Private attorneys typically were not supervised or evaluated, except in the context of court compensation for time spent on cases. Staff attorneys were supervised by their employing agencies or firms, and 58.7 percent received formal evaluations from their supervisors. CASAs were supervised by GAL or CASA program directors, but only 22.6 percent received formal evaluations. The TEG panel particularly was concerned that private attorneys are selected, supervised, and compensated by the court, which can limit their independence and accountability to the needs of child advocacy. The panel also suggested that GALs should receive explicit instructions from the court on the duties expected of them and formal evaluations to hold them accountable for their performances.

6.1.5 Case Placement Goals

The study analyzed 408 child abuse and neglect case records to describe the demographics of the children, the types of cases, and the case placement goals. One of the most important findings from the analysis of case records

was the change in case placement goals as the cases progressed The original case goal was to retain the child in the home or return the child to the home in 86.4 percent of the cases. However, the placement goal changed in nearly one-half of the review cases, and the new goal involved out-of-home placement in 44.6 percent of the cases. The new goal was long-term foster care in 12.4 percent of the review cases; termination of parental rights, adoption, or emancipation in 19.8 percent of the review cases; and guardianship or other placement in 12.4 percent of the review cases. These changes in case placement goals suggest that family support and family preservation programs need to be designed to protect the best interests of the child while not requiring family reunification.

6.1.6 Summary

Differences among the three GAL models in training and experience, workloads and hours, and supervision and evaluation can lead to differences in performance. Improvements are needed in each of these areas for all three models. Findings on GAL, performance are presented in the next section of this chapter.

6.2 GAL FUNCTIONS

The five GAL functions—(1) factfinding and investigation, (2) legal representation, (3) mediation and negotiation, (4) monitoring, and (5) resource brokering—served as the organizing principles for data collection and the analysis of effectiveness presented in Chapter 5 of this report. The findings demonstrate differences among the GAL, models that have important implications for future GAL programs.

6.2.1 Factfinding and Investigation

Factfinding is usually the first function performed by the GAL in a child abuse and neglect case, and investigation into the facts of the case is crucial to the performance of all other GAL roles as an advocate for the child. The TEG placed a high priority on meeting with or observing the child, visiting the home, and contacting the caseworker. Written sources of information, especially the case record, also were viewed as important documents to review during the investigation. Following the TEG's guidance, analysis of the data concentrated on these topics.

In more than 80 percent of the cases, the GAL had some form of direct contact with the child, but the percentages varied by model and by the age of the child. More than 90 percent of the CASAs had some contact, as compared to 82.6 percent of the staff attorneys and 72.7 percent of the private attorneys. The largest difference across the models involved observing the parent/child interaction for placement assessment, performed by 63.7 percent of the CASAs, but by only 40.2 percent of the staff attorneys

and 37.7 percent of the private attorneys. By age of child, the percent contacted was highest for teenagers (88.5 percent) and lowest for infant/toddlers under 5 years of age (65.5 percent). The most common reason for not contacting the child in person or by phone was that the GAL considered the contact to be "not applicable." Virtually all of the "not applicable" responses were for children under 5 years of age.

Given the emphasis placed on family reunification by CAPTA and the new family support and family preservation initiatives, it was surprising that more GALs did not observe the parent-child interactions. Such observation is necessary in making placement assessments, especially in review cases where decisions regarding permanent placement and family reunification must be made.

Caseworkers were asked about three types of contact with the child-_(l) talking with the child to assess placement needs, (2) observing the parent/child interaction, and (3) talking with the child to assess service needs. Caseworkers reported a. lower percentage of contacts by GALs for each type of contact, although CASAs were perceived to have the highest rate of contacts with children. The lower percentages might be expected because caseworkers are not always aware of every contact between the GAL and child Furthermore, the large number of cases served by caseworkers might make it difficult to remember the details of a given case.

The TEG strongly recommended that GALs visit the home in all cases to assess its suitability for the child. The visit should inciude observation of the child and the child's interactions with adults and other children. This includes visits to both the parents' home, when removal or reunification is an issue, and to the foster home or other temporary placement when continued placements are planned. Only one-half of the GALs reported visiting the parents' home or the foster home to assess service or placement needs. Nearly 90 percent of the CASAs reported doing so as compared to one-third of the attorneys. Caseworkers reported that less than one-third of GALs made visits to the parents' home or the foster home. CASAs reportedly made such visits in more than one-half of the cases, while attorneys did so in less than 20 percent of the cases. Again, the caseworkers' lower reports of visits may have resulted from their being unaware of all the activities in which the GALs engage.

The TEG identified some significant barriers to making home visits, especially to the parents' home. If the parents are represented by counsel, the legal code of ethics requires private and staff attorneys to obtain the permission of the parents' counsel before talking with the parents. Such ethical considerations also should apply to CASAs. It is possible that the low percentage of visits by attorneys reflects denial of permission by the parents' counsel. The TEG pointed out that visiting the home to observe the child's current or proposed living situation cannot be equated with interviewing the parents. The belief was that diligent GALs should be able to obtain permission to visit the home and observe the living situation.

The personal safety of GALs also is thought to be a significant barrier to home visits. Many families live in neighborhoods or apartment buildings that are unsafe for outsiders to enter. In addition, GALs may encounter hostility from the parents or other adults in the dwelling. However, if safety was an important barrier to GAL visits, it is unclear why it should be more so for attorneys than for CASAs.

The TEG also discussed potential solutions to safety issues in considering the role of the home visits in an investigation. Caseworkers and social workers in many localities are accompanied by armed security escorts on visits to unsafe areas. The TEG suggested that it might be possible for GALs to arrange joint visits if escorts are not available. They also emphasized the importance of training GALs on how to approach risky situations, how to avoid confrontations, and how to arrange for escorts or companions on visits to unsafe neighborhoods. These barriers should not prevent visits, but rather GALs should be trained in the importance of, and safe precautions in, making the visits before making recommendations to the court about a child's placement.

The TEG believed that contact with the caseworker was essential during the investigation. GAL, and caseworker reports were similar in reporting contacts between the GAL and the caseworker in approximately 90 percent of the cases. CASAs had a somewhat higher percentage than private or staff attorneys, but the differences were minor. The study also asked GALs about contacts with other parties during the investigation. In more than one-half of the cases, GALs contacted the parents, relatives, foster parents, the State's attorney, or the parent's attorney. CASAs more frequently contacted the parents, relatives, and foster parents, while private and staff attorneys were more likely to contact the State's attorney or the parents' attorney.

In summary, most GALs contacted caseworkers, and many contacted a wide variety of other sources. The data suggest that CASAs contacted more sources, especially the adults closest to the child, than did private or staff attorneys. The data also suggest that the type and number of contacts reported usually were adequate; however, the study did not assess the quality of the contacts.

Written sources of information can facilitate the GAL's investigation of a case. Particularly important in this regard are agency case records. If these records are complete, then it may not be necessary to review other written records. GALs consulted case records and court records in more than 80 percent of the cases, and consulted some written records in more than 90 percent of the cases. Although the study collected data on the contents of case records, the data are not sufficient to assess case record completeness in supporting an investigation. The TEG recommended that GALs examine case records closely to assess their completeness and quality before deciding whether to consult other sources.

The study data collectors asked GALs and caseworkers to comment on the adequacy of the GALs' preparation and the GALs' effectiveness in investigating the cases. Reported opinions covered the specific new and review cases in the sample. Judges also were asked to describe their overall impressions of GALs' performances in factfinding and investigation. The opinions reported by three types of respondents were generally consistent, as shown below:

- A total of 55.7 percent of the GALs said they prepared extensively, while caseworkers said GALs prepared extensively in 45.8 percent of the cases. One-half of the judges said that GALs were very thorough; and

- The CASAs' performance was rated highly by themselves, the caseworkers, and the judges; but

- Sixty-three percent of the staff attorneys said that they prepared extensively, while caseworkers reported that staff attorneys prepared extensively in only 36.8 percent of cases.

It is possible that the difference between the staff attorneys' own ratings and those of the caseworkers reflects preparation and investigation conducted by social workers or other nonattomey employees of the staff attorneys' organizations. The data collection instruments did not define clearly that the scope of the question included activities by support staff. The role of such staff should be measured in future studies.

Opinions about the GALs' effectiveness in conducting the investigation were collected from the GALs, caseworkers, and judges. In the effectiveness ratings, there were important differences between the GALs' and the caseworkers' assessments, especially for the staff attorney model, as follows:

- Of the staff attorneys, 71.7 percent rated themselves very effective, while only 31 percent of the caseworkers rated staff attorneys very effective;

- The private attorneys rated themselves very effective in 55.5 percent of the cases as compared with 27.9 percent of the caseworkers;

- The CASAs rated themselves very effective in 68.5 percent of the cases as compared with 59.1 percent of the caseworkers; and

- Judges rated CASAs very effective 72.2 percent of the time, compared to 53.3 percent for staff attorneys, and 30.4 percent for private attorneys.

Opinion ratings are difficult to interpret, because respondents often have different perspectives on similar issues. It might be expected that caseworkers would have lower opinions of GALs than do the GALs themselves, because the caseworkers also work very hard on each case and may feel they deserve a share of the credit. In addition, GALs and

caseworkers may disagree on the best interests of the child. The TEG conjectured that judges might rate CASAs higher than private or staff attorneys because judges often participate in the design of CASA programs and in the selection and training of CASAs, but the CASA ratings are consistently the highest across all three types of respondents.

These differing perceptions of effectiveness among the GALs, caseworkers, and judges may have important implications for the structuring of GAL programs in the future. While some of the data may reflect respondents' biases, consistency across several measures points to substantive differences in the perceived effectiveness of GALs' ability to undertake investigation and factfinding. The source of these differences in ratings appears to be related to differences in training, hours per case, and hours per week. CASAs have the most extensive GAL-specific training and spend the greatest number of hours per case. Staff attorneys also have GAL-specific training, although not as extensive as that received by CASAs, and spend the greatest number of hours per week performing GAL functions. Although the staff attorney hours per case are small, they also have access to social workers and other support staff who can assist them in case preparation. These factors provide CASAs and staff attorneys with more training and more hours to devote to GAL functions as compared with private attorneys. These findings lead to the following recommendations for fact&ding and investigation in the GAL program:

- The GAL-specific training of attorneys needs to be expanded, especially for private attorneys.

- Additional resources are needed, especially in the attorney models, to reduce the caseloads of staff attorneys and to increase the time private attorneys can devote to each case.

- Private and staff attorneys should receive periodic performance evaluations that provide them with feedback from the judges and the caseworkers about the extent of preparation they expect from GALs and their perceptions of effective performance in investigation.

- The CASA approaches to training, caseloads, supervision, and evaluation may serve as useful models for improving attorney GAL programs.

6.2.2 Legal Representation

Legal representation, as defied in Section 5.2 of the report, encompasses a wide range of activities, including courtroom proceedings, making recommendations in the case, resolving disagreements between the GAL and other actors in the case, and, when appropriate, preparation of the child to appear in court Legal representation is a critical GAL function and the tasks differ both for new and review cases and for contested and uncontested hearings. While the numbers of new and review cases were

equal in the study (by design), the number of contested cases was less than one-half of the total cases sampled.

The TEG members unanimously agreed that it was unacceptable for any child alleged to have been abused and/or neglected to appear before the court without being represented by either an attorney or another person equally qualified to fulfill the role. This recommendation extends both to contested cases in which issues already have been raised and to uncontested hearings in which an attorney may identify issues that otherwise would go unaddressed This strong recommendation poses challenges for the CASA model that will be addressed when the findings are summarized.

6.2.2.1 *Courtroom Activities*

The first group of legal activities involves the courtroom activities of the GALs. Legal activities include making opening statements, calling and cross-examining witnesses, subpoenaing records, presenting evidence, filing motions or pleadings, and making closing statements. The data indicate that 94.5 percent of the private attorneys and 91.3 percent of the staff attorneys attended all of the hearings in new cases, but their attendance dropped in review cases to 80 percent and 73.9 percent, respectively. CASAs, on the other hand, attended all hearings in only 53.4 percent of new cases and 60.3 percent of review cases. Because some CASA programs have an attorney available to conduct court-related activities, it is possible that attorneys attended some the hearings on behalf of CASAs. However, the TEG clearly agreed that GALs, whether CASAs or attorneys, should attend all hearings.

The activities varied between new and review cases and between contested and uncontested cases. Across all types of cases, the most frequent legal activity performed was the presentation of evidence. In uncontested cases, evidence was presented in 31.4 percent of new cases and 45.9 of review cases. In contested cases, evidence was presented in two-thirds of both the new and review cases. The next most frequently reported legal activity was filing motions, ranging from 17.9 percent of uncontested new cases to 47.7 percent of contested review cases. GALs also subpoenaed records, most often in contested review cases (23.4 percent). Staff attorneys performed each of the above legal actions in the highest percentage of cases, followed by private attorneys.

CASAs reported having presented evidence and filed motions in approximately the same percentage of cases as private attorneys in both uncontested and contested cases. However, while one-half or more of the attorneys' cases were contested, only 16 percent of the CASAs' new cases and 31.5 percent of the CASAs' review cases were contested. The data collection instruments did not separate the presentation of evidence into calling witnesses and providing testimony, leaving it unclear as to how the CASAs presented evidence. Nor did the study collect data on whether CASAs were assisted by attorneys who filed motions. The TEG

recommendations make it clear that neither of these activities should be undertaken by a lay person without the assistance of an attorney.

In contested cases, the study collected data on five additional legal activities: (1) making an opening statement, (2) calling lay witnesses, (3) calling expert witnesses, (4) cross-examination, and (5) making a closing statement. Staff attorneys conducted most of these activities in the highest percentage of cases, but private attorneys conducted cross-examinations in more than 90 percent of their cases. CASA activities were limited primarily to making opening and closing statements, which occurred in only one-quarter or fewer of the cases.

The low courtroom activity levels reported by CASAs caused concern for the TEG. Attorneys were available to the CASAs in four of the six counties studied, and two counties appointed attorneys to handle all courtroom proceedings. It appears that an attorney must have conducted the necessary legal activities in the contested CASA hearings, but it is not clear whether that same attorney was accompanying the CASA and representing the child's interests. It is possible that the proceedings were conducted by a State's attorney, a prosecuting attorney, or the agency's attorney. While all parties are presumed to be acting to further the welfare of the child, none of these holds child advocacy as a primary concern. The conclusion drawn from these data is that legal representation needs to be given more attention in implementing the CASA model.

6.2.2.2 *Making Recommendations*

This section addresses GALs' experience in offering recommendations to the court. GAL activities studied in this context included submitting written reports for the record, reporting orally to the court, offering a case plan, offering opinions concerning the most desirable outcome for the child, suggesting recommendations for placement, providing services to the child or family, and addressing visitation concerns.

The issue of GALs making recommendations to the court was discussed extensively by the TEG. Attorney members of the group expressed concern about the propriety of an attorney making recommendations, especially in situations where the child may have expressed preferences that differ from the GAL's opinion about what is in the best interests of the child After some delate, the group's consensus was that GALs must make recommendations to the court concerning their views as to the most suitable placement for the child. When the GAL's view differs from that of the child, the GAL should present both views to the court (this issue is examined further below). The TEG further recommended that in complicated cases where recommendations are difficult to establish, the GAL, while noting the complexities of the case, should still recommend a placement option to the court.

The study data indicate that in 95 percent of the cases surveyed GALs did form opinions about the most desirable and realistic placement situation for the child. In new cases, the most frequent opinion was to place the child with nonrelatives (31.3 percent), followed by keeping the child at home or returning the child to home (23.6 percent) and placing the child with a relative (16.2 percent). In review cases, those who favored keeping the child at home or returning the child to home fell to 10.9 percent. The largest shift was to favor termination of parental rights (TPR) and adoption (13.1 percent). The differences among the models were small, although the private and staff attorneys were more likely to favor residential or treatment facilities, while the CASAs were more likely to favor TPR and adoption.

The GALs in the study made recommendations about placement, services, or visitation in approximately two-thirds of the cases; however, the data collected do not indicate to whom the recommendations were made. The attorneys were somewhat more likely than the CASAs to make recommendations, demonstrating that the activity levels of the attorneys were not unduly limited by concerns about the propriety of attorneys making recommendations.

The study investigated disagreements between the GAL and other parties to the case. While few disagreements were reported, it was notable that the staff attorneys were more likely to **disagree with** caseworkers about placement (34.8 percent) than were the private attorneys (22.3 percent) or the CASAs (21.2 percent). On the other hand, the staff attorneys also were more likely to resolve these disagreements. Caseworker reports on disagreements followed a similar pattern to that reported by GALs.

The study also investigated disagreements between the GAL and the child. In 44 percent of the cases there were no disagreements, and in 36 percent the question was deemed inapplicable by the GAL, largely because the child was under 5 years of age. However, disagreements were reported in nearly 20 percent of the cases. In cases in which disagreements existed, GALs were asked which point of view they presented to the court. The private and staff attorneys presented both the children's views and GALs' views in most cases. By contrast, the CASAs presented both views in only one-half af the cases and then presented CASAs' views alone in the balance of the cases. This points to a need for additional training, especially for CASAs, on the importance of presenting both views to the court, either directly or through the testimony of the child in court.

6.2.2.3 *Children in Court*

The data collection inquired about the steps GALs take to prepare children to appear in court or before the judge. The most striking finding is that very few children appeared in court at all. private attorneys had *the* highest percentage of children appearing (18.6 percent), followed by CASAs (12.3 percent) and staff attorneys (9.8 percent). This finding concerned the

TEG for two reasons. First, there is a growing body of law that recognizes the child as a legal entity. Second, the judges on the panel believe that it is important for a judge to see and talk with the child either in the courtroom, in the chambers, or via videotape. Balanced with the judges' desires to have children appear in court were concerns about the potential trauma to young children who might hear arguments involving their fate. The TEG also pointed out that many cases are settled out of court through stipulations and agreements that are presented later to the court for approval. In these cases it would be difficult to arrange a meeting between the judge and the child. Given the numbers of cases, additional court time would have to be provided to allow an opportunity for the child to meet in court or elsewhere with the judge.

6.2.2.4 *Opinions About GAL Effectiveness*

The study collected three types of data on the effectiveness of GALs in legal representation: (1) GALs' and judges' reports on whether GAL recommendations were adopted; (2) assessments of GAL forcefulness by the GALs, the caseworkers, and the judges; and (3) assessments of the GALs' effectiveness by the same three respondent groups. GALs reported that at least some of their recommendations to the court were adopted in 80.3 percent of the cases, including 70.5 percent of placement recommendations, 58.7 percent of service recommendations, and 53.7 percent of visitation recommendations. Staff attorneys reported the highest percent of recommendations adopted (87 percent), followed by private attorneys (81.8 percent) and CASAs (74 percent). Judges were asked how frequently GAL recommendations influenced their decisions, and their comments supported the patterns reported by GALs.

In assessing forcefulness in advocacy, staff attorneys said they were very forceful in 71.7 percent of the cases, followed by private attorneys (55 percent) and CASAs (35.6 percent). Caseworkers rated GAL forcefulness lower for staff attorneys (52.9 percent) and private attorneys (40.8 percent), but they rated CASAs about equal with private attorneys (41.7 percent). The judges rated staff attorneys (46.7 percent) and private attorneys (47.8 percent) equally, but rated the forcefulness of CASAs lower (27.8 percent).

Finally, the three respondent groups rated overall GAL effectiveness in providing legal representation. Staff attorneys moat frequently rated their performance very effective (85.9 percent), followed by private attorneys (78.1 percent) and CASAs (45 percent). The caseworkers rated staff attorneys very effective in 63.5 percent of the cases, private attorneys very effective in 58.7 percent of the cases, and CASAs very effective in 49.6 percent of the cases. Judges, by contrast, rated 69.6 percent of private attorneys very effective, followed by 46.7 percent of staff attorneys and 43.8 percent of CASAs.

This pattern of ratings is not surprising. Attorneys are trained and experienced in the law and courtroom procedures and would be expected to

perform legal representation more effectively than CASAs. Staff attorneys appear in court most frequently since the GAL function constitutes most of their job. Additionally, many staff attorneys have access to supporting staff. For these reasons, their ratings may be higher than those reported by private attorneys. Clearly, the data point to the need for strengthening the CASA model in legal representation. Even more important, these data suggest that when CASAs are not accompanied by an attorney in legal proceedings, their ability to perform the legal representation functions is hindered.

6.2.2.5 *Summary of Legal Representation Findings and Recommendations*

The data on legal representation indicate that a wide range of activities and issues arise during the course of a case and need to be addressed by GALs. Important findings from this study include the following:

- Courtroom activities and related negotiations need to be conducted by an attorney, and the TEG concluded that it is essential for an attorney to be present during all courtroom proceedings.

- Attorneys were more effective than CASAs in having their recommendations adopted, supporting the recommendation that an attorney should act for or support CASAS in all legal proceedings.

- The children appeared in court or before the judge in only a small percentage of the cases. The TEG recommended that the children should have the opportunity to be seen by the judge, either in court or in chambers. On the other hand, the TEG expressed concerns that mandatory appearances in court could be unduly traumatic or disruptive of school attendance. While such circumstances need to be taken into account, the clear recommendation is to increase court appearances by children. This recommendation has significant implications for demands on court and GAL resources.

- Respondents' opinions related to getting recommendations adopted, forcefulness, and overall effectiveness ranked staff attorneys highest, f&wed by private attorneys and CASAs. The CASA model should be strengthened by requiring CASA GALS to be represented by an attorney in all proceedings.

6.2.3 Mediation and Negotiation

Staff attorneys were most likely to attempt negotiations (84.8 percent), followed by private attorneys (62.7 percent) and CASAs (38.4 percent). These differences among the models follow the same trend reported for differences in the percent of time GALs reported spending on negotiation. Please note that the data collected do not attempt to link time devoted to negotiations or particular cases with overall involvement in this function.

CASAs only attempted negotiations in approximately 38 percent of their cases, compared to approximately 63 percent of private attorneys and 85 percent of staff attorneys. CASAs in the study were prepared for negotiations through their training, and they said that they spent approximately the same percentage of time on negotiations as did attorneys. It is possible that negotiations were initiated in CASA cases by other actors, such as the attorney for the parents, the agency's attorney, the caseworker, or some other party.

Overall, GALs reported that negotiations were successful in reaching an agreement in about two-thirds of the cases. Staff attorneys succeeded in 72.1 percent of new cases, but in only 51.4 percent of review cases. The issue most often addressed in negotiations was placement of the child (79.6 percent of negotiations). Two-thirds or more of the negotiations addressed services and treatment for the child, services and treatment for the family, and visitation. The stipulation of abuse and neglect was addressed in 66.9 percent of negotiations in new cases, but in only 34.6 percent of negotiations in review cases.

The parties involved in the negotiations included caseworkers (91.9 percent of cases), the parents' attorneys (76.5 percent of cases), the agency's attorneys (72.1 percent of cases), the child's attorneys (49.3 percent of cases), lay volunteers (12.5 percent of cases), and others (43 percent of cases). Other parties included State's attorneys, prosecutors, foster parents, social workers, parents, other GALs, and school officials. The activities conducted during negotiations typically included bringing the parties together, highlighting common goals, encouraging parties to negotiate, and suggesting options. In 10 percent of the cases, negotiations resulted in drafting agreements; however, the study did not note who had drafted the agreements.

One notable finding emerged from these data Staff attorneys had a low frequency of involvement with the agency's attorneys, especially in new cases (39.5 percent), and with caseworkers in new cases (76.7 percent). No reason was offered, but it is reasonable to assume that negotiations would not result in a sound agreement without the approval of the child protective services agencies.

The study collected three opinion-based measures of effectiveness of negotiations. These include: (1) GALs' extent of involvement with negotiations, (2) the importance of GALS' contributions to the outcomes of negotiations, and (3) GALs' effectiveness in presenting options and advocating for children's interests. The findings include the following:

- Two-thirds of the GALs reported that they were very involved in negotiations, with little difference across the models. Caseworker assessments supported GALs' self-assessments, with three-fifths of the caseworkers reporting that GALs were very involved in negotiations.

- In assessing their own contribution to the outcome of the negotiations, 67.6 percent of the staff attorneys said they were very important, compared to 56.5 percent of the CASAs and 34.1 percent of the private attorneys. Caseworker assessments provided a different ranking of effectiveness in negotiating across the three models. Caseworkers reported that CASAs were very important in 64 percent of the cases, followed by private attorneys in 50.8 percent and staff attorneys in 43.3 percent of the cases. Thus, the staff attorneys rated themselves much higher than did the caseworkers, and the private attorneys rated themselves much lower than did the caseworkers.

- In assessing effectiveness in presenting options and advocating, GALs rated themselves as very effective in 62.6 percent of the cases, with staff attorneys somewhat higher than the average and private attorneys somewhat lower. Caseworker assessments reflected the same pattern.

- Finally, judges were asked to rate the overall effectiveness of GALs in negotiating. They rated GALs as very effective in 65 percent of the cases, with staff attorneys receiving the highest rating (80 percent).

In summary, GALs conducted negotiations in approximately two-thirds of the cases. Staff attorneys conducted negotiations in 84.5 percent of their cases, but CASAs performed this function in only 38.4 percent of their cases. Among those who attempted negotiations, agreements were reached in approximately two-thirds of the cases, with little difference across models. The negotiation activities described were substantially consistent with the Duquette model. Various opinions reported about the extent of GAL involvement and GAL effectiveness were similar across models, and consistent opinions were reported by both GALs and caseworkers. More diverse opinions were reported about the importance of the GALs' contributions to arriving at agreements. However, it is important to point out that measuring contributions is a difficult task. The judges rated GALs as very effective negotiators in 65 percent of the cases, similar to GALS' self-assessments and caseworkers' ratings.

In reviewing these results, the TEG generally agreed that mediation and negotiation are very important GAL functions because any agreements or stipulations that can be concluded outside the courtroom conserve time and energy for all parties. Additionally, agreements that are reached at this stage are easier to implement than court-imposed orders.

The data presented herein led the evaluators to offer two recommendations:

- The importance of conducting mediation and negotiations should be emphasized in all GAL, training to facilitate the settlement of issues as quickly as possible and to minimize the numbers of cases that are decided by the courts.

- Future studies of GAL programs should first measure the extent of negotiations in child abuse and neglect cases and then isolate more carefully the activities conducted by GALs and other parties in reaching agreements through negotiation.

6.2.4 Monitoring

Once the child has been placed in a safe environment, case monitoring is intended to ensure that the case is moving swiftly through the court process and the child and family are receiving the services specified in court orders, agreements, and case plans. The TEG concurred that case monitoring is an essential function and should include monitoring the special needs of the child, informing the court of service needs, reviewing the order to ensure that it is up to date, and following up on orders. These activities help to ensure that the goals of permanency planning and protecting the best interests of the child are met. Most monitoring activities take place after the dispositional hearing. For this reason, data on specific activities performed in case monitoring were collected only on review cases.

An important part of monitoring is maintaining contact with the child. The GALs were asked how frequently since the review hearing they had contacted children on matters other than those pertaining to their hearings. Only 10.5 percent reported contacting the children very frequently, and 36 percent said they did not contact the children at all. There were large differences among the models. Private attorneys reported no contact in 54.5 percent of the cases, and staff attorneys reported no contact in 40 percent of the cases. By contrast, CASAs reported no contact in only 5.5 percent of cases, and they reported contacting the children very frequently in 21.9 percent of the cases. Caseworkers' assessments reflect a similar pattern.

The data from the judges support the GAL and caseworker data. Judges were asked whether GALs maintained sufficient contact with the children after the dispositional hearing. They responded positively in 55.5 percent of the jurisdictions that use CASAs, but in only 20 percent of staff attorneys' and 17.4 percent of private attorneys' jurisdictions.

The study investigated GAL contacts with other parties since the review hearing. Some contact was made by 83.6 percent of the CASAs, 71.7 percent of the staff attorneys, and 50 percent of the private attorneys. The moat frequent contact was with the caseworker (59.8 percent), followed by foster parents (41 percent) and the child welfare agency (37.6 percent). Caseworker reports on contacts with the GAL were consistent with GAL self-reports.

GALs were asked what they had done to carry out some aspect of a court order, voluntary agreement, or case plan. Only 44.1 percent of the GALs reported doing anything, but 57.2 percent identified specific changes that were needed in the case plans. For those who identified a change, 76.4 percent recommended changes to the case plan orders, and 20.9 percent

(including one-half of the staff attorneys) filed motions or pleadings to obtain the changes. One-half of these GALs believed that changes were made as a result of their interventions. However, it was not possible to measure what parts of the case plans were changed as a result of GAL actions.

Judges were asked to comment on how diligent GALs had been in carrying out court orders, voluntary agreements, or case plans. The judges reported that, overall, 69.2 percent of GALs were very diligent, with CASAs receiving the highest ratings (94.4 percent), followed by private attorneys (57.1 percent) and staff attorneys (53.8 percent). GALs, caseworkers, and judges all were asked to assess the effectiveness of GALs in performing monitoring and followup. There was substantial agreement among the three types of respondents, with approximately one-third of each type rating GALs as very effective. Staff attorneys rated themselves as very effective in 41.3 percent of the cases, while caseworkers and judges rated staff attorneys as very effective in fewer instances (22.9 percent and 13.3 percent, respectively). CASAs received the highest ratings in performing monitoring and followup. Caseworkers (56.1 percent) and judges (76.5 percent) rated CASAs very effective, compared with 56.3 percent of the CASAs who rated their own performances similarly.

One explanation for these differences in perceived diligence and effectiveness may be the amount of time spent on case monitoring. While the average percent of time on a given case devoted to monitoring was 11 percent across all models, two-thirds of the CASAs spent 20 percent or more of their time on monitoring, and one-half of all CASAs spent 25 percent or more of their time on this function. Additionally, CASAs devoted more hours per week on each case than did staff or private attorneys. These findings suggest that more emphasis on the importance of monitoring might increase the effectiveness of the attorneys. Such a recommendation, of course, has implications for available resources.

6.2.5 Resource Brokering

The final GAL function in the Duquette model is resource brokering. The study did not collect data on the full range of tasks that constitute brokering, but only on the extent to which GALs provided resource information not offered by other parties. It is likely that GALs helped define child and family needs and linked resources to those needs utilizing resources. Unfortunately, the data do not enable us to measure the catalytic role GALs may have played in matching known resources to defined needs.

GALs reported providing new information in about 25 percent of the cases, with the availability of services and current placement options mentioned most often. Data from judges support the GALs' low frequency in performing this activity, with more than one-half of the judges reporting that GALs rarely, if at all, provided additional resource information. Case

record data indicate that some services were ordered by the court or recommended in most cases and that a substantial percentage of cases received the services, but there was no way to link these data to GAL actions. To further support the apparent low levels of GAL activity in brokering, nearly one-half of the GALs reported that they spend no time on brokering.

In rating their effectiveness in brokering, 20.5 percent of the GALS rated themselves very effective. More revealing, perhaps, is the fact that 33.8 percent of the GALs rated the activity as "not applicable" to their overall function in the case. This seems to indicate that some GALs do not view resource brokering as part of their role. The caseworkers also rated GALs' effectiveness in brokering. They rated 30.7 percent of the CASAs very effective, compared with 17.2 percent of the staff attorneys and 13.9 percent of the private attorneys. The caseworker ratings were not very different fiom the GALs' self-assessments.

The data on brokering led to the following recommendations:

- Brokering appears to receive very little attention among GALs, and their effectiveness ratings reflect this low priority. A sizable percentage of GALs do not see brokering as a part of their role. If brokering is to be a major function of GALs, it needs to be given more emphasis in both training and resource commitments.

- The study did not measure the full range of brokering activities, but only those in which the GAL provided information that was unknown to other parties. Future evaluations should measure the activities first, then attempt to ascertain if the information provided strengthened the GALs effectiveness.

- There needs to be a clear delineation of roles between GALs and caseworkers so that the resource brokering function is performed, but with minimum duplication of effort between GALs and caseworkers.

6.3 SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

The evaluation findings point to several areas of improvement that can strengthen the GALs' role as advocates in child abuse and neglect cases. The data suggest strengths and limitations in each of the three models of GAL representation studied. Given the different laws and circumstances of child abuse and neglect representation in the 50 States, the District of Columbia, and the more than 3,000 counties, it would be inappropriate to conclude that 1 model is preferred over the others or to recommend that 1 model should be adopted. More importantly, the findings do not support such a conclusion or recommendation. However, the data do support some conclusions and recommendations to consider in building on the current

state of the art in the field The recommendations are presented for each model, followed by global recommendations.

6.3.1 Private Attorney Model

The strengths of the private attorney model appear to be in the attorney's performance of the courtroom phases of legal representation and in negotiation and mediation. On the other hand, private attorneys generally performed fewer noncourtroom activities and rated themselves lower than staff attorneys in terms of their forcefulness in cases. This same assessment was offered by caseworkers and judges. The data suggest that several changes could be made to strengthen the private attorney model:

- The private attorneys need additional resources to support their legal representation. Private attorneys spent an average of 1 hour per week on their cases, and many of the private attorneys surveyed did not have access to support staff or volunteer assistance to conduct investigations, monitoring, brokering, or other activities outside the courtroom. Such additional support could be provided by staff reimbursed by the courts, contracted staff, or volunteers.

- Compensation appears to be a problem for private attorneys. The field generally recognizes that hourly compensation for GAL services is modest when compared with fees offered by private clients. The TEG did not take issue with this, but they did recognize the need to increase the number of hours authorized for payment to enable private attorneys to perform the full range of GAL functions necessary to adequately represent the best interests of children.

- Private attorneys need to receive more focused training in all aspects of GAL representation. The TEG believed that it was undesirable for any GAL to represent children without specific training in child welfare laws and regulations, the relationship between the child welfare system and the courts, and child and family dynamics in abuse and neglect cases. It was suggested that any training models developed should be evaluated to measure their ability to improve GAL performance.

- The TEG recommended that a new approach in selecting and supervising private attorneys should be developed Currently they do not appear to have sufficient independence and autonomy because they are appointed, supervised, and compensated directly by the court. They also do not receive independent evaluations and other feedback that would help to improve their performance. The TEG recognized that, in implementing this recommendation, courts would need to develop and implement an organization and support structure comparable to that available to staff attorney and CASA programs.

6.3.2 Staff Attorney Model

Staff attorneys were rated as very effective in legal representation and in performing negotiations. On the other hand, staff attorneys did not appear to see children or visit homes in all cases, and they were not active in monitoring or resource brokering. In general, they rated their own accomplishments much higher than did the caseworkers and judges interviewed in most areas. The data lead the evaluators to recommend several changes to strengthen the staff model:

- Caseloads need to be reduced. The staff attorneys reported the highest caseloads by far; in fact their caseloads were even larger than those of the caseworkers. While case responsibilities can be shared in a staff attorney model, that approach must be practiced carefully to ensure that the GALs' knowledge of cases is comprehensive. Counties using this model need more staff attorneys or more social workers to support staff attorneys.

- Staff attorneys appear to need more formal training, especially in child and family dynamics. Most staff attorneys reported receiving some training, but there is no evidence that indicates how much of that training was formalized and how much was informal, on-the-job training.

- Staff attorneys need more performance feedback from supervisors, caseworkers, and judges. Staff attorneys, overall, rated their own performances much higher than did either judges or caseworkers. The TEG agreed that GALs need to be made aware of situations when they are not meeting the expectations and standards of the caseworkers and judges with whom they work.'

6.3.3 CASA Model

The CASA model showed high activity levels and received high ratings in investigation, monitoring, and brokering, but there appear to be some problems with their legal representation and negotiations. It is possible that some of these gaps were filled by attorneys who accompanied CASAs in courtroom proceedings, although the study design did not measure attorney participation, the study findings led to recommendations for several changes that could improve the performance of CASAs:

- The timeliness of CASA appointments needs to be improved. In one-half of the counties studied, CASAs routinely were not appointed prior to the

'It is possible the difference is due more to clashes between the attitudes or styles between young, less seasoned staff attorneys and those of more experienced caseworkers and judges. It is also possible that the staff attorneys in the study were perfectly aware of the opinions held by caseworkers and judges. No data were collected to address either of theee possibilities.

dispositional hearing. While an attorney was appointed for new cases in these counties, the practice precludes continuity of representation between the new and review phases of a case. When combined with the short tenure discussed above, the consequence is that children in the CASA counties studied are appointed GAL representation later than the other models, and that representation more likely may be interrupted by the departure of the volunteer.

- CASAs, unlike staff or private attorneys, often do not attend all hearings in the cases they represent. The TEG believes that the CASAs' attendance at all hearings is important, even when an attorney is present.

- The TEG recommended that CASAs should be accompanied by and represented by an attorney in all courtroom proceedings and negotiations. The data indicate that CASAs usually participate in courtroom proceedings only to present evidence.

6.3.4 Overall Program Recommendations

The model-specific recommendations presented above were intended to build on and strengthen these models. In addition, several crosscutting recommendations emerged from the study and the TEG discussion of preliminary findings that could strengthen the GAL program:

- A mixed model of GAL representation was present in many of the counties studied, and it is appropriate to test variations of mixed models currently implemented in other counties. Mixed models have used both attorneys and nonattorneys in each case. The activities conducted by a GAL change over the course of a case in ways that require different combinations of skills and abilities. The investigative function can utilize a mixture of legal, social work, and observational skills, while courtroom activities clearly require attorneys. Monitoring and resource brokering require diligent attention that should be provided by trained staff members or volunteers, while court actions to remedy any problems in cases require lawyers. The mixed model demonstrations recommended by the TEG and the need for a mixed model emerge from the data analysis as well. These, like many other recommendations in this report, would require changes in organization, possible changes in law, and more resources.

- The TEG recommended that a formal, national system of GAL training, standards, and certification be established. The present study measured some aspects of training and identified important gaps in GAL-specific training, especially for private attorneys. A formal system of training and certification, like that proposed by the national CASA association for lay volunteers, would establish more uniform standards and expectations across the Nation but could be quite expensive. A less expensive system of uniform training curricula offered through State colleges or bar

associations may be more feasible to implement. Participants who complete such courses would receive a certificate.

- The courts need to implement formal terms of appointment that detail exactly what courts expect GALs to do and when. Two samples of such terms of appointment provided by the TEG show wide variations, and many counties have no formal document that defines the GAL role.

- Additional resources are needed to implement the GAL requirements in the CAPTA legislation. The small amount of time spent by private attorneys on each case, the large caseloads of staff attorneys, and the absence of CASAs and CASA attorneys from hearings and other legal proceedings all point to the need for increased funding. This study was not designed to provide estimates of the magnitude of resources needed. Further study is needed to develop caseload standards conducive to ethical representation.

6.3.5 Research Recommendations

This study of GAL effectiveness accomplished many of its objectives. However, as the first comprehensive quantitative study in the field, the study design and implementation demonstrate that the scope and design of future studies could be improved and expanded to answer more questions and to provide more definitive answers to those posed in the current study. Additional research is particularly important as implementation proceeds on the family support/family preservation initiatives approved by Congress in 1992. The major areas for improved and expanded research are as follows:

- Future studies of the GAL program should be designed to measure the extent of GAL representation in child abuse and neglect cases.

  — The sample design should be representative of cases, not of GALs or GAL models. The first stage of such a sample should be similar to the sample in the present study, a stratified sample of U.S. counties selected with probability proportional to size. Such samples always select New York City (Bronx, Kings, New York, Queens, and Richmond Counties), Los Angeles County, and Cook County (Chicago), each of which poses important logistical problems.

  — The second stage of the sample should be a probability sample of cases, stratified into new and review cases, 80 that the results can be generalized to the caseload The size of the sample would need to be large enough to measure the percent of cases receiving representation, with relative error of 5 percent. While power calculations would be needed to determine the sample size, such samples typically include 1,500 to 3,000 cases, or at least 4 time8 the size of the sample in the current study.

— The complete range of child advocacy representation should be measured in each sample case. This would cover GALs, other lay volunteers, attorneys, and attorney support staff. It also would cover caseworkers, agency attorneys, and State's attorneys or prosecutors. The activities of each such actor would be measured using instruments of similar design to those used in the present study.

— Where a given advocate, such as a staff attorney, acts in several cases, it would be necessary to stratify the case sample to represent each advocate, and each advocate might need to answer the questions about several sample cases. Only in this way could the full range of advocacy be measured, which is especially important in mixed models.

— Data are needed on the total numbers of advocates of each type available to serve in each county in order to estimate the intensity with which advocates are used.

. Information should be collected on the costs of the GAL programs studied. Such information is vital to providing estimates of the additional resources needed to improve the program.

- More information should be collected on the backgrounds and training of child advocates. Especially important would be their age, academic training, years of professional experience, and primary professional field (including law specialty for attorneys). In addition; it would be important to collect data on their motivations for entering into child advocacy, their estimates of how long they will continue to act as child advocates, and their opinions about the intrinsic positive rewards and negative aspects of child advocacy. Measures of GAL-specific training should distinguish between classroom and on-the-job training. Measures of on-the-job training should distinguish between structured, supervised training and simple "learning by doing."

- Measures of the scope, content, and performance of legal representation need improvement. The present study made sharp distinctions between legal representation in the courtroom and mediation/negotiation. However, most cases are settled in negotiation, not in the courtroom. It is essential to measure how the interests of the child were advocated throughout the formal and informal activities in the case.

- Case monitoring and resource brokering measures need improvement. The current study measured which services were ordered and received as reflected in the case record, but it did not measure the joint and separate contributions of the GAL and the caseworker in delivering these services. Service delivery is inherently a caseworker function, and future studies need to measure how the GAL and the caseworker can best coordinate their efforts to deliver services without conflicts between them.

- A long-term study is needed to relate child well-being, growth, and development to placement options.

The GAL program is still in its developmental stages, and this evaluation was able both to document the status of that development and point toward some exciting directions for the future. Through the data analyzed in the evaluation and the valuable insights and advice offered by the TEG, we have reached the stage where it is possible to consider some alternative programmatic approaches. The results of the evaluation clearly indicate that no single GAL model is superior to the others. The Endings suggest that an optimal approach involves the combined resources of attorneys, lay volunteers, and caseworkers to perform the bmad range of functions and services contained in the definition of the child advocate.

The study findings demonstrate that more resources are required to provide children with the level and quality of advocacy services envisioned by CAPTA. Future improvements to the GAL program could benefit from planning demonstrations with integrated evaluations to test different combinations of shared resources and functions. Such demonstrations could build on the variations covered in this study, testing combinations of private attorneys, staff attorneys, and lay volunteers in performing GAL functions. The demonstrations also should test more extensive use of pm bono legal services, friends of the court, and other trained volunteers to support formally designated GAL. Finally, given the high percentage of out-of-home placements in review cases, further research and evaluation should be conducted on the role of the GAL as part of the family support and family preservation initiatives.

This study of the GAL program served the purposes of documenting the status of the program and proposing some exciting directions for the future. The results of the study demonstrated that no single GAL model studied was consistently superior to the others across all five GAL roles. The findings suggested that an optimal approach may involve having a GAL who possesses or has access to the expertise and resources of attorneys, lay volunteers, and caseworkers to perform the broad range of functions and services contained in the definition of the child advocate.

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FINAL REPORT ON THE VALIDATION AND EFFECTIVENESS STUDY OF LEGAL REPRESENTATION THROUGH GUARDIAN *AD LITEM*

APPENDIX A

National Study of Guardian ad *Litem* Representation

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children and Families
Administration on Children, Youth and Families
National Center on Child Abuse and Neglect

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CHAPTER1
Introduction and Methodology

Background

Since the passage of the Child Abuse Prevention and Treatment Act (P.L. 93-247) in 1974, most States have provided representation to children involved in civil abuse and neglect judicial proceedings. The Act required States to appoint a guardian ad *litem (GAL)* to maltreated children as one condition for receiving Federal grant funds authorized by the Act. In the years following the passage of the Act, all States enacted legislation requiring GAL representation for some or all children involved in legal proceedings resulting from a child abuse or neglect incident. With few exceptions, this legislation has not clearly defined how this representation should be provided, who can serve as a GAL, or the role that this individual should play. Federal law stated only that the GAL should represent the child's "best interests," and many State laws are similarly broad. The Federal Government left the implementation of the GAL requirement to States. In turn, most States gave their individual counties authority to establish a mechanism for representation.

The GAL role originally was conceptualized in legal terms. Consequently, States initially appointed attorneys to represent children. In the late 1970's, courts in Florida and Washington State began appointing trained volunteers to represent children either alone or with an attorney. Due to the success of these efforts, other States also began appointing nonattomey volunteers. In the early 1980's, the Administration for Children, Youth and Families (ACYF) encouraged the development of volunteer GAL programs, such as Court Appointed Special Advocate (CASA) programs, by including their establishment as a priority area in the coordinated discretionary grants program. Other methods for providing GAL representation also have evolved over the last 15 years including the use of Public Defenders, Legal Aid attorneys, and social workers. Some States have developed statewide programs and standards for GAL representation.

A lack of kgislative guidance and disagreement among and within States regarding how best to provide this representation has resulted in a chaotic and inconsistent system of GAL representation.. Many counties also have been constrained by a shortage of qualified attorneys or volunteers to accept abuse and neglect cases and by lack of funds. There has been no systematic accounting of the ways in which local jurisdictions have met their mandate to provide representation to abused and neglected children. Each State has developed its own procedures to meet local needs and conditions. No national studies have been conducted to determine such basic issues as the type of representation provided, the number of children who receive this representation, and the role of the GAL. There also has been little systematic study of these

issues even within States. Yet this information is critical for identifying problems and shortcomings in providing GAL representation and to aid in developing recommendations and guidelines for improving methods of representation.

The U.S. Congress recognized the need for information on GAL representation nationwide in its reauthorization of the Child Abuse Prevention and Treatment Act in 1988 (P.L. 100-294). The Act required ACYF to conduct a study to determine how each State provided GAL representation. In addition, ACYF posed the following questions to be answered by the study:

- Which models of GAL representation are being used?
- Is there a GAL program office? Are GALs independent of the court?
- How many children who should be receiving representation are not receiving it?
- When does GAL appointment begin, and when does it end?
- What training is required of GALS?
- What is the level of compensation of GALs? Are expenses compensated?
- What are the responsibilities of GALs, and are there written descriptions of their role? Are GAL responsibilities described in State laws?
- Are GAL assigned to other types of cases besides abuse and neglect?
- Are GALs assigned in addition to an attorney for the child?
- What is the status of GALs regarding immunity from liability? Are GALs insured for liability?

ACYF contracted with CSR, Incorporated, to provide this information through a national telephone study of the 50 States, the District of Columbia, and counties within each State. The study included hvo phases. The first phase involved collecting information at the State level concerning general characteristics of GAL representation that existed statewide. In the second phase, respondents in the selected counties provided information about their local jurisdictions. The American Bar Association (ABA) assisted CSR in identifying respondents and conducting some telephone discussions and provided guidance on discussion topics. The National CASA Association and members of our consulting panel also provided assistance in formulating the discussion questions.

Methodology of the Study

In the first phase of the study, the ABA assisted CSR in identifying one knowledgeable respondent at the State level in each State and the District of Columbia to provide a general overview of GAL representation in the State. If there was a statewide GAL or CASA program in the State, the program coordinator was **contacted. In** other States, the chief court administrator or judge was contacted. If any of these respondents were unable to provide the needed information on GAL representation, CSR researchers asked the respondent for the name of another individual who could provide it. This person then was contacted. In many States, more than one person provided information.

Selection of ***counties.*** The conduct of the second phase of the study required a random sample of counties or jurisdictions within each State. To ensure that the study adequately represented State conditions, counties were stratified into the following groups based on population size: rural counties, with populations less than **100,000;** small urban counties, with populations between 100,000 and **500,000;** and large urban counties, with populations greater than 500,000. The proportion of counties in each stratum was computed for each State, and a total of 10 counties per State were randomly selected from the strata based on these proportions. For example, if 30 percent of a State's counties were large urban and 50 percent were rural, then 3 large urban counties, 5 rural counties, and 2 small urban counties would be selected.

There were three exceptions to this selection procedure.

- In States with 15 or fewer counties, all counties were selected.
- At least two counties were selected from each stratum regardless of the proportion of **counties** in the State in that stratum. If there were only one or two counties in the stratum, as happened in the large urban stratum in some States, these counties were included.
- **In** States with a large number of contiguous **counties** with populations less than **25,000,** such as Nebraska, the counties were clustered into a single sampling unit with a population of 25,000 or leas. These clustered samples were selected as a single unit, and all counties within the unit were included in the sample. This clustering procedure was employed to ensure inclusion of counties in different regions of the State.

After the original sample was drawn using the above procedures, two adjustments were necessary. The clustering procedure resulted in the selection of 637 counties-too many to study given the time and resources available. To reduce the sample size, 20 percent of the rural

counties were eliminated randomly from the States where clustering was used, yielding a sample size of 554. In addition, due to the random nature of selection process, the major population areas in some States were not included in the original sample. In order to include at least one major population center in each State, the following additional counties were added:

- Alabama: Montgomery
- California: Los Angeles, San Diego, and San Francisco
- Florida: Duval
- Iowa: Polk
- New York: Erie
- North Carolina: Mecklenburg
- Pennsylvania: Philadelphia
- Texas: Bexar and Harris

Some rural county courts heard cases from several neighboring counties. If information was available from these neighboring counties, then the county was added to the study even if it was not part of the original sample. Information from six additional counties was added in this way.

The final complication related to sample selection arose in States that used district courts that covered multiple counties, or parts of many counties. These States were Connecticut, Massachusetts, New Hampshire, and Rhode Island. In these States, the district courts most closely tied to selected counties were substituted for the counties.

The final sample size was 555 counties or court jurisdictions. Seventeen counties were added as described above, and 16 (2.9 percent) refused to cooperate or did not return telephone calls after repeated attempts to reach them. These counties all were rural; 8 had populations less than 20,000, and only 2 had populations greater than 40,000. Appendix 2 provides a complete list of all counties included in the study and identifies the counties that were added to the study later or did not participate.

Respondents. The ABA and National CASA Association assisted CSR in identifying respondents in selected counties. As with the first phase of the study, the GAL or CASA program coordinator for the county, where one existed, was the first point of contact. Where

there was no coordinator, the chief judge of the local juvenile court was the first contact. If the initial contact could not provide the information needed, the CSR researcher asked for the name of another knowledgeable potential contact. In many counties, several individuals had to be contacted. Telephone discussions were conducted from mid-December 1989 through late March 1990.

Definition of GAL. The definition of GAL varies considerably among States. For example, some States define the GAL as anyone who represents the child's best interests. In other States, the GAL is an attorney who provides legal representation. Still other States define GALs in terms of specific duties performed for the court. To avoid complications arising from these differences and to obtain a complete picture of the nature of representation of children provided within each State, this study defined GAL broadly to include anyone appointed as a representative for the child in civil abuse and neglect proceedings. This definition is used throughout this report. The State summaries included in the Appendix of this report describe all representation provided to children in each county, regardless of whether the local jurisdiction calls the representative a GAL. The State summaries also provide definitions and terminology used within the studied jurisdictions when they differ from the study definitions.

CASA and volunteer GAL ***programs.*** Many jurisdictions use CASA volunteers to provide GAL representation or as friends of the court. The National CASA Association estimates that there are 387 programs in 47 States. The State summaries describe these programs for the studied counties that have them. Study resources did not allow the examination of all CASA representation within each State. However, information on many of these programs can be obtained from the National CASA Association. The State summaries describe CASA programs where the volunteer either serves as a GAL or friend of the court or provides assistance to the GAL.

Many jurisdictions use trained volunteers but do not describe them as CASAs. In the State summaries, volunteers are referred to as CASAs only if this is done within the State.

Chapter 2 of this report provides an overview and summary of GAL representation across the 50 States and the District of Columbia. The conclusions of this phase of the project and the recommendations resulting from the findings are presented in Chapter 3.

Overview of State Summaries

Appendix 1 to this report provides a summary of GAL representation provided in each jurisdiction studied. Each summary begins with a brief overview of the basics of GAL representation within the State including when representation is provided, legislative authority, appointment times, training requirements, compensation, immunity from liability, and studied

jurisdictions and their caseloads. Following the summary page is a brief text describing GAL and other representation for abused and neglected children in the State's studied counties.

The information provided in the State summaries includes the following:

- Types of representation provided (attorneys, volunteers), the percentage of cases receiving each type of representation, and the percentage of abused and neglected children represented in the jurisdiction.
- Social work, legal, or volunteer support provided to the GAL, if any.
- The appointment process, including when appointment begins and ends, who appoints, and other types of cases besides abuse and neglect to which GALs are appointed.
- Responsibilities of the GAL regarding representation of the child's wishes and best interests.
- Duties of the GAL, including the GAL's role in coordinating with the child welfare agency, parents, and other involved parties.
- Compensation of GALs.
- Training and prior experience requirements.
- Caseloads, number of GALs available in the county, and any problems retaining or recruiting GALs.
- Demographic characteristics of attorney GALs.
- For counties with GAL programs, the staffs, budgets, and relationships of GAL programs to the court.
- Immunity from liability and insurance of GALs.
- Evaluation, monitoring, and supervising of GALs.

CHAPTER 2
National Summary of GAL Representation

There is considerable variation and confusion among the 50 States regarding the representation of abused and neglected children. Only 14 States have state GAL program offices that establish some requirements regarding who can serve as GALs, what training they must complete, and what their responsibilities are. In these States the GAL program office was established by Statute or by the court and the program is publicly funded. The remaining States rely on a patchwork of attorneys, volunteers, CASAs, and other individuals to represent children. Variation is the norm even within States, and neighboring counties often have different methods of appointment and type of representation, compensation, and training. Even where statewide systems exist, lack of uniformity is not unusual. Coherence and consistency of GAL representation clearly is the exception in most States.

Against this backdrop this chapter presents a national summary of the major topic areas of the study. Findings are aggregated across the 555 counties and jurisdictions studied or presented by State where appropriate. The summary broadly outlines the nature of representation. However, due to the extreme variation within each State, the summary cannot provide detail on many of the atypical circumstances and conditions that exist. Consequently, the reader is urged to review the State summaries in the Appendix to obtain a full picture of GAL representation across the Nation.

Prevalence of Representation

Most States have Statutes requiring appointment of a GAL or legal counsel for children in all civil abuse and neglect cases. As shown in Exhibit 1, however, appointment in eight States is either discretionary or required only in some cases. In Arkansas, for example, appointment is required only if custody is in question. Georgia, Louisiana, and Wisconsin require appointment only in termination of parental rights cases. Georgia law also mandates appointment when the child has no parent and Wisconsin requires representation when the child is removed from the home or in cases involving abuse restraining orders. In Colorado, GAL representation is mandatory in abuse cases but discretionary in neglect cases. In Delaware, Indiana, and Texas, appointment of a GAL is completely at the discretion of the presiding judge. As a consequence of the discretionary nature of GAL or attorney appointment in these eight States, not all abused and neglected children in these States are represented.

Although required, universal representation of abused and neglected children also does not occur in many of the remaining States. Exhibit 2 presents State estimates of the proportion of children provided a GAL or legal counsel in abuse and neglect cases in 1989. These

Exhibit 1

States Allowing Discretionary GAL Appointment

State	*Conditions*
Arkansas	Required only when custody is in question
Colorado	Mandatory in abuse cases; discretionary in neglect cases
Delaware	Fully discretionary
Georgia	Required only in termination of parental rights cases or when the child has no parent
Indiana	Fully discretionary
Louisiana	Required only in termination of parental rights
Texas	Fully discretionary
Wisconsin	Required only in out-of-home placement, abuse restraining orders, or termination of parental rights

Exhibit 2

State Estimates of Percentage of Abused and Neglected Children Receiving GAL Representation

	Percent Receiving Representation			
State	*Rural*	*Small Urban*	*Large Urban*	*Total*
Alabama	100	100	100	100
Alaska	100	100	NA	100
Arizona	70	100	100	92
Arkansas	95	100	NA	96
California	100	77	77	78
Colorado	98	100	NA	99
Connecticut	100	100	100	100
Delaware	NA	22	NA	22
District of Columbia	NA	NA	100	100
Florida	93	36	47	49
Georgia	94	78	100	89
Hawaii	100	100	100	100
Idaho	57	75	NA	60
Illinois	100	100	100	100
Indiana	93	77	50	78
Iowa	100	100	NA	100
Kansas	100	100	NA	100
Kentucky	84	100	100	88
Louisiana	73	20	100	54

Exhibit 2 (cont.)

State	Percent Receiving Representation			
	Rural	*Small Urban*	*Large Urban*	*Total*
Maine	100	92	NA	95
Maryland	100	100	100	100
Massachusetts	100	100	100	100
Michigan	100	100	100	100
Minnesota	100	100	80	95
Mississippi	87	100	NA	90
Missouri	100	100	100	100
Montana	100	100	NA	100
Nebraska	100	100	NA	100
Nevada	98	3	24	32
New Hampshire	100	100	NA	100
New Jersey	100	100	NA	100
New Mexico	100	100	NA	100
New York	100	100	100	100
North Carolina	99	100	NA	99
North Dakota	100	100	NA	100
Ohio	85	100	100	96
Oklahoma	100	loo	loo	loo
Oregon	52	99	40	69
Pennsylvania	99	100	55	83
Rhode Island	loo	loo	loo	100

Exhibit 2 (cont.)

State	Percent Receiving Representation			
	Rural	*Small Urban*	*Large Urban*	*Total*
South Carolina	100	100	NA	100
South Dakota	83	100	NA	86
Tennessee	%	90	93	94
Texas	97	100	99	99
Utah	83	83	loo	90
Vermont	100	100	NA	100
Virginia	93	100	100	96
Washington	100	100	70	87
West Virginia	100	100	NA	100
Wisconsin	95	100	100	98
Wyoming	100	NA	NA	100

NOTES

Statewide estimates were made by computing the weighted average of the three strata. Weights were the proportionate State population in the stratum.

NA = Not available or not applicable.

estimates are based on the proportions reported by respondents in the telephone discussion and are statistically weighted to reflect the entire State.

Caution should be exercised in interpreting the proportions for two reasons. First, estimates provided by respondents usually were "best guesses" and not based on precise counts. Second, respondents may have been biased to overestimate the proportion receiving GAL representation required by State law. No independent method was available for verifying the accuracy of respondents' reports. Finally, these estimates do not address the quality of representation. Some children may nominally be assigned a GAL but receive little or no actual representation.

All abused and neglected children are not being represented in 25 States. In nine of these States, more than 90 percent of children are represented and the children who do not receive representation are concentrated in small rural areas that have small caseloads. In the remaining jurisdictions in these States, all children receive representation. Maine, Minnesota, Tennessee, and Utah also provide representation to 90 percent or more of their children, but representation is low in either the small urban or large urban jurisdictions. The relatively small number of attorneys or volunteers available to handle the higher caseload in these areas is an important cause of the lack of universal representation.

In Kentucky and South Dakota, where 88 and 86 percent of children, respectively, are represented, lack of representation occurs in rural areas that have few cases. Georgia also has a lower proportion of children represented in small urban and rural areas.

Eight States have more widespread difficulties in providing representation. Florida, where only 49 percent of children receive a GAL, Nevada with 32 percent representation, and Delaware with 22 percent were the lowest in the nation on this measure. Florida and Nevada provided a high proportion of cases with a GAL in their rural areas, but had very low representation in their urban areas. Less than half of cases in large urban areas in Florida and a quarter of cases in such areas in Nevada receive representation. In the small urban areas only a fraction of the cases (3 percent) in Nevada and about a third (36 percent) in Florida are represented. Representation was uniformly low in all three of Delaware's counties. In the five remaining States where representation is low-California, Idaho, Indiana, Louisiana, and Oregon-lack of representation is also widespread throughout the State. For example, only 77 percent of children in small and large urban areas of California receive a GAL. Only 60 percent of Idaho children, 54 percent of Louisiana children, and 69 percent of Oregon children are appointed representation.

The lack of universal representation is due in most States to an insufficient number of trained volunteers or attorneys. This problem is often further compounded by low rates of compensation paid to attorneys. Florida, for example, has a statewide volunteer program,

supplemented by private attorneys in large urban areas. The jurisdictions included in the study reported a shortage of volunteers and extremely low compensation to attorneys as reasons for the low level of representation. Nevada counties also reported a shortage of attorneys to cover the large, sparsely populated State.

The low proportion of children receiving representation in California and Idaho,' however, appear to result from more fundamental difficulties. California has very confusing and arcane procedures for assigning GALs. The State Statute defines a GAL as a person who serves "in lieu of parents" and provides no further definition. The child's caseworker serves as the GAL and in addition, the child may have legal counsel from the district attorney or a private attorney.

Idaho's low representation levels may stem from a philosophical basis. Many informants in that State questioned the need for a GAL and several stated they did not believe GALs served a necessary or useful function.

In eight States where representation is less than 100 percent, appointment of a GAL is discretionary (see Exhibit 1). The lack of complete representation is due in part to judges choosing not to assign GALs to every case. For example, some informants in Delaware noted the GALs could handle more cases, but judges did not feel one was needed in all cases.

Statewide GAL Programs

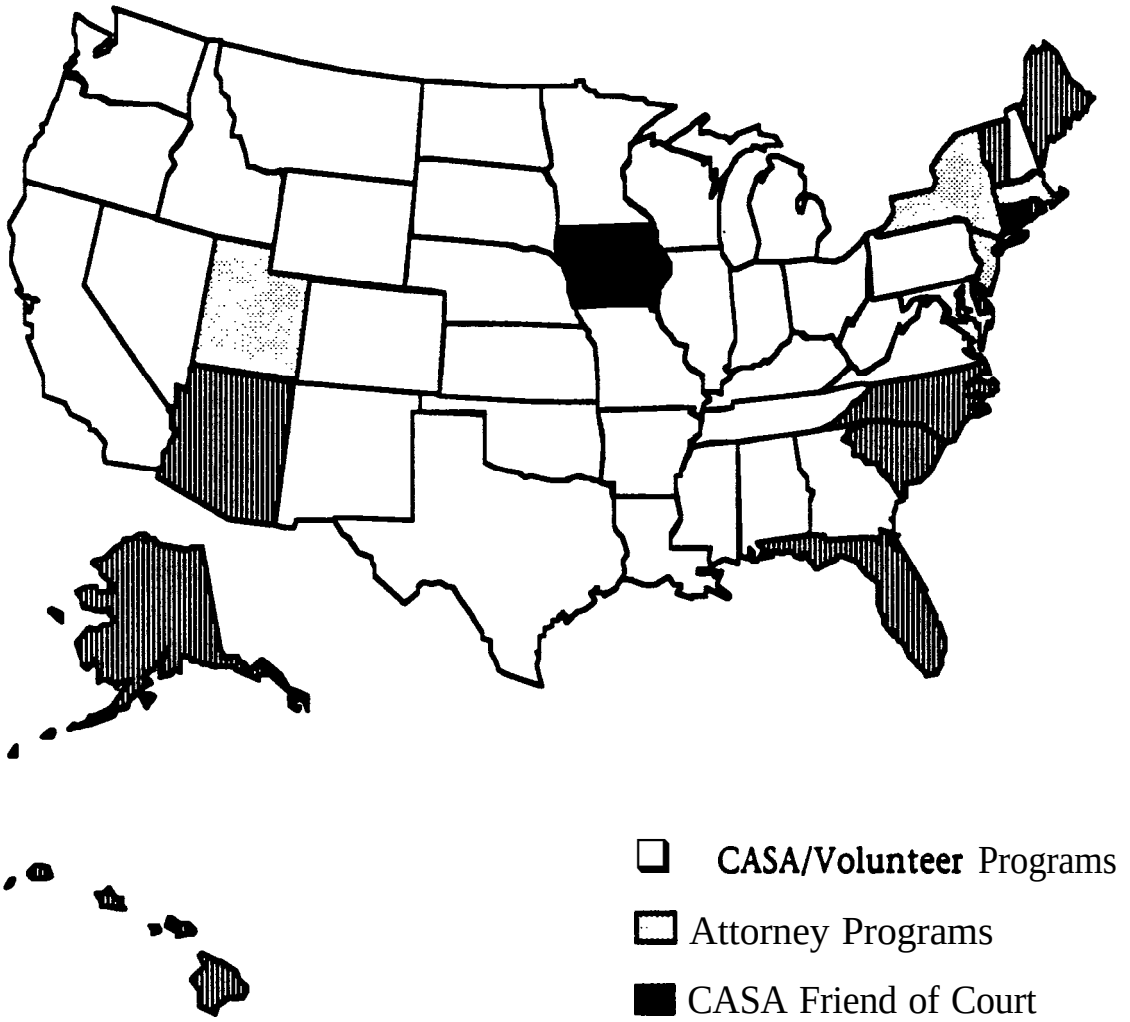
Figure 1 shows the 14 States that have statewide programs for providing GAL representation. In these States, there are uniform requirements regarding who can serve as a GAL, appointment practices, and training requirements. A program office at the State or regional level directs program practices by establishing requirements or enforcing statutory requirements. Statewide programs ensure general consistency in GAL appointment and other practices-nsistency that is lacking in most States without these programs.

Alaska, Arizona, Delaware, Hawaii, Maine, and Rhode Island have statewide CASA programs that represent children as GALs in all or most jurisdictions. Florida, North Carolina, and South Carolina, and Vermont also have statewide programs using volunteers in almost all jurisdictions. Connecticut and Iowa have statewide CASA programs, but CASAs in these States are friends of the court and do not serve as GALs.

Only Vermont's program was not established by Statute; it was established by a local judge and implemented statewide. Vermont has no formal program office at the State level, however, and no budget or paid staff.

FIGURE 1

Statewide GAL Programs



New York and New Jersey have statewide law guardian programs that specify training and role requirements for attorneys serving as GALs. In Massachusetts, the Committee for Public Counsel Services sets training and compensation requirements for attorney GALs, and Utah has a statewide attorney GAL program that establishes standards throughout the State. The District of Columbia also has uniform training and appointment requirements. In Maryland, Legal Aid attorneys represent children in all counties except one. However, there is no formal statewide program.

Types of Representation Provided

Local jurisdictions provide GAL representation using private attorneys; staff attorneys, such as Public Defenders or Legal Aid attorneys; and CASA and other volunteers. Figure 2 shows that private attorneys are used to provide representation in 72.4 percent of the jurisdictions. Staff attorneys serve as GALs in 21.1 percent of studied jurisdictions; volunteers serve as GALs in 21.6 percent. Other forms of representation were provided in 6.1 percent of studied areas, and about one-fourth (23.6 percent) of jurisdictions used more than one of these models of representation to serve abused and neglected children. In 16 counties (2.9 percent of jurisdictions) there is no representation provided to abused and neglected children. These counties were rural and had few abuse and neglect petitions annually. They had developed no procedures for handling these cases.

Of the 117 jurisdictions that use staff attorneys, 79 percent use attorneys from a Legal Aid or Public Defender's Office, and 5 percent of jurisdictions have a child advocacy office established specifically to provide GAL representation. Other jurisdictions use attorneys from child welfare or other public agencies. In 77.8 percent of jurisdictions that use staff attorneys, some sort of administrative or social work support is provided to them. In contrast, private attorneys in only 41.6 percent of the jurisdictions that use them have access to any support.

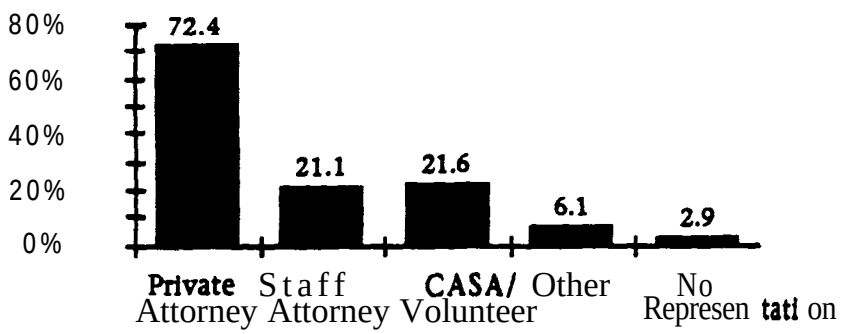
Who **Can Serve as GAL**

State and county requirements concerning who can serve as a GAL vary widely. The different requirements of the jurisdictions studied include the following.

- Attorney is required (volunteer or **CASA** may be appointed in addition);
- Appointment of both an attorney and a **CASA is** required;
- Appointment of either a **CASA** or an attorney to serve as GAL is required (the GAL need not be an attorney); and
- Appointment of a CASA only to serve as GAL is required.

FIGURE 2

Types of GAL Representation in
555 Sampled Jurisdictions



• Note: More than one type of representation was provided in 127 jurisdictions.

Exhibit 3 summarizes State requirements concerning who can serve as a GAL. In 20 of the 43 States in which appointment is required, Statute dictates the GAL must be an attorney. In addition, in five of the eight States in which GAL appointment is discretionary, an attorney is appointed. Twenty States have Statutes allowing for appointment of either an attorney or a **CASA** Of the remaining three States in which GAL appointment is discretionary, two-Indiana and Texas-also allow appointment of either an attorney or a **CASA.** Of the 22 States permitting either a CASA or an attorney, five States-Arkansas, Iowa, New Mexico, Tennessee, and Texas-use only attorneys. Vermont uses both an attorney and a CASA, and Maine requires that the CASA be used if possible.

Florida and Oregon require the GAL to be a trained volunteer. Seven other States-Arizona, Delaware, Maine, North Carolina, Rhode Island, South Carolina, and Vermont-have Statutes allowing the **GAL** to be a trained CASA or other volunteer. Almost all the counties in these States appoint volunteers.

Joint appointments (appointments of an attorney and a volunteer) are used in five States-Arizona, North Carolina, Rhode Island, Utah, and Vermont. While joint appointment is normally possible anywhere at the court's discretion, only these five States and some counties in Missouri, Montana, Oklahoma, South Carolina, and Washington in our sample routinely provided it. In North Carolina, where either a CASA or an attorney is required, if a CASA is appointed as a GAL, then counsel must also be appointed. In Utah, the attorney is assigned as a GAL, and the volunteer is assigned to assist the attorney. A CASA serves as the GAL in the other four States; and an attorney is assigned to assist, is assigned if a case goes to trial, or is appointed as GAL if a CASA is not available. In the remaining states, where we found joint appointments, the three most common reasons for them are when the child requests a GAL, when the child and GAL disagree, or when there are concurrent criminal proceedings against the child.

Other representation In 34 of the studied counties, GAL representation is provided either by independent social workers or a special staff of nonattomeys who perform GAL work as part of their professional responsibilities. Alaska uses paid nonattorneys in seven of the studied **districts. Some** counties in Minnesota, North Dakota, and Washington also use this approach. In many cases in California, the social worker or probation officer who files the petition is assigned as GAL per State Statute in addition to an attorney or CASA volunteer. However, the State has a unique and vague definition of a GAL as an individual who represents the child 'in lieu of parents." Social workers also serve as **GALs** in some counties in Minnesota, Mississippi, Nevada, and Ohio. One county in Oregon assigns juvenile wurt counselors, and one **county** in Nevada assigns an individual involved in the case.

Exhibit 3

Statutory Requirements for Who Can Serve as GAL

State	Attorney required, CASA may be appointed in addition	Both Attorney and CASA required	Either Attorney or CASA	CASA only required as GAL
Alabama	Yes			
Alaska			Yes	
Arizona		Yes[2]		
Arkansas			Discretionary[1]	
California			Yes[2]	
Colorado	Discretionary			
Connecticut	Yes			
Delaware				Discretionary
District of Columbia	Yes			
Florida				Yes
Georgia	Discretionary			
Hawaii			Yes	
Idaho			Yes	
Illinois			Yes	
Indiana			Discretionary	
Iowa			Yes[1]	
Kansas	Yes			
Kentucky	Yes			

Exhibit 3 (cont.)

State	Attorney required, CASA may be appointed in addition	Both Attorney and CASA required	Either Attorney or CASA	CASA only required as GAL
Louisiana	Discretionary			
Maine			Yes[2]	
Maryland	Yes			
Massachusetts	Yes			
Michigan	Yes			
Minnesota			Yes	
Mississippi			Yes	
Missouri			Yes	
Montana			Yes	
Nebraska	Yes[3]			
Nevada			Yes	
New Hampshire	Yes			
New Jersey	Yes			
New Mexico			Yes[1]	
New York	Yes			
North Carolina	Yes[4]			
North Dakota			Yes	
Ohio			Yes	
Oklahoma	Yes			
Oregon				Yes[5]

Exhibit 3 (cont.)

State	Attorney required, CASA may be appointed in addition	Both Attorney and CASA required	Either Attorney or CASA	CASA only required as GAL
Pennsylvania	Yes			
Rhode Island				Yes
South Carolina				Yes[5]
South Dakota	Yes[6]			
Tennessee			Yes[1]	
Texas			Discretionary[1]	
Utah	Yes—in rural areas	Yes—in large urban areas		Yes-Weber County
Vermont			Yes[7]	
Virginia	Yes			
Washington			Yes	
West Virginia	Yes			
Wisconsin	Yes			
Wyoming	Yes			

Exhibit 3 Superscripts

1. Only attorneys used
2. CASA serves as GAL
3. Statute allows for appointment of Iayperson in special cases
4. Attorney or CASA is mandatory; if CASA appointed, counsel must also be appointed
5. CASA required, but in absence of CASAs, juvenile court counselor or attorney may be used
6. Mandatory appointment of counsel, but CASAs are used alone in 5 counties
7. All counties appoint both CASA and attorney; statute requires attorney or CASA

Appointment Radices

In more than 90 percent of the jurisdictions studied, the presiding judge makes the decision to appoint a GAL. In the remaining jurisdictions, the judge's clerk, another officer of the court, or the GAL program director makes this decision. Where there is an organized GAL program, the program director usually makes the actual appointment. Where there is nd organized program, the judge or court clerk makes the appointment.

In virtually all jurisdictions, GAL appointment begins either at the filing of the initial petition or at the emergency removal hearing and lasts until judicial intervention ends. However, in States that do not require GAL appointment in all cases, appointment times are more likely to be at judicial discretion. In some jurisdictions in these States, judges often appoint GALs when there is a conflict between the child and the GAL or between the child's wishes and best interests, or when a party requests a GAL. Discretionary appointment also occurs in jurisdictions that use CASA models as friends of the court or when an attorney is appointed as counsel in addition to a GAL

Appointment times are established statewide by Statute or court rule in 29 States, as shown in Exhibit 4. In many of these States, the requirement is broadly stated. Only 9 percent of counties studied in other States had local written rules that mandated appointment times. In 65.6 percent of the studied counties, appointment practices were established only by policy set by the local court, administration, or judge.

In two-thirds of the 127 counties that use more than one GAL program model (such as a CASA program and private attorneys), the judge may choose any model to provide representation. Only 40 percent of the counties that have more than one method of representation have written guidelines that specify criteria for assignment. Usually a county has one type of representation that is used the most, and other available models are used for overflow or particular types of cases. For example, in a jurisdiction that has private attorneys and Public Defenders available to serve as GALs, most cases might be assigned to the Public Defender, up to a predetermined limit; cases over the limit would be assigned to private attorneys.

In counties that have a CASA program and attorney representation, attorneys frequently provide representation in most cases, while the court assigns more complex cases that require closer monitoring to CASA volunteers in addition to or instead of an attorney. Some counties assign CASA or other volunteers in most cases and also have attorneys available for appointment. In these counties, the court assigns attorneys to cases that involve complicated legal issues or when requested by a party.

Exhibit 4

Written State Requirements Concerning GAL Appointment Times

State	*Appointment Begins*	*Appointment Ends*
Alaska	At filing: Supreme Court Rule; Civil Rule 11	No requirement
California	No requirement	When relieved by court: Welfare Code § 317
Colorado	By first hearing: Statute § 19-10-l 13	No requirement
Connecticut	At filing	When court intervention ends
Hawaii	At filing/throughout proceedings: Statute § 587-34	When permanent placement occurs: Statute § 587-34
Illinois	By first hearing: Chapt. 37 § 802-17	No requirement
Iowa	At filing: Statute § 232.89(2)	No requirement
Kansas	At filing: Statute § 38-1505	CASA; when relieved by court: Statute § 38-1505a
Kentucky	By adjudicatory hearing: Statute § 625.100	When permanent placement occurs: Uniform Juvenile Code
Maine	'As soon as possible' after filing: Title 22 § 4005	When court intervention ends
Maryland	At filing/throughout proceedings: Legal Aid contract	When court intervention ends
Michigan	At filing: Court Rules 5.915; 5.965	No requirement
Missouri	At filing	When court intervention ends
Nebraska	At commencement of proceedings: Statute § 43-272.01	No requirement

Exhibit 4 (**cont.**)

State	*Appointment Begins*	*Appointment Ends*
New Hampshire	At filing	When court intervention ends
New Mexico	By filing: Rule 10-305(D)	No requirement
New York	No requirement	When relieved by court: Family Court Act § 1120
North Carolina	At filing: Statute	When court intervention ends; at permanent placement
Ohio	No requirement	When relieved by court: Statute § 2151.281
Oklahoma	No requirement	CASA; when relieved by court: Title 10 § 1109
Rhode Island	At filing	When court intervention ends
South Carolina	At filing	When relieved by court
South Dakota	At filing	No requirement
Tennessee	No requirement	When relieved by court: Statute § 37-1-602
Utah	At filing: Statute § 78-3a-20.5	When relieved by court: Statute § 78-3a-44.5
Virginia	By first hearing: Statute § 16.1-266	No requirement
West Virginia	10 days prior to hearing: Statute § 49-6-2	Throughout proceedings: Statute § 49-6-2
Wisconsin	No requirement	At final disposition: Statute § 48.235(7); 151 WIS 2ND P.LI
Wyoming	At filing	When court intervention ends

Use of ***GALs in other types of cases.*** In 80 percent of the studied jurisdictions, GAL representation is provided to children in other types of cases besides civil abuse and neglect. Exhibit 5 lists the types of cases and the percentages of jurisdictions assigning GALs in these cases. The most common type of case other than abuse and neglect in which children receive representation is delinquency, followed by custody and then by criminal cases involving the child. Approximately 28 percent of jurisdictions provide GALs in criminal child abuse cases, and more than 15 percent provide GALs in voluntary foster care cases.

In 85 percent of counties studied, the same pool of GALs is used to serve in both abuse and neglect cases and in civil abuse cases. This is true for counties using attorneys as well as those using volunteers.

Responsibilities **of GALs**

It is rare for GALs to have any written guidance on their roles and responsibilities. Only 20 States have Statutes, court rules, or State administrative policy directives specifying the activities a GAL. should perform. In other States, 16.6 percent of local jurisdictions studied have local guidelines written by the county court, local CASA program, or the local Bar Association. Elsewhere, GALs have only very general guidance, such as to serve the best interests of the child, or no guidance at all. Jurisdictions that provide written guidance define GAL responsibilities broadly to include conducting an independent investigation of the case; meeting with the child, family, and foster family; providing legal representation; ensuring the child's needs or best interests are met; and monitoring the case. The written responsibilities for volunteer GALs in Delaware, Florida, Hawaii, Nebraska, and South Carolina are unique in that they provide comprehensive descriptions.

In States that appoint an attorney and volunteer jointly as GAL., the attorney is always responsible for legal aspects of the case, while the volunteer **serves** an investigator and monitor function. In many counties, the two representatives perform their roles autonomously. In jurisdictions that can assign either a volunteer or an attorney to a case, frequently the volunteer is assigned when more intensive monitoring, interviewing, and/or investigation is needed for the family. Otherwise, an attorney is appointed. In some counties, the opposite is true: attorneys are assigned **when** more legal work is needed, but **otherwise** a volunteer is appointed.

In moat States, GALs are specifically enjoined by Statute to present the best interests of the child and to ensure that these interests are served throughout the child welfare system. An issue arises, however, when the child disagrees with the GAL on what these interests are. Attorney GALs in 45 percent of the studied counties represent the child's wishes and present the GAL's assessment of best interests and let the court decide how to deal with this conflict.

Exhibit 5

Other Types of Cases in Which Children Receive GAL Representation

Type of Case	*Percent* of *Studied Jurisdictions (N = 442)* Providing *Repmentation*
Delinquency	64.5
custody	*56.8*
Other criminal cases	30.8
Criminal abuse	28.1
Voluntary foster care	15.4
Nonlitigated abuse	6.1
Other (e.g., runaway, property)	36.2

However, in 12.6 percent of counties studied, attorney GALs present the child's wishes: in 4.3 percent, the attorney GAL requests a second GAL from the court to present the child's wishes. The remaining counties reported no consensus regarding what attorneys should do in cases of disagreement with the child.

Staff attorneys such as Legal Aid or Public Defenders generally believe that the GAL should present the child's desires in cases of disagreement. This is particularly true for Legal Aid attorneys. In comparison, the majority of private attorneys believe that the GAL should present the child's best interests.

The CASA programs studied require volunteers to present both the child's best interests and the child's wishes to the court when there is a disagreement. In Hawaii and South Carolina, this requirement for GALs is included in State Statutes.

In some States, the dilemma of whether to present the best interests or the wishes of the child is addressed through State policy or Statute. In Wisconsin, children over the age of 12 are appointed counsel to present their wishes, but children under 12 are usually appointed a GAL to represent best interests. Utah has a similar policy of appointing attorneys for older children to present their desires. Arizona appoints an attorney as counsel to a child and a volunteer to present best interests. In North Carolina and Rhode Island, which jointly appoint attorneys and volunteers in most cases, both representatives present the child's best interests and inform the court of the child's wishes. In case of disagreement in Vermont, which also has joint appointment, the attorney represents the child's wishes and the volunteer presents best interests.

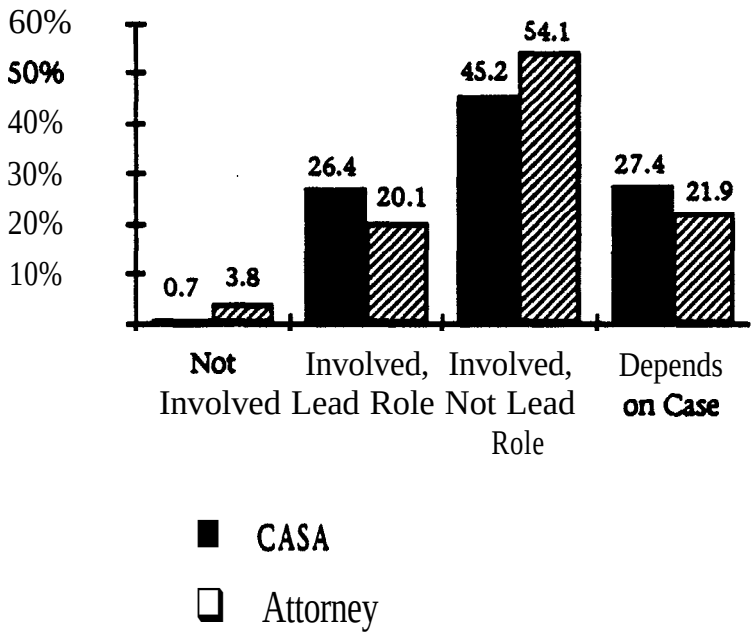
GAL involvement. As part of this study, respondents were asked to what extent GALs were involved in cases and whether GALs played lead roles in coordinating with other involved parties or provided assistance in this coordination. Figure 3 shows involvement of volunteer and attorney GALs. By a small margin, volunteers are more likely to be rated as involved in coordination and less likely to be uninvolved than attorneys. Volunteers take a lead role in coordination in 26.7 percent of counties studied and are not at all involved in only one county (0.7 percent). Attorneys take the lead in 20.1 percent of counties studied and are not rated involved in coordination in 3.8 percent of counties. The GAL's involvement varies depending on the legal complexities or the need for investigation and services in each case in 27.4 percent of counties with volunteers and 20.9 percent of counties with attorneys.

This data should be read with considerable caution. The responses were based on the perceptions of individuals with a stake in the GAL system. While this represents a preliminary assessment, Phase II of this project will document the GAL activity with objective measures.

Representation of siblings. In almost all counties studied (95.2 percent), the same GAL represents all children in a family. However, in more than half of the counties that appoint

FIGURE 3

Involvement of GALs



more than one GAL, a separate GAL is appointed for each child only when there is conflict between the wishes or best interests of the children involved. Separate GAL are appointed routinely for each child in only seven counties. In one of these counties, the GAL may represent no more than two children.

Compensation of GALs

CASAs and other volunteer GAL receive no monetary compensation for their work. Attorneys are paid in all but five of the studied counties. In 23 States, uniform payment is established by Statute, court rule, or administrative policy; 12 of these States set different pay rates for work done in and out of court.

Private attorneys usually are paid by the hour, and all but 18 percent of counties have different rates for in- and out-of-court work performed by attorneys. In-court hourly pay ranges from $10 to $80, with $42 being the average. Approximately 60 percent of jurisdictions pay between $25 and $45/hour. Out-of-court pay averages slightly less, at $36/hour, and ranges from $10 to $75/hour. Approximately 75 percent of jurisdictions pay between $20 and $45/hour for out-of-court time.

More than half (54.3 percent) of the jurisdictions studied have a pay ceiling for attorneys. The amount of these ceilings ranges from $10 to $2,500; the average is $685. The ceiling is $1.000 or less in 86 percent of the counties with ceilings.

Private attorneys are paid a fixed rate per case in approximately 20 percent of the counties studied. This fee varies from $25 to $500 and averages $169. Almost 80 percent of attorneys working for fixed fees receive $250 or less per case.

GALs' expenses incurred from representing children are compensated in 65.8 percent of the counties studied, regardless of whether the GALs are attorneys or volunteers. In the remaining counties, GALs pay for their own transportation and other expenses.

Contract attorneys. Attorneys work under contract to the county, family court, or the State in 107 of the jurisdictions studied. Of these, 88 use staff attorneys such as Public Defenders, and the remainder use private attorneys either alone or in addition to the staff attorneys. In 86 percent of the contract jurisdictions, attorneys are paid a fixed amount regardless of the number of cases they receive. The remaining 14 percent receive a contracted hourly fee or have other arrangements. In most counties, experienced attorneys receive higher amounts than those with less experience. The median contracted annual fee range is between $21,500 and $42,600. The lowest annual contract fee found was $25,000 in a rural county in Georgia; the highest was $85,000 for an experienced Public Defender in a large urban county.

Attorneys paid on a fixed fee per case contract receive $40 to $250/case. Four jurisdictions have a maximum charge per case, ranging from $40 to $2,500.

Paid nonattorneys. In some jurisdictions in three States-Alaska, Minnesota, and North Dakota-professionals who are not attorney are paid to serve as GALs. Most of these individuals are social workers or have a background in child welfare; they are paid $13.50 to $25/hour. Expenses also are paid in Alaska and in one county in Minnesota, but are not paid for these GALs in North Dakota.

Comparability of GAL compensation. Respondents were asked if the pay received by GALs in their jurisdiction was comparable to pay for other indigent defense work in- the area. In 76.8 percent of the counties studied, GAL pay was considered comparable; in 18.9 percent, it was considered lower. GAL pay was considered higher than that for similar work in only 4.4 percent of the counties studied.

Training Requirements

Exhibit 6 lists the States that have training requirements for GAL. All States and counties that use CASAs or volunteers as GALs have training requirements. These requirements are set either by the volunteer program or, where statewide programs exist, by the State. The District of Columbia, Massachusetts, New Jersey, North Carolina, Rhode Island, and Utah, which have statewide programs, require training for attorney GAL. Where statewide programs do not exist, however, training requirements for attorneys generally do not exist. Missouri is the only other State that has a statewide requirement for attorneys, and Hamilton County, Ohio, is the only jurisdiction that has attorney training requirements. Staff attorney programs also do not normally have training requirements specific to serving as a GAL. Only programs in Cook County, Illinois, and Philadelphia have such requirements.

Where training is offered, the topics and duration of the training is somewhat different for attorneys and volunteers across jurisdictions. Training for volunteers usually lasts longer than training for attorneys. The amount of training offered ranges from 2 to 48 hours for attorneys and 1 to 60 hours for volunteers. The average duration of training is 11.5 hours for attorneys and 21 hours for. CASAs. Topics covered in CASA training includes relevant laws, investigation techniques, family dynamics, child advocacy, GAL, role and responsibilities, investigation, and monitoring. Some training also examines issues of cultural sensitivity, interviewing skills, and methods of working with the child welfare agency. Attorney training, on the other hand, tends to concentrate on legal issues.

In States that have statewide GAL programs, these programs provide GAL training. In States that do not have statewide programs, local programs train GALs. In a few jurisdictions, attorneys are trained through the local Bar Association. Completion of the training program is

Exhibit 6

Training Requirements for **GALs**

State	*Requirement*	*Source*
Alaska	CASAs: 20-25 hours	State
Arizona	CASAs: 12 hours	State
Arkansas	CASAS	Program
Delaware	CASAs: 40 hours	State
District of Columbia	Attorneys: 16 hours	D.C.
Florida	Volunteers: 20-28 hours	State
Hawaii	Volunteers: 20-32 hours	State
Idaho	CASAs: l-18 hours	Program
Illinois	CASAs: 38 hours Staff attorneys: 16 hours	Program Local (Cook)
Indiana	CASAs: l-20 hours	Program
Iowa	CASAs: 25 hours	Program (Polk)
Kentucky	CASAs: 20-22 hours	Program
Louisiana	CASAs: 30 hours	Program (Orleans)
Maine	CASAs: 12 hours	State
Massachusetts	All attorneys: 14 hours	State
Michigan	CASA: unspecified	State
Minnesota	CASA: 1-60 hours	Program
Missouri	Attorneys: unspecified CASAs: 16-50 hours	State State
Montana	CASAs: unspecified	Program (Blaine)

Exhibit 6 (cont.)

State	*Requirement*	*Source*
Nevada	CASAs: 9-40 hours	Program
New Jersey	Attorneys: unspecified	State
New York	Attorneys: determined by Department	Program, State
North Carolina	Attorneys: unspecified CASAs: unspecified	State
North Dakota	CASAs: 12 hours	Program
Ohio	CASAs: 12-14 hours Attorneys: ongoing only	State Local (Hamilton)
Oklahoma	CASAs: 18-37 hours	Program
Oregon	CASAs: 19-30 hours	Program
Pennsylvania	Attorneys: 12 hours	Local (Philadelphia Child Advocates)
Rhode Island	CASAs: unspecified Attorneys: unspecified	State
South Carolina	Volunteers: 15-19 hours	State
South Dakota	CASA: 20-26 hours	Program
Utah	Attorneys: 8 hours	State
Vermont	Volunteers: Unspecified	State
Virginia	CASAs: 24 hours	Program
Washington	CASAs: 15-30 hours	Program

required before the volunteer or CASA GAL may be assigned cases. However, when training is offered only periodically, such as quarterly or annually, some jurisdictions allow attorneys to take cases prior to training.

Ongoing training for volunteer GALs is required in 58 percent of the jurisdictions studied. These requirements prescribe an average of 6 to 10 hours in a seminar on selected child advocacy topics. Statewide programs in the District of Columbia, Massachusetts, New York, New Jersey, and North Carolina require GAL attorneys to participate in similar ongoing training. In addition, some local courts and staff attorney programs, such as Legal Aid, require attorneys to take continuing legal education courses, although this training need not necessarily be related to child advocacy.

Only 10 percent of the jurisdictions studied have requirements, set by the local family court judge, concerning prior experience of attorney GAL. These requirements include experience in child welfare or at least one year in practice. No CASA or volunteer programs have experience requirements for volunteers.

Characteristics of GALs

As little is known about the general characteristics of attorney GALs, respondents were asked to describe GALs in their jurisdictions by age, ethnic background, gender, practice specialization, and size of the GAL's law firm. Since several previous studies have collected demographic data on volunteer- GALs, this information was collected only for attorneys.

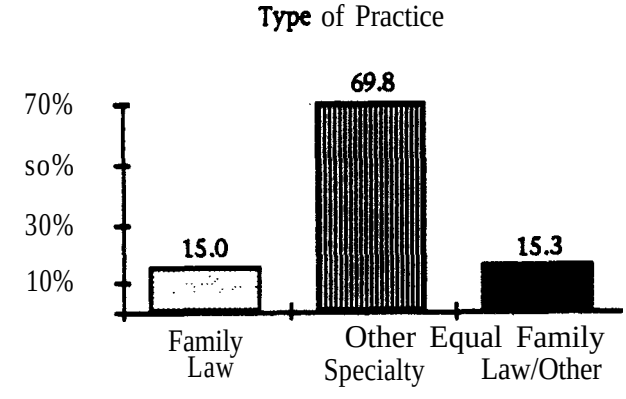
Figure 4 displays the characteristics of attorneys in the 432 studied jurisdictions. The typical GAL attorney is a white male from a small firm or solo practice who does not specialize in family law. While attorneys are younger and inexperienced in 34.6 percent of the studied jurisdictions, many jurisdictions have an equal number of younger and older attorneys. Attorney characteristics are similar for both private and staff attorneys.

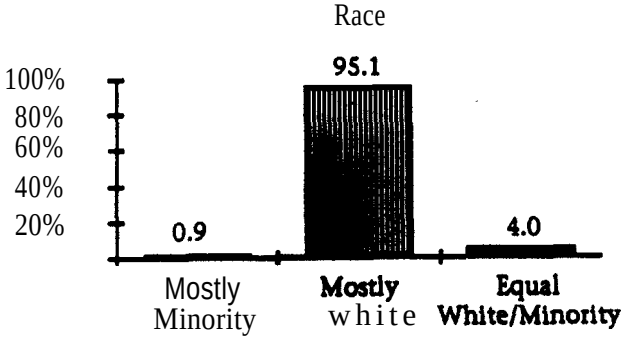
The number of jurisdictions that have female and minority GALs is remarkably low. Only 37 counties have mostly female attorney GALS, and only 4 counties have a preponderance of minority attorney GALs; 17 counties have equal numbers of minority and white attorneys. This low number of minority attorneys may reflect their small numbers within the legal profession.

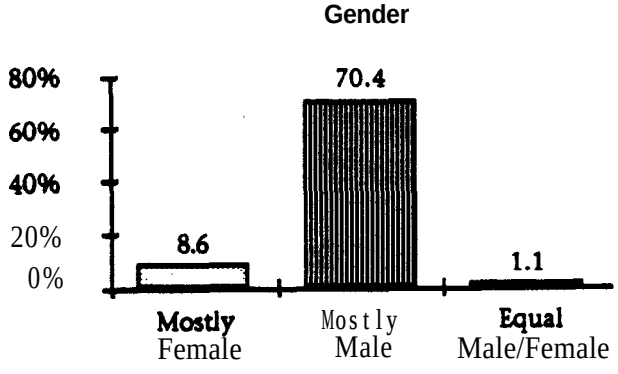
Caseloads of attorney GALs vary widely. Private attorneys have 1 to 400 cases, with a mean caseload of 11.35 and a median caseload of 3. Staff attorneys have considerably higher caseloads, ranging from 1 to 700 cases, with a mean caseload of 62.82 and a median caseload of 20. Volunteers have only 1 to 15 cases, with an average of 2.93 and a median of 2. In more

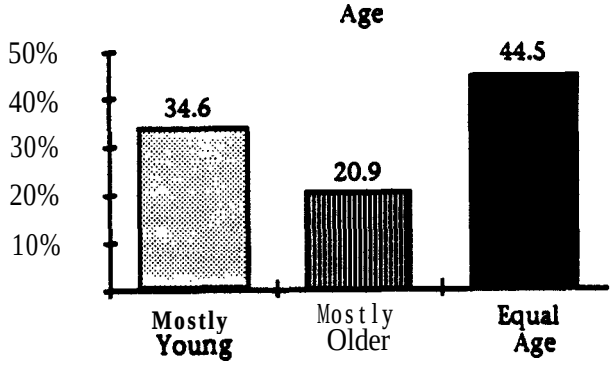
FIGURE 4

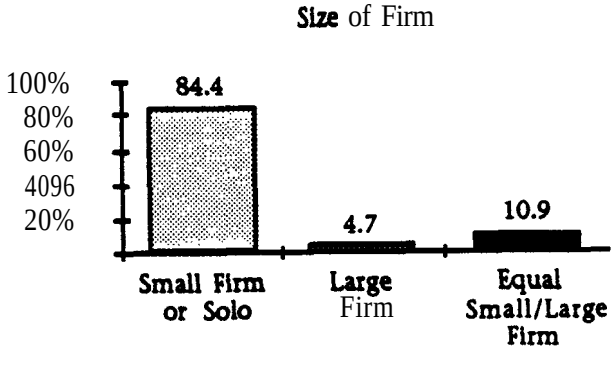
Characteristics of Attorney GALs











than 80 percent of counties with volunteers, the volunteers have three or fewer cases, while 57.5 percent of private attorney counties had this size caseload. In contrast, less than 20 percent of staff attorney counties had caseloads of 3 or less and 20 percent of these counties had caseloads of 100 or greater.

Recruitment and retention of GALs. Despite the hard work involved in serving as a GAL, relatively low compensation, and, in some areas, high caseloads, only 38 percent of the studied jurisdictions reported difficulty in recruiting or retaining GALs. Jurisdictions that reported difficulty cited lack of both adequate compensation and sufficient numbers of attorneys or volunteers in the community interested in performing GAL work. This problem is especially marked in rural areas. Other problems cited were lack of funds to mount recruitment efforts and inability to attract minorities to serve as GALs.

With the exception of staff attorney programs, counties reported having a large pool of attorneys and volunteers available to serve as GALs, particularly in large urban areas. The number of private attorneys available ranges from 1 in rural counties to 1,000 in the Detroit area. The mean number of private attorneys available is 21; the median is 6, and 75 percent of counties have less than 14. Staff attorney programs are small, although a few large Public Defender's Offices have 80 or more attorneys. However, 80 percent of staff attorney programs have 1 to 4 attorneys available; the median is 2. CASA programs varied considerably in size from 1 in several small counties to 400 in San Diego and King County, Washington. However, half of the CASA programs studied have 10 or fewer volunteers.

Administration of GAL Programs

Statewide *Programs*. Staff attorney, CASA, and other volunteer programs are administered through bodies that may be independent, part of the family court, or part of another child welfare agency. Exhibit 7 includes a list of the 14 States and the District of Columbia that have statewide GAL programs. For each program, the exhibit presents the name of the agency administering the program, the program's source of legislative funding, and the program's annual budget.

In **eight** States-Alaska, Delaware, Hawaii, Maine, Massachusetts, North Carolina, Rhode Island, and South Carolina-the GAL program is administered by a dedicated, independent agency. In New Jersey, the law guardian program is administered through the Public Defender's Office. In the remaining States, the State Family Court or Supreme Court oversees the program.

In all States except Maine, New Jersey, and Utah, GAL programs are funded by direct appropriation from the State legislature. The Maine and Utah programs are funded through the court budget, while New Jersey's law guardian program is funded through the Public Defender.

Exhibit 7

Program Administration of Statewide GAL Programs

State	Administrative Agency	Source of Legislative Funding	Annual Budget
Alaska	Office of Public Advocate	Direct; G-rants	Not available
Arizona	State Court	Direct; State Court; Grants	$325,000
Delaware	Independent	Direct	$150,000
District of Columbia	D.C. Court	Direct	*$2,000,000
Florida	State Court	Direct	$3,500,000
Hawaii	Independent	Direct	$130,000
Maine	Independent	State Court	$100,000
Massachusetts	CPCS	Direct	$75,000
New Jersey	Public Defender	Public Defender	Not available
New York	State Court; Legal Aid Law Panels	Direct	$8,000,000
North Carolina	Independent	Direct	$1,100,000
Rhode Island	Independent	Direct	Not available
South Carolina	Independent	Direct	$1,500,000
Utah	State Court	State Court	Not available
Vermont	None	None	None

*Includes funds to pay attorneys.

New York's law guardian program has a budget of $8 million, the highest among the States. Florida also has a multimillion dollar budget, as does the District of Columbia.

Local Jurisdictions. In the 36 States that lack statewide GAL programs, there are 70 local jurisdictions (18.4 percent) that operate GAL programs independently of the court. Half of these programs are **CASA** or volunteer programs. The remainder are Public Defender, Legal Aid, or other programs, as shown in Figure 5.

The local GAL programs are funded primarily through direct appropriation or court funds. CASA programs also receive funding through private donations and grants. The annual budget of these CASA programs ranges from $2,000 to $600,000 and average about $100,000. Staff attorney programs have similar budgets.

The administrative staff of both the local and statewide GAL programs generally is small. Ninety percent of all programs have five or fewer staff members, and the average program's staff includes only three people. However, some large Public Defender's Offices have 18 to 28 staff members.

Evaluation of GAL performance. Whether GAL performance is monitored formally by the court or local program varies according to the type of representation provided. In all but seven counties that have them, CASAs and volunteers are monitored annually or more frequently by the program director. In some jurisdictions, volunteer performance is observed directly, and casework is reviewed as part of the evaluation.

In contrast, private attorneys are monitored formally in only 15 percent of the jurisdictions studied, and staff attorneys are monitored in 35 percent of the counties that used them. The majority of jurisdictions using attorneys either rely on informal monitoring by the judge or provide no oversight or review of attorneys' performance.

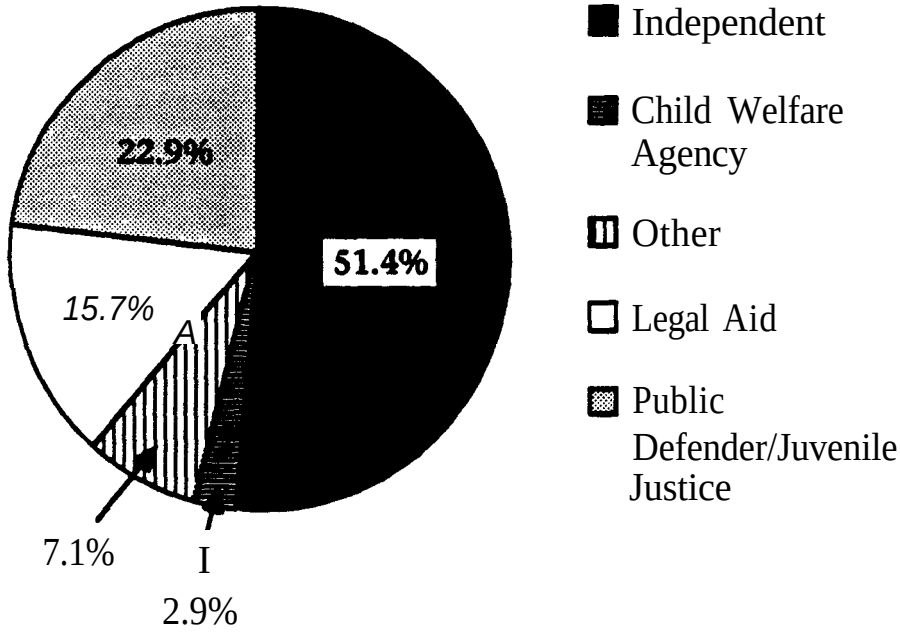
Immunity from Liability for GALs

Immunity from liability was the most confusing issue among the study's respondents. Unless the State had clearly addressed the issue with legislation or court ruling, respondents at both the county and State level often were unsure of the extent to which a GAL could be held personally liable for actions performed while representing a child. Within the same State, some respondents believed that the GAL had no immunity at all, while others thought that the GAL had partial or even total immunity. Even knowledgeable respondents at the State level were unsure of State law on this matter.

Only six States-Alaska, Delaware, Florida, Hawaii, Indiana, and South Carolina-provide total or good faith immunity to GALs through Statute. Arizona, Maryland, and Oklahoma provide immunity to volunteers who serve as GAL but do not address the status of attorney

FIGURE 5

Administration of Independent GAL Programs in States Without Statewide GAL Programs



GALs. In more than half of the jurisdictions studied in the remaining States, respondents claimed GALs had no immunity and were fully liable for their actions.

Respondents in more than one-third of the jurisdictions studied stated that the issue of liability was unresolved in their State. Clearly most States have not considered the issue and lack clear policy and guidance from legislators and judicial precedence.

Only **26.4** percent of counties studied have liability insurance to cover GALs, but attorneys do have malpractice insurance. Of the 81 counties with CASA programs in States that do not provide immunity to volunteers, only 37 have liability insurance for volunteer GAL.

Now we turn to the implications of the findings presented herein and formulate conclusions and recommendations to guide the future of GAL programs.

CHAPTER 3
CONCLUSIONS AND RECOMMENDATIONS

Conclusions

One objective of the Child Abuse Prevention and Treatment Act (P.L. 93-247) of 1974 was to provide for a system in which children involved in civil abuse and neglect judicial proceedings would have representation in court. To some extent, this objective has been realized by the institution of GAL programs at both State and local jurisdictional levels. However, the lack of representation of all abused and neglected children found in the 50 States and 555 counties in this study indicates that the goal has not been adequately met.

Despite statutory requirements for representation, less than 100 percent of all children receive it in 25 States. In six of these States, less than 70 percent of children are represented. State laws in 8 of the 25 States do not require a GAL to be appointed in all cases. Where GALs were not assigned universally, informants cited a number of reasons for not providing a GAL including: the judge determined that the cases were not complex or severe enough to appoint a GAL; not enough attorneys, volunteers or CASAs were available; insufficient funds were available; and a GAL was appointed only in cases where the abuse was in the home or when the child was to be removed from the home. We also found that GAL appointment time varied in some States, often reflecting the local judge's policy.

This study found little consistency between or within the States as to who is to serve as the GAL what the GAL's responsibilities are, and how conflicts are to be resolved. While the vast majority of GALs are attorneys (72 percent of the jurisdictions used private attorneys, 21 percent staff attorneys), many States and local jurisdictions (21 percent) also use trained volunteers and CASAs to serve in this role. With the exception of the States where statute requires either the attorney or the CASA to serve as the primary GAL, there are no clear guidelines for the appointment of one or the other for this lead role. Generally, the judge, based on his/her Personal assessment of the case, will decide if the GAL should be a CASA or an attorney. In addition, the relationship between attorneys and CASAs is often unclear. In cases where the CASAs and attorneys coexist, there does not appear to be a systematic method for coordination of their respective activities.

Only five States were found to have a comprehensive description of the role and responsibilities of the GAL The responsibilities of the GAL in most other cases are broadly defined, with no specific direction as to what constitutes minimal required effort on behalf of the child. This confusion and blurring of roles has the potential for creating conflict among the social workers, attorneys, and volunteers and CASAs, each of whom may feel that the other is

intruding in his or her sphere of responsibility. Ultimately, the lack of clear guidelines for responsibilities can lead to inadequate representation for the child.

The lack of clear guidelines can exacerbate the confusion of roles when coordination of the activities of a CASA and an attorney is required. Without clear rules as to who is responsible for what, the possibility exists for important functions to be missed. Clearly, one individual should be required to take the lead in coordinating the efforts of the team if comprehensive representation and service coordination is to be achieved.

Of concern to many respondents was the issue of the GAL's responsibility when the child's wishes and best interests are in conflict. There is clearly disagreement within the legal profession as to whether the GAL must present the child's wishes-as in other attorney-client relationships-or the child's best interests. While a few States address this problem in the Statute or State policy, in many States the dilemma continues to exist.

While private attorneys were usually paid by the hour, about one quarter of all jurisdictions maintained contractual relationships with attorneys to serve as GALs. Over 80 percent of these contracts were with staff attorneys such as the Public Defenders or Legal Aid. This study found wide disparity in the rates of compensation to attorneys who serve as GALs. While $42 per hour was the average for in court pay and $36 was the average for out of court pay, rates as low as $10 per hour were identified. Likewise, while the average pay ceiling per case was $685, it could be as low as $10. It is hard to imagine an instance where a child could have adequate representation for a total of $10. Contracted fees were paid on a fixed fee per case basis or a fixed annual amount for all cases. The fee per case ceiling ranged between $40 and $2,500.

There is also some concern regarding the adequacy of reimbursement of expenses. Here, as elsewhere in the study, we found wide variation in reimbursement, with only two-thirds of the counties compensating expenses incurred in the process of representing a child. Clearly in those jurisdictions with no or low levels of reimbursement, the GAL is discouraged from providing comprehensive investigations or from obtaining expert testimony.

Where it exists, the training of CASAs and volunteers covers a wide range of topics relating to fulfillment of multiple responsibilities. The range of training time and the content of training programs, however, varies considerably across jurisdictions. While 29 States were identified as having training programs for CASAs and/or volunteers, only 11 have training for attorney GALs. Given that our study found that the majority of attorney GALs do not specialize in family law, this lack of training is conspicuous.

In almost all jurisdictions that use them, evaluation and monitoring of GAL performance is conducted on a regular basis for CASAs and volunteers. While monitoring of staff attorneys is

less common, 35 percent of the counties that used them performed this activity. While private attorneys were used in almost three-quarters of the jurisdictions studied, only 15 percent of the jurisdictions performed formal monitoring of the performance of private attorneys. Central to the issue of monitoring and evaluation is the lack of a standard against which such judgments are made. Without clear guidelines addressing the duties and actions to be taken in fulfilling the GAL role, there can be no systematic method of assessing individual performance.

Finally, we have identified consistent confusion on the issue of GAL immunity from liability. In most instances, the confusion exists because the issue of liability has not come up in the State: there had never been a case. The respondents in this study had generally not given thought to the issue prior to this study.

Recommendations

Recommend&ion 1. A uniform description of the role and responsibilities of the GAL is needed within local jurisdictions. This description should be provided to all GALs prior to appointment and should lay out the minimum efforts and activities that are to be performed by the GAL. In addition, this description should contain guidelines for distribution of responsibilities and coordination of effort when a volunteer or CASA works in tandem with an attorney. The description could serve the dual purpose of establishing the basis for the minimum training standards and of providing a basis for the evaluation and monitoring of GAL performance.

Recommendation 2. To be eligible for child abuse and neglect funds under Federal policy, mandatory appointment of a GAL, should be required for every child abuse or neglect case. The use of judicial discretion in appointing a GAL, despite Statutes requiring their use, indicates that there is a need for educating judges about the role and value of using a GAL.

In states without mandatory appointment statutes, guidelines for assessing need should be developed to address the discretionary power of judges to appoint a GAL For example, in many instances a GAL is not appointed because the judge deems the case insufficiently complex or severe to warrant one. If the intent of the law is to provide a child with an independent representative in the court, then the subjective assessment of the complexity of the case should not be a factor in denying such representation. Similarly, agreement between the parties (parents and welfare system) should not automatically be grounds for denying a child independent representation.

Recommendation 3. Although it appears that judges choose to use a CASA as GAL when the child needs services or the case needs investigation and an attorney when the case requires complex legal expertise, the consistency of this choice is not assured. Guidelines are needed to assist the judge with discretionary power in choosing between assigning a CASA or an attorney as GAL.

***Recommendation* 4. At** this point the role of level of payment and expense reimbursement in the quality of representation is unclear. Should the research in Phase II of this project confirm that the quality is limited by financial constraints, guidelines regarding minimum level of effort should be tied to payment and reimbursement guidelines.

The opportunity for enforcing minimum performance criteria lies in the development of contracted obligations for a uniform, specified fee, at least in those jurisdictions that use contracted attorneys.

Recommendation *5. The effects* of an attorney GAL presenting either the child's best interests or the child's wishes needs further investigation. This issue will be addressed by the research in Phase II of this project.

Rewmmendation 6. The results of this study indicate that the CASA GAL training, monitoring and evaluation, recruitment, and consistency in assignment may be related to the existence of a state-wide program and strength of a central CASA Program Office. Although this will be investigated in greater depth in Phase II of this project, preliminary findings suggest that the states should be encouraged to institute a state-wide, mandatory GAL program. In those states where such a program is not currently feasible, the state should at least have a Statute setting forth the GAL requirements and establishing **a** uniform policy on GAL appointment and responsibilities. In addition, it may be beneficial to the GAL program, in general, to have a State administrative person or office responsible for coordinating GAL functions. This could be accomplished in States that do not have a Statewide GAL Program, but wish to insure quality standards in the GAL programs that do exist_

Recommendation 7. The states should be encouraged to review their laws concerning GAL liability. It is recommended that States **clarify** their immunity requirements and make them known to all GALs. For optimal operation of the GAL program, every participant should know his/her level of liability.

Rewmmendation 8. Local Bar Associations and law schools should be involved in setting standards and providing training to attorney GALS. This study found that while CASAs and volunteer GALs are routinely trained in their role prior to appointment, attorneys rarely receive GAL. specific training. Only seven States, the District of Columbia, and a small number of local jurisdictions have training requirements for attorney GALs. Law schools are in the best position to provide this **needed** training to students interested in family law. Local Bar Associations should be the leaders in their communities for establishing training requirements, providing both initial and ongoing training to all GAL attorneys, and ensuring these training requirements are enforced.

Recommendation 9. Standards and methods for evaluating GAL performance shouid be established within local jurisdictions. While volunteer **GALs** are periodically evaluated by the **court** or program staff, attorney performance is rarely reviewed. Courts and local Bar Associations should implement procedures and standards for assessing **GALs** at least annually. In addition, standardized procedures should be developed and used uniformly within jurisdictions for both volunteer and attorney **GALs.** These procedures should include objective assessment instruments, such as questionnaires and observational checklists that evaluate performance. These instruments can be developed with guidance from research and the literature on the representation of children. The criteria for evaluating GAL performance should be made known to all **GALs** in the jurisdiction prior to appointment.

APPENDIX 1
STATE SUMMARIES OF GAL REPRESENTATION

This appendix provides summaries of findings of the national study of GAL representation. Summaries are presented in alphabetical order for all States and the District of Columbia.

Each summary is divided into the following parts for easy reference: a one-page outline providing basic information on GAL representation in that State, and a more detailed text discussing specific study findings, followed by a chart indicating the jurisdictions sampled and their caseloads.

ALABAMA

REQUIREMENTS:	GAL must be an attorney and shall be appointed in all abuse and neglect cases
AUTHORITY:	**ALA. CODE § 26-14-11; § 12-S-l**
PROGRAM MODELS:	Private attorneys: all sampled jurisdictions Staff attorneys: 95 percent of Jefferson cases; 5 percent of Tuscaloosa cases
APPOINTMENT TIMES:	At court's discretion; generally, appointed before adjudicatory hearing and dismissed when court intervention ends
TRAINING:	None
COMPENSATION:	**$40/hour** in court and **$20/hour** out of court to a maximum of **$1,000/case** or $1,500 including appeal. State set as per **§ 12-15-9**; two counties reported lower ceilings.
CHILDREN **SERVED:**	100 percent in sampled jurisdictions
IMMUNITY FROM LIABILITY:	None
SAMPLED JURISDICI'IONS:	13 counties
TOTAL **JURISDICTIONS IN STATE:**	67 counties

Alabama Statute § 26-14-11 mandates that a GAL be appointed in all child abuse and neglect cases. Section 12-5-1 further requires that the GAL be an attorney. Private attorneys represent 100 percent of the cases in all the sampled counties except two. In Jefferson County, 95 percent of the cases are represented by Legal Aid attorneys. In Tuscaloosa County, 5 percent are represented by the Office of the Public Defender. Attorneys in five counties have no support. In eight counties, administrative and social work support are available. In Jefferson County, CASAs are available but not as GALs.

In all counties 100 percent of abuse and neglect cases are assigned GALs. No written requirements exist mandating when appointment should occur. Judges generally appoint a GAL prior to the adjudicatory hearing; in four counties, it occurs at the filing of the petition; in another four it occurs at the first hearing. Appointment ends when judge dismisses the GAL, usually when court intervention ends. In four counties, the intake officer or court clerk assigns a GAL to new cases. Judges assign GALs in the other nine counties. In Jefferson County, Legal Aid is assigned cases first; private attorneys are used only if Legal Aid is unable to take the case. In Tuscaloosa County, the judge appoints attorneys based on their individual interests and specialties. In Etowah County, Legal Aid refuses to take domestic or family cases, so private attorneys are appointed. In 10 counties, representation in addition to the GAL can occur, but this rarely happens.

In all but three counties, GALs are appointed in cases other than abuse and neglect. These cases include those involving custody, juvenile delinquency, and foster care. Some counties also appoint GALs for children in criminal cases, incompetency hearings, and real estate and probate hearings. The same GALs are used for these cases, except in Tuscaloosa County, where different private attorneys are used based on the attorneys' specialties.

Alabama Statute § 12-15-1 defines a GAL only as a licensed attorney appointed by the court to represent the child. No further description of duties exists, and several respondents criticized this lack of guidance for attorneys. Respondents reported that representation varies depending on the attorney. In six counties, attorneys take a lead role in the case; in another six, they do not; and GALs are hardly involved at all in Clebume. One respondent reported that the judge would like the GALs to be more active and involved. In Tuscaloosa County, cases are handled differently by staff attorneys than by private attorneys. Public Defenders tend to work more cooperatively with other parties in order to meet the child's needs, while private attorneys tend to take on a more adversarial role. The differences among GALs throughout the State are illustrated by the different responses to a question regarding disagreement between the child and the GAL. Respondents in Cherokee, Cleburne, and Etowah all reported that GALs would represent the child's desires; respondents in five counties reported that both the child's best interests and desires would be represented; and respondents in four counties reported that it would depend on the attorney.

No training requirements exist to help GALs better define their role, although Etowah County presently offers it GALs resource materials and Lowndes County Bar Association offers some GAL training. Five respondents strongly suggested establishing written guidelines and duties for GALs, as well as instituting required training.

Alabama has State-set fees for attorneys in court appointments which are the saine for criminal defense as for GAL work. Attorneys bill the court after the dispositional hearing and receive $40/in-court hour and $20/out-of-court hour up to $1,000. Lee County reported that GALs are paid less than criminal counsel, and Lee and Monroe have lower maximums of $500 and $150, respectively. In two counties, the maximum increases to $1,500 if the case goes to appeal. Some counties allow attorneys to submit interim vouchers if the case continues for a long time. One respondent commented, though, that this is controversial, because some believe payment should only be given after the intervention is complete. Jefferson County Legal Aid draws a salary from a pool of funds from the county and United Way. Tuscaloosa's Public Defenders are paid the same fees as private attorneys on a case-by-case basis. Case-related expenses are reimbursed in all counties.

Barbour, Clebume, Crenshaw, Lowndes, and Monroe Counties all have fewer than 10 private attorneys who handle 2 to 5 cases at a time. Cherokee, Elmore, Etowah, and Washington attorneys have caseloads ranging from 12 to 25 each. Lee has 18 attorneys available, but one attorney handles over 50 percent of the cases, taking up to 40 at a time. Jefferson County has 350 private attorneys available and 5 Legal Aid attorneys who handle 100 to 200 cases each. Tuscaloosa has 30 private attorneys available who handle most of the cases in that county.

Throughout the State, most GAL attorneys are white males of various ages practicing in small or solo law firms not specializing in juvenile or family law. Clebume, Elmore, and Jefferson have a mix of female and male attorneys. Jefferson, Monroe, and Washington all use younger attorneys more often, although respondents said recent law school graduates are not used.

In six counties, retaining attorneys for court appointments is difficult because of the low pay. Also, respondents in three counties reported that attorneys are not interested in domestic or juvenile cases. Respondents in two of the smaller counties reported that there were not always enough attorneys in the county when there was a surge in the number of cases or when several attorneys had conflicts of interest. Respondents in six other counties reported no problems obtaining GALS. Respondents in three counties suggested having a staff attorney, Public Defender, or GAL office permanently assigned for all juvenile cases. Attorneys are not supervised except informally by judges.

Respondents offered many suggestions to improve the representation of abused and neglected children: attorneys need formal training and supervision with a better-defined description of duties; more funds and staff are needed; and more case preparation time is needed (the attorney frequently never speaks to the child before the first hearing). Respondents in all counties reported that there was no immunity from liability for GALs, except in Lowndes, it was reported that 'good faith" immunity existed according to the disciplinary rules of the Bar.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions in 1989			
Barbour	15	Lee	85
Cherokee	15	Lowndes	18
Clebume	25	Monroe	36
Crenshaw	25	Montgomery	1,000
Elmore	200	Tuscaloosa	522
Etowah	225	Washington	20
Jefferson	1,200		

ALASKA

REQUIREMENTS:	GAL appointment mandatory in abuse and neglect cases
AUTHORITY:	ALASKA STAT. § 47.10.050 Alaska Rules of Children's Procedure 12(c)(3) Alaska Rules of Court-Rule 11
PROGRAM MODELS:	Staff attorneys and staff nonattomeys: Anchorage and Fairbanks Private attorney contractors: Cordova, Juneau, Kenai, Kodiak, Wrangell Nonattomey contractors: Juneau, Kenai, Nome, Sitka, Wrangell CASA volunteers: Anchorage
APPOINTMENT TIMES:	All GALs appointed at filing of petition according to Alaska Supreme Court Rule and Alaska Civil Rule 11. Appointment ends at the discretion of the court.
TRAINING:	Staff attorneys and staff nonattorneys: none required Private attorneys and nonattorney contractors: none required CASA: 20 to 25 hours of required training in Anchorage
COMPENSATION:	Staff attorneys: $60,000 to $85,000/year Private attorneys: $60/hour Nonattorney contractors: $25/hour Fees set by Rule 12, Alaska Rules of Court
CHILDREN SERVED:	100 percent of abused/neglected children represented in all jurisdictions 33 percent statewide represented by staff or private attorney 43 percent statewide represented by nonattorney (staff or contractor) 35 percent of total Anchorage caseload (24 percent statewide) represented by CASA
IMMUNITY FROM **LIABILITY:**	All GALs have immunity from civil and criminal liability when acting in "good faith" according to § 47.17.050
SAMPLED JURISDICTIONS:	9 communities
TOTAL JURISDICTIONS IN STATE:	4 Judicial Districts divided into local and magistrate courts: Juneau, Barrow/Nome, Anchorage, Fairbanks

Alaska has a State Office of Public Advocacy that provides GAL representation for Children in Need of Aid (CINA) throughout the State's courts using several models. Alaska has no counties and courts are divided into districts. Anchorage has the only CASA program in the State and its volunteers handle 35 percent of Anchorage's abuse and neglect cases. Thirty-nine percent of Anchorage's remaining cases are represented by public advocates who are staff attorneys employed by the State. The other 26 percent of cases are represented by nonattorneys. These nonattorneys are paid employees of the Office of Public Advocacy. Fairbanks also uses staff attorneys and nonattorneys for GAL representation in 32 percent and 68 percent of its cases, respectively. The other area courts use private attorneys and nonattomeys, contracted by the Office of Public Advocacy, to act as GALs for children in abuse and neglect proceedings. Last year, Juneau, Kenai, and Wrangell all used both private attorneys and nonattorney contractors in approximately the same ratio: 10 percent private attorney and 90 percent nonattomey contractor. Cordova and Kodiak used only attorney GAL, while Nome and Sitka used only nonattorney GALs. Statewide, 31 percent of abuse and neglect cases have staff attorneys as GALs; 2 percent have private attorneys; 43 percent have nonattorneys (staff or contractor): and 24 percent (35 percent of Anchorage caseload) have CASAs. One hundred percent of the abuse and neglect cases have GAL representation in all areas, as mandated by Alaska Statute § 47.10.050 and Alaska Rules of Court-Rule 11.

The Office of Public Advocacy provides direct supervision and administrative/legal support only in Anchorage and Fairbanks. The remaining areas receive no supervision or support, except what is available from the State office in Anchorage or Fairbanks. All GALs have immunity from civil and criminal liability when acting in "good faith," according to § 47.17.050.

GAL appointment is mandatory, and cases are referred immediately to the Office of Public Advocacy for assignment. The public advocate then assigns a GAL to represent the child throughout the court proceedings and until disposition unless court-ordered to continue, as mandated by Alaska Rules of Court-Rule 11. In areas without a formal office, cases are assigned to contractors by the Anchorage and Fairbanks offices, according to availability of contractors. Children can have additional representation in court at judges' discretion. GALs of all models are assigned in other types of cases, such as delinquency, custody, adoption, domestic violence. and guardianship cases (all according to statute).

All GALs are mandated by statute (Alaska Rules of Court-Rule il) to represent the "best interests' of a child. Children whose desires conflict with their best interests as determined by the GAL, can receive additional counsel. The duties of the GAL are specifically listed by the judge in the order appointing the GAL, again as mandated by Rule 11. The roles and duties of GAL are outlined in ***Protocols, Standards of Conduct and Policies for Contract and Court-Appointed Guardians ad Litem***, written by Alaska's State Office of Public Advocacy. CASAs receive guidance from a manual issued by the same office.

Staff attorneys are paid annual salaries of $60,000 to $85,000 by the Office of Public Advocacy. Private attorneys are paid $60/hour; nonattorney contractors receive $25/hour. Fees are set by Alaska Rules of Court-Rule 12. Maximum fees exist but can be exceeded with approval of the public advocate. CASAs are volunteers and do not receive any compensation. All GALs, however, are reimbursed for case-related expenses up to $1,000, or $1,500 with the judge's approval. Salaries and fees in criminal cases are outlined in Rule 12 and are equivalent. Fees and salaries are higher than in most other States because of Alaska's higher cost of living.

Staff attorneys, private attorneys, and nonattorney contractors do not receive formal training. CASAs are required to complete 20 to 25 classroom hours and several courtroom hours before being assigned as a GAL. CASA training is comprehensive and includes all relevant topics, such as abuse and neglect issues, interviewing, courtroom responsibilities, laws, and regulations. CASAs also are required to attend ongoing training quarterly. The Office of Public Advocacy CASA Project in Anchorage administers training and supervises all CASAs.

Caseloads for staff attorneys and nonattorneys in Anchorage and Fairbanks are very high; each staff member handles 100 to 150 cases at any given time. Respondents reported that a lack of adequate funding prevents the office from hiring more staff. In the other, less densely populated areas, caseloads are much lower. CASAs generally only handle one to three cases at a time.

The Office of Public Advocacy instituted by statute is independent of the courts. This office implements the CASA program and administers all aspects of court-appointed representation under the direction of the public advocate. Roth the Office of Public Advocacy and the CASA project are State-funded with additional income received from private grants. The office monitors and supervises all staff and CASA directly and also reviews the performance of the private contractors annually.

Respondents reported that while abused and neglected children are served well by the statewide program and by the comprehensive State statutes, funding has not kept pace with the increased need for representation in these cases. It also was suggested that to improve representation, private attorneys and contractors should have required training and better supervision.

SAMPLED **JURISDICTIONS** AND CASELOADS*

Number of Petitions in' Fiscal Yw 1989			
Anchorage	651	Kodiak	*4*
Cordova	3	Nome	22
Fairbanks	165	Sitka	15
Juneau	*49*	Wrangell	6
Kenai	*4*		

'Alaska has no counties. Courts are divided into judicial districts with local courts organized within four judicial districts. Nine communities were sampled.

ARIZONA

REQUIREMENTS:	Appointment of volunteer GAL required in all abuse and neglect cases. Attorney counsel is also required.
AUTHORITY:	Arizona State Supreme Court Rule 22, Rules of Procedure for Juvenile Court as amended (1989)
PROGRAM MODELS:	Private attorney: all counties **CASA:** Apache, Cochise, **Coconino, Gila,** Graham, Maricopa, **Pima** Public Defender: **Cochise**
APPOINTMENT TIMES:	Varies locally; appointment starts from time of filing of initial petition to within 21 days of adjudication. Appointment ends either when case is closed or when court intervention ends.
TRAINING:	Required for **CASAs** by State Supreme Court **CASA** Administrative Order 87-l 1. For attorneys, determined locally.
COMPENSATION:	Set locally for attorneys; **CASAs** are not paid
CHILDREN SERVED:	10 to 100 percent in counties sampled receive CASA representation. Attorneys required in 100 percent of cases.
IMMUNITY PROM **LIABILITY:**	CASA claims total immunity by State law; attorneys: no immunity
SAMPLED JURISDICTIONS:	8 counties
TOTAL JURISDICI'IONS IN **STATE:**	15 counties

Prior to 1985, very few abused and neglected children in Arizona received any sort of legal representation. In that year, the State made changes to require attorney representation of all children involved in abuse and neglect cases and began to organize a statewide CASA program. In 1987, the Supreme Court established a statewide CASA program to provide GAL representation and in 1989, Supreme Court Rule 22 required appointment of a GAL in all abuse and neglect cases. All sampled counties except Greenlee, which appoints private attorneys, now assign CASAs as GALs. Private attorneys are also assigned in most cases as "counsel" for the child. Cochise county also uses public defenders as counsel. Attorneys generally do not serve as GALs.

Since the CASA programs have only recently been started in much of the State, there are not yet sufficient numbers of CASAs in many counties to represent all children. Only 10 percent of Maricopa, 50 percent in Coconino and Gila and 75 percent of cases in Pima County had CASA representation at the time of the study. There is no CASA program in Greenlee County, and the Graham County program has not yet taken cases.

In addition to the GAL requirement, Arizona Revised Statute § 8-225(A) requires counties to appoint attorneys in legal proceedings involving children. However, due to funding cuts resulting from a recent economic downturn in the State, many counties have been unable to appoint attorneys to all abuse and neglect cases. Some judges also believe it is unnecessary to appoint both a GAL, and an attorney to all cases and thus do not appoint attorneys. Consequently, despite State requirements that both a GAL and an attorney be appointed, some children do not receive any representation. Respondents could not provide the proportion of cases that were unrepresented.

In all counties, the judge decides whether to appoint a CASA, but the actual appointment is made by the CASA program director, except in Gila and Greenlee counties where the judge also appoints CASAs. The judge appoints all attorneys, except in Cochise County, where the court clerk rotates assignments based on availability.

Appointment time of attorneys and CASAs varies across counties. In most sampled counties appointment of both representatives occurs at the filing of the initial petition or when the child is removed from the home. However, in Coconino County, CASA appointment occurs within 21 days of adjudication. In Gila County, attorneys are sometimes appointed at the first hearing. Maricopa and Pima, the most populous counties sampled, have shortages of CASAs and assignment of them is made as one becomes available. In Pima County, this may take up to one year.

All attorneys and CASAs in the Cochise County represent children in other cases involving children.

While there are no written guidelines for attorneys, Court Rule 22 details specific activities the GAL must perform. These include investigating the case, assisting in the development of case plans, developing a relationship with the child, ensuring the child's needs are met, attending all hearings, and monitoring the case. In Maricopa County, judges assign CASAs to about 10 percent of cases to perform specific activities or provide information to the court. In all counties GALs are expected to take a role in coordinating activities with all parties of the proceedings. The same GAL represents all children in a family.

Attorneys for the child represent the child's wishes, while the CASA GALs represent the child's best interests. However, respondents stated that disagreement was rare and it was not a significant issue. Greenlee County stated the attorney would present the child's wishes to the court in addition to best interests.

Compensation for attorney GALs varies within counties, although the state standard is $39/hour. In Maricopa County, attorneys are paid $45/hour to a maximum of 80 hours. Attorneys are not compensated for expenses and payment was considered to be less than for other indigent defense work. Greenlee County receives $3,600/month to be divided evenly among all attorneys who serve as GALs or in criminal cases. In Gila County, four attorneys share $180,000 annually according to caseload and experience. In Apache County, attorneys receive $45/hour and in Pima $300/case is paid. In Cochise County, attorneys work under contract for $21,000 annually for 50 percent of their time. CASAs are not paid and receive compensation only for mileage and travel related to training.

There are State training requirements for CASAs but none for attorneys. Training lasts 12 to 13 hours and is provided by the State CASA program. Pima County requires an additional 12 hours of training on delinquency issues. A minimum of 6 hours of ongoing training annually is also required of CASAs. While CASAs must receive training prior to appointment, there are no requirements for prior experience for them or attorneys.

Caseloads for CASAs range from one to five, with Apache County having the highest. Maricopa's 90 CASAs handle an average of 2 cases, and Pima's 57 CASAs take 1 to 3 cases. Attorneys in Greenlee average 3 cases at a time and Maricopa attorneys average 12 cases. In Pima County, 24 attorneys average a caseload of 15. Most CASA programs reported having difficulty recruiting a sufficient number of volunteers and retaining them. Counties also reported considerable difficulty retaining attorneys due to low pay and budget problems many Arizona counties are currently experiencing.

The attorneys in Greenlee and Maricopa counties are predominantly older and white. In Maricopa County they specialize in family law, from both large and small firms, and are equally likely to be male or female. Rural Greenlee County has mostly male attorneys in solo practice

or very small firms. They **typically** specialize in other areas of law beside family law. Pima County has an approximately equal mix of male and female attorneys.

All GALs are under the supervision of the court. CASA programs are funded through the State Supreme Court or through a direct appropriation from the State. They also receive private donations and the Maricopa County program has some grant funds. Budgets range from $22,000 to $52,000 annually and support staffs of one to three people, including a program coordinator.

Liability of GALs is an issue of **great** confusion within the State, and no consistent response was given across counties. The State CASA coordinator, however, stated that GALs have total immunity from liability according to State statute. However, it was unclear which statute provided immunity. Attorneys have no immunity from liability.

There is no formal evaluation mechanism of performance of attorneys. However, CASA coordinators review reports and activities of volunteers regularly.

SAMPLED **JURISDICTIONS** AND CASELOADS

Number of *Petitions* in 1989			
Apache	6	Graham	2
Cochise	4 0	Greenlee	20
Coconino	50	Maricopa	654
Gila	20	Pima	503

ARKANSAS

REQUIREMENTS:	GAL must be appointed in any proceeding that involves the custody of a minor
AUTHORITY:	ARK STAT. ANN. § 45-413(1)(E) (Supp. 1985); § 9-27-318(e) (1987)
PROGRAM MODELS:	Private attorneys: all counties CASA: teamed with attorney in 4% Pulaski cases
APPOINTMENT TIMES:	Locally set: usually from initial petition or first hearing to end of court intervention
TRAINING:	Locally set: no requirements for attorney GALs in counties sampled
COMPENSATION:	Locally set: wide variations between counties
CHILDREN SERVED:	0 to 100 percent
IMMUNITY FROM LIABILITY:	Locally determined; partial/good faith in Clark, Monroe, and Pike. None in other sampled counties.
SAMPLED JURISDICTIONS:	11 counties
TOTAL JURISDICTIONS IN STATE	75 counties

The Arkansas State statutes require the appointment of counsel or a GAL in all proceedings involving the custody of a juvenile. All the counties sampled except Arkansas uses private attorneys whenever a GAL was assigned. Arkansas County has not appointed a GAL or attorney for the child since 1985; in 1989 there were no petitions of abuse and neglect filed. In 1989 the entire juvenile court system of Arkansas was declared unconstitutional. Beginning August 1, 1989, all local court rules became invalid, and the entire system was revamped. Before this time many of the juvenile "judges" were administrative personnel. Pulaski County has a CASA program which provides a volunteer and an attorney in approximately 4 percent of the cases. The CASA model used is the attorney/USA team approach.

In every county except Saline, 100 percent of the petitions filed receive independent counsel. In Saline County, 9 percent of the petitions do not receive counsel; however, if there is a chance that the child will be removed from the home, an attorney will be appointed. Before August 1, 1989, 75 percent of the children in Pike County were unrepresented. Since the new laws went into effect, attorneys have been appointed in all cases. According to the State study, 38 percent of the children in Arkansas still are not receiving counsel.

The local judge holds primary responsibility for all appointments. In Crawford and Monroe Counties, the actual appointment process is handled by the court clerk and the intake officer, respectively. Most courts appoint the GAL at the filing of the initial petition. Sebastian and Crawford County make the appointment at the emergency removal hearing, and Garland assigns the case at the first hearing. All appointments last until court intervention ends or until the attorney is relieved from duty by the judge.

Each county sampled uses GAL attorneys in various other types of cases involving children. These include criminal cases with children and cases involving criminal abuse, custody, paternity, delinquency, truancy, children in need of supervision, "Family in Need of Services" (FINS), and incapacitation. The same attorneys who serve as GALs in abuse and neglect cases also take these cases. Three counties-Clark, Garland, and Pike-may provide other representation to the child besides the GAL in an abuse and neglect case. In Clark and Pike Counties, anyone may request dual representation; the judge will appoint another attorney when concurrent proceedings exist or when he feels it necessary.

In moat counties, when the child and counsel disagree over what should be presented in court, the attorney will present both perceived best interests and the child's wishes. Monroe County GALs represent best interests. In Clark, Logan, Pike, and Scott Counties, disagreements have not been an issue. GALs in these counties feel that if the conflict were severe, they would withdraw and another GAL would be appointed. Clark, Monroe, and Pike County respondents feel that GALs are not involved in coordination. In other counties, GAL are very active in coordination; in Garland County, they take the lead role.

Compensation for GAL, services varies widely among counties. The judge, in conjunction with the county commissioners, sets the wages. Clark and Pike County pays $25/case. Some expenses, such as telephone and mileage, will be reimbursed. In Logan and Scott Counties, the GAL may receive $40 to $50/case or may not get paid at all. Pay is completely at judicial discretion, and expenses are not reimbursed. In Saline County, the GAL is paid after each hearing; the pay may be $25 or $100 depending on the availability of funds and what the' judge feels is appropriate. No expenses are reimbursed. Two counties, Crawford and Sebastian, pay $25/hour of time spent both in and out of court. Minor expenses can be reimbursed; GALs generally do not ask to be reimbursed. Garland County pays the contract GAL $308/month. The judge has an equal amount which he uses to cover expenses or to pay any conflict attorneys used. Pulaski County pays the director of the CASA program, who is also the contract GAL, $30,000/year. Expense reimbursement includes costs of training. Monroe County pays the contract GAL $20,000/year, including expenses. In Logan, Monroe, Pulaski, Saline, and Scott Counties, GAL pay is equivalent to pay for other indigent defense counsel. In Clark, Crawford, Garland, Pike, and Sebastian Counties, GALs are paid less.

All attorneys must receive continuing legal education credits in order to maintain their license to practice law. This education need not be abuse and neglect issues. There are no other training requirements for GALS. Only Clark and Pike Counties require that attorneys work with an established GAL before they are appointed as GALs.

Average caseload is approximately eight cases per GAL. Pulaski's GAL has a significantly high caseload of approximately 200 cases at any given time. One attorney in Pulaski County contracts to take all of the abuse and neglect cases petitioned and in 1989, 250 new cases were petitioned. No counties have problems retaining and recruiting attorney GALs. While the majority of the attorneys are male, two counties—Garland and Pulaski-have a female attorney as the contract GAL. The GALs usually come from small firms or a solo practice, and the majority are white GALs of various ages.

The only independent GAL program is the Pulaski County one. Grants and county funds provide an annual budget of $32,000 for this program. Elsewhere, GALs are monitored informally by the courts. Clark and Pike County GAL are provided with good faith immunity from liability through local case law. Monroe also offers a qualified good faith immunity. In other counties sampled, no immunity from liability exists. All attorneys must provide their own malpractice insurance.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions in 1989			
Arkansas	0	Pike	7
Clark	36	Pulaski	250
Crawford	24	Saline	70
Garland	16	Scott	15
Logan	18	Sebastion	40
Monroe	9		

CALIFORNIA

REQUIREMENTS:	GAL appointment mandatory in all abuse and neglect cases
AUTHORITY:	CAL. WELF. & INSTIT. CODE § 326 (West Supp. 1987)
PROGRAM MODELS:	Private attorney: 10 of 11 counties sampled Staff attorney: 8 of 11 counties sampled CASA: As primary GAL: San Diego
APPOINTMENT TIMES:	Set locally
TRAINING:	Set locally; only San Francisco has requirements for attorneys. All CASA programs require 21 to 30 hours of initial training.
COMPENSATION:	Set locally: By local court rule or local administrative policy
CHILDREN SERVED:	30 to 100 percent
IMMUNITY FROM LIABILITY:	Determined locally; case law on appeal in San Diego
SAMPLED JURISDICTIONS:	11 counties
TOTAL JURISDICTIONS IN STATE:	57 counties

In **California** a GAL is defined as any person appointed to represent the best interests of a child in abuse and neglect petitions *in* lieu *of the parents.* California Welfare and Institutions Code § 326 (West. Supp. 1989) states that the probation officer or the social worker who files the petition of abuse and neglect shall be the GAL unless the court appoints someone else. The appointment of independent legal representation in addition to a GAL is discretionary (§317 [West 1984 & Supp. 19891). When attorneys, whether private or from the Public Defender's Office, are appointed to an abuse and neglect case, the attorney generally is considered counsel for the child and not the GAL.

In four counties, the social worker is appointed as the GAL; legal representation is provided by the county counsel/District Attorney who represents the State (Social Services) and, by default, the child as well. This is the primary form of representation in Alameda *(70* percent), Fresno (95 percent), Lake County (99 percent), and Los Angeles County (70 percent). In Alameda County, where the county counsel is separate from the District Attorney's Office, the District Attorney takes approximately 12 percent of the abuse and neglect cases petitioned. Kings County has one Assistant District Attorney designated to provide counsel to children in 100 percent of abuse and neglect cases petitioned. Four counties also use the Public Defender's Office to provide counsel. These include Alameda (13 percent), San Bemadino (45 percent), Santa Cruz (35 percent), and Placer (5 percent). Private attorneys are used to varying degrees in 10 of the 11 counties sampled: Alameda (5 percent), Fresno (5 percent), Humboldt (100 percent), Lake (1 percent), San Bemadino (50 percent), San Diego (80 percent), San Francisco (80 percent), Santa Cruz (65 percent), and Placer (95 percent). CASA programs exist in three of the counties sampled: Alameda, Los Angeles, and San Diego. San Diego is the only county that uses CASAs as the primary type of representation. CASAs receive approximately 20 percent of the petitions assigned in that county. CASAs are assigned as GALs in less than 2 percent of cases in Alameda and Los Angeles Counties.

Private attorney GALs have access to administrative support in San Francisco, social work support in San Diego and San Francisco, and CASA support in San Diego and Alameda. Staff attorneys, who are part of the county, receive administrative support (staff and/or offices) in San Bemadino, Kings, Placer, and Fresno. The Alameda CASAs also are available as support to staff attorneys.

In Alameda, county counsel is automatically appointed, while in Fresno, the District Attorney is automatically appointed. In the other counties sampled, the judge decides whether to appoint and also selects the GAL or delegates the selection to the court clerk. In Los Angeles and San Diego, the CASA program director makes the actual appointment. In Los Angeles, attorneys are appointed automatically in every case; usually the attorney is part of county counsel. The Court Services Officer in San Bemadino and a panel of Bar Association attorneys in San Francisco are used to appoint the GAL

Respondents in four counties specified that certain abuse and neglect cases may not receive independent representation. Alameda (numbers not available), Placer (50 percent initially unrepresented), and San Francisco (70 percent) assign independent counsel only when the judge feels there is a conflict of interest between the Department of Welfare and the child's interests; Humboldt County (25 percent unrepresented) appoints counsel in "serious" abuse cases and when the judge feels the child would benefit from counsel.

Alameda, Los Angeles, and San Bernadino use the same criteria of appointment. County counsel always is the first choice. If a major conflict arises, the case is passed to the District Attorney's Office (Alameda) or the Public Defender's Office. If the conflict is deemed minor, the case will not be passed on; county counsel will represent the State only. If conflict arises in the Public Defender's Office, a private attorney may be used. In Los Angeles, cases that will go to trial also are assigned CASA volunteers to ease the child's trauma of going through the system; they also are assigned when it is felt that a CASA may positively affect permanency planning. San Francisco, if appointing counsel, uses a list of private attorneys. Legal Services of Children also becomes involved when requested by the child or a third party.

Appointment times appear to be primarily at the court's discretion, though in Fresno, Kings, and Santa Cruz Counties, appointment usually occurs at the filing of the initial petition. In other counties, appointment may occur at the emergency removal hearing or whenever the judge sees fit to appoint counsel. All appointments last until court intervention ends. In San Diego and Santa Cruz, some GALs may remain on a case past this point. In Fresno, appointment times are set by the State. The Santa Cruz respondent cited a law requiring the appointment of counsel at the allegation of abuse but was unsure whether this law was still in effect.

San Diego does not provide GAL representation in any type of case other than civil abuse and neglect. Eight counties sampled provide counsel in delinquency and custody cases. Other cases that may receive GAL appointments in other counties include criminal cases involving children and cases involving criminal abuse, nonlitigated abuse, voluntary foster care, paternity, truancy, emancipation, and guardianship. Generally the GALs used in abuse and neglect cases are used in other cases as well. Respondents in four counties stated that for delinquency proceedings, the Public Defender always is appointed.

A child may receive representation besides the GAL in abuse and neglect cases in seven counties. In Kings, San Bemadino, and Santa Cruz, this had never happened. In Lake and San Francisco, it has happened when the child was involved in wncurrent criminal or civil proceedings and when the judge felt it was necessary. In Los Angeles, a child would never have two attorneys but could have an attorney and a GAL (CASA or social worker). Alameda has appointed both an attorney and a CASA to cases; in sexual abuse cases, the child often is represented by the District Attorney and county counsel.

Four counties have local written descriptions of the roles and responsibilities of the GAL. Santa Cruz continuing education materials outline duties when representing a child. Both San Diego and San Francisco training materials cover GAL responsibilities. San Bernadino courts have a package of materials covering the same. Except in San Bernadino, GALs are expected to investigate, meet with the child, provide legal representation, monitor the case, ensure compliance with court orders, and make recommendations to the court. In San Bemadino, the social worker is responsible for investigations, monitoring, and ensuring compliance with court orders. San Francisco Legal Services also is charged with meeting the child's needs.

Whether the GAL is to represent the wishes or best interests of the child varies among counties. In Alameda, Fresno, Lake, and Santa Cruz, this depends entirely on the GAL and/or the case. Kings, Placer, San Diego, and San Francisco County GALs present both the wishes and the best interests of the child to the judge. In Los Angeles, attorneys representing a child present the child's wishes; GALs (CASAs or social workers) present best interests. Humboldt County, which uses only private attorneys, represents best interests only. In San Bernadino, a different GAL would be appointed if the disagreement were severe.

In Lake County, when one case involves more than one child, each child receives his or her own attorney (county counsel) unless there is absolutely no conflict of interest. In Los Angeles, CASAs only are assigned to individual children as opposed to individual cases. Elsewhere, one GAL generally represents all the children involved in a particular case.

In the process of coordination among different parties, private attorneys in Alameda and Los Angeles were reported to be passive and not very involved. Private attorneys in most other counties are involved to varying degrees. GAL in Fresno, Humboldt, and Santa Cruz are seen as lead coordinators.

Monetary compensation is set through local court rule (Fresno, Los Angeles, Placer, San Diego, and San Francisco) or negotiated between the county administration and the attorneys (Alameda, Humboldt, Rings, Lake, San Bemadino, and Santa Cruz). Hourly wages for private attorneys (paid in seven counties) range from $30 to $60/hour for in-court time and $30 to $50/hour for out-of-court time. Placer County pays the GAL attorneys hourly until the case goes to trial; attorneys then receive a fixed fee of $250/day. Fresno pays $300/case from appointment to trial confirmation, $400 for 10 hours of trial preparation, and $240/day during a trial. Lake County counsel receive annual salaries of approximately $52,000. District Attorney annual salaries in Rings County range from $30,000 to $75,600. Los Angeles and Santa Cruz Counties have ceilings of $1,200 and $1,000/case, respectively. Alameda and San Francisco respondents stated that GAL attorneys in these counties are paid less than other indigent defense attorneys. Respondents in most other counties reported that GAL compensation was equivalent to compensation for other indigent defense work. Eight counties cover only the

major costs incurred by GAL representation, e.g., tests, witnesses. San Diego County covers minor costs such as mileage and telephones for the CASA volunteers only.

San Francisco GALs must attend workshop trainings covering unspecified topics. This was reported to be a State requirement, although no respondents from other counties reported any training requirements for attorney/social worker GAL. Attorneys must attend training before appointment. The training is provided by a panel of attorneys from the Bar Association. The length of training was unspecified.

Alameda, Los Angeles, and San Diego all have training requirements for CASA volunteers. Topics required include major child advocacy issues. Alameda County has added training on progress measurement and probation issues. Initial training is 21 to 30 hours and must be completed prior to initial GAL appointment. Local programs and experts provide the training. Alameda and San Diego also require ongoing training which includes seminars offered throughout the year. Los Angeles County offers ongoing seminars, but attendance is not required.

Fresno, Lake, San Bemadino, San Francisco, and Santa Cruz Counties have at least minimal requirements regarding prior experience for attorneys appointed as counsel. The attorneys must have been in practice for at least 2 years and have some experience in juvenile and/or family law.

Caseloads vary extensively. San Diego and San Francisco have many private attorneys available (600 and 400, respectively) who handle approximately 2 cases each. Los Angeles and San Diego have many CASAs (100 and 400, respectively) handling 2 cases each. Humboldt and San Bernadino each have 2 staff attorneys handling an extremely high caseload: 400 and 700, respectively. In Los Angeles County, 110 private attorneys carry 40 cases each, on average, alongside SO staff attorneys each handling approximately 120 cases at any time. In Kings County, 1 attorney handles all the abuse and neglect cases, which average approximately 20 at any time. Average caseloads for the other counties sampled were unavailable.

In Kings, Lake, and San Bemadino Counties, lack of interest among attorneys in abuse and neglect cases is the biggest problem in retaining and recruiting GALs. Los Angeles reported problems but did not specify them. Alameda County reported difficulties in locating qualified volunteers. Santa Cruz is the only county with an approximately equal number of minority and white attorneys. All other counties use mostly white attorneys as GAL/counsel. Most counties use a fairly equal mix of older/younger, female/male attorneys, half of whom practice primarily in juvenile family law.

The CASA program in Los Angeles receives matching moneys from the Superior Court fund. Paid CASA staff are considered county employees. The director oversees 13 support

personnel and is responsible for recruitment, training, and placement of volunteers. San Diego's CASA program is funded entirely from private donations and grants. The current annual budget is $450,000. The staff consists of the director and 10 support personnel.

The issue of immunity from liability when acting as a GAL overall is not clear. Los Angeles County offers partial/good faith immunity through local policy. Alameda County has a partial/good faith statute. San Diego GALs have total immunity by case law,* while Kings County GALs have statutory total immunity. San Bemadino respondents were unclear, and respondents in all other counties sampled reported none. Los Angeles and San Diego provide at least minimal insurance for CASAs. Alameda and San Bemadino respondents stated that the attorneys from county offices were insured by the counties. No other county provides any sort of insurance for the GALS. Little formal monitoring of attorney GALs exist. San Bernadino and Kings County staff attorneys receive evaluations and are monitored by the chief of the appropriate office.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions in 1989			
Alameda	3,000	Placer	175
Fresno	N/A	San Bernadino	3,000
Humboldt	174	San Diego	5,217
Kings	175	San Francisco	3,000
Lake	75	Santa Cruz	218
Los Angeles	14.400		

*Now on appeal.

COLORADO

REQUIREMENTS:	GAL *must* be appointed in all abuse cases. GAL *shall* be an attorney and shall be appointed at the first appearance in court. GAL may be appointed in cases of neglect.
AUTHORITY:	COLO. REV. STAT. § 19-3-203 (Supp. 1988)
PROGRAM MODELS:	Private attorneys: all sampled jurisdictions CASA: as "Friend of the Court" in Denver and Larimer Counties
APPOINTMENT TIMES:	Not later than the first hearing
TRAINING:	Locally set; no requirements specific to abuse and neglect
COMPENSATION:	State set: $40/hour in court, $30/hour out of court; maximum $1,160. Beginning July 1990, $45/hour in court and $35/hour out of court; maximum $1,330. Beginning January 1991, $50/hour in court and $40/hour out of court; maximum $1,500.
CHILDREN SERVED:	100 percent of children in abuse cases 90 to 100 percent of neglect cases
IMMUNITY FROM LIABILITY:	None
SAMPLED JURISDICTIONS:	12 counties
TOTAL JURISDICTIONS IN STATE:	63 counties

Colorado courts use private attorneys as GAL for abused and neglected children. These attorneys are either selected from a rotating list, usually kept by the judge's clerk, or contracted with the State to take all or a specified number of cases in a particular county. Only 2 of the 12 counties sampled did not appoint a GAL in 100 percent of the abuse and neglect cases petitioned.

There is little direct administrative or social work support provided to the private attorneys. The judicial system is very supportive of GALs and their role in representing best interests of the child. All counties are restricted in terms of tangible aid by lack of funding. GALs have statutory access to all records and reports of any involved agency, including the Department of Social Services (DSS). CASA programs exist in Denver and Larimer counties. The CASAs in these counties use the "Friend of the Court" model. A CASA volunteer provides information to the court independently of all other parties, including the GAL.

The two counties not providing 100 percent of abuse and neglect cases with GAL representation are Garfield and Rio Blanco. While Garfield County always appoints a GAL in cases of physical or sexual abuse, 10 percent of cases of neglect do not receive a GAL. The judge tends to follow the recommendations of the DSS in these cases. If the DSS feels that the appointment is unnecessary, the appointment does not occur. In Rio Blanco County, GALs are not appointed in 1 percent of the cases petitioned due to a lack of evidence of abuse. These cases reach disposition quickly.

All counties adhere to the State mandate of appointing attorneys in abuse cases. In rural counties, the judge also is responsible for making the appointment. More densely populated areas, such as Denver and Weld Counties, delegate appointment duties to the court administrator or the division court clerk, respectively.

All counties follow the mandate of Colorado Revised Statute § 19-3-105 and appoint GALs by the first hearing. In some areas, the appointment actually occurs before the filing of the initial petition. Garfield County contracts all abuse and neglect cases to one attorney. Often the DSS informs him of a case pending. In Denver, Rio Blanco, and Weld Counties, the contract system is used to enable the GAL to be present at the emergency removal hearing and/or be alerted to the case before the first hearing. All appointments last until court intervention ends unless the GAL is relieved of duty by the judge.

GAL appointments in cases other than civil abuse and neglect, while solely at judicial discretion, are common. These include criminal cases involving children and cases involving truancy, custody, domestic relations, and delinquency. Only Rio Blanco does not appoint GALs in any other type of case. Rio Blanco is, however, the only county to provide other representation in civil abuse and neglect cases. When delinquency charges are filed in an abuse case, the child receives a GAL and counsel in that county. Respondents in Garfield, Heurfano,

Larimer, Las Animas, and Weld Counties stated that other representation was possible, but it never occurred.

Most attorneys acting as GAL are involved in coordination among the various parties. None of these respondents felt that they instigated or held a lead role in such coordination. Respondents in Denver, Heurfano, Larimer, and Las Animas Counties were unclear as to the attorney's role.

The State law charges the GAL with the responsibility to "generally represent the best interests of the child." Only in Delta, Denver, Montrose, and Weld Counties is this interpreted to mean that the GAL represents only the best interests. In all other counties, particularly if there is conflict between the child's wishes and perceived best interests, GAL presents both views to the court. All counties allow for the appointment of a different GAL in the case of severe disagreement. However, this happens rarely.

The Office of the State Court Administration sets the pay scale for GALs. All contracts are negotiated through this office, using the hourly rate as a base. The current rate is $40/hour in court and $30/hour out of court, with a ceiling of $1,160/case. The ceiling may be waived with an order of justification approved by the district judge. This occurs in approximately one-third of all cases. By January 1, 1991, the rates will rise to $50/hour in court and $40/hour out of court, with a ceiling of $1,500/case. All expenses within reasonable limits are reimbursed by the State, subject to court approval. This pay scale is comparable to all indigent defense work.

There are no training requirements specific to abuse and neglect representation in the State of Colorado. Technically, there are no requirements regarding experience or training before an attorney may be appointed as a GAL However, due to local judicial control, some judges require some experience in practicing law.

Caseloads in rural areas are quite low, usually four to five cases per attorney. Caseloads in most other areas remain relatively moderate, ranging from 25 to 30 cases each. Denver, the largest county sampled, has one attorney who contracts for 200 cases each year and two attorneys who contract for 15 cases each; the remaining 50 percent of cases are assigned according to a rotating list system.

The seven larger counties reported no problems recruiting or retaining GALs. Other counties cited as problems a lack of adequate compensation and a lack of desire on the part of attorneys to take on such cases. The State has attempted to address the compensation dilemma by raising the hourly wage. By 1991, Colorado will have one of the higher pay scales for GALs in the country.

In all counties sampled except Alamosa, attorneys typically are fairly young, white males in solo practice or from a smaller firm. Women, minorities, and larger firms also represent children. Alamosa had a distinctly even split of older and younger attorneys, men and women, and minority and white GALs.

There is no immunity from liability offered through local policy, case law, or statute. However, private malpractice insurance is mandatory everywhere except in Delta County. All monitoring and most evaluations of GAL performance is accomplished informally. It seems that most courts are small enough that the judges, referees, and commissioners are able to oversee an attorney's performance regularly. In Denver, the Juvenile Court judges and the court administrator meet annually to formally review the GAL performance.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions in 1989			
Alamosa	30	Larimer	96
Bent	7	Las Animas	18
Delta	20	Montrose	33
Denver	562	Otero	11
Garfield	37	Rio Blanco	8
Huerfano	2	Weld	121

CONNECTICUT

REQUIREMENTS:	Attorney counsel mandatory in abuse/neglect proceedings
AUTHORITY:	CONN. GEN. STAT. § 46b-136; § 17-38a
PROGRAM MODELS:	100 percent private attorneys in all jurisdictions. CASA as 'friend of the court" in seven jurisdictions.
APPOINTMENT TIMES:	Attorneys assigned at filing of petition. Assignments continue until court intervention ends.
TRAINING	None
COMPENSATION:	$50/first hour in court; $25/second hour in court; $15/hour in court thereafter; $15/hour. out of court. Maximum $135.
CHILDREN SERVED:	100 percent of all abused/neglected children statewide
IMMUNITY PROM LIABILITY:	None
SAMPLED JURISDICTIONS:	13 districts in 8 counties
TOTAL JURISDICTIONS IN STATE:	13 districts in 8 counties

Connecticut appoints private attorneys to represent all children in abuse/neglect proceedings throughout the State. Connecticut Statute (§ 46b-136; § 17-38a) mandates that children receive "counsel" but also allows for the additional.appointment of a GAL who must be an attorney. One attorney can act as both "counsel" and GAL according to the statute, and respondents reported that additional representation is never appointed. CASAs act as "friends of the court" and work independently of attorneys. CASAs are assisted by law student and social work student interns.

CASA is organized statewide with 7 of the 14 juvenile courts in Connecticut currently each operating a program. Eighty-five CASAs in the State are assigned to 50 to 55 percent of abuse and neglect cases to advocate for children in and out of court, in hearings and conferences, and with court services. Cases are referred by judges and assigned volunteers in cases that would benefit from a special investigation, report, or services.

The judge or court clerk assigns a private attorney at the filing of the petition, and appointment continues until court intervention ends. Attorneys also may be appointed as counsel for children in custody, visitation, or criminal abuse cases; however, this does not occur. Attorneys, in their dual roles as GAL and counsel, represent both best interests and the child's desires. According to § 17-38a, "the child shall be represented by counsel ... to speak in behalf of the best interests ... [and] said counsel shall also be appointed GAL." Further guidance regarding GAL duties is offered by the ***Juvenile Law Handbook*** prepared by the Connecticut Bar Association. No other supervision, monitoring, or required training exists for these private attorneys, and there is no formal program overseeing them. Attorneys are not immune from liability regarding court appointments and generally carry their own malpractice insurance.

Attorneys receive $50 for their first hour in court, $25 for the second hour, and $15 for each hour thereafter, to a maximum of $135. Attorneys also are compensated $15/hour for out-of-court time. Attorneys are not reimbursed for expenses. All fees are set by the State and paid by the child's parents. If the parents are unable to pay the fees, the court pays them. GAL attorneys are paid less than attorneys in other court appointments. Despite this, respondents did not report any problems recruiting or retaining GAL attorneys. Throughout the State, 185 attorneys accept an average of 5 abuse/neglect appointments each.

Respondents suggested requiring training and certification of GAL attorneys and also increasing their fees in order to improve the representation of abused/neglected children in court. The USA-supported attorney model in Hartford was viewed as being an excellent program.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions 1989			
Ansonia-Milford	52	New London	110
Danbury	102	Rockville	78
Fairfield	136	Stamford-Norwalk	40
Hartford-New Britain	350	Tolland	26
Litchfield	62	Waterbury	124
Middlesex	52	Windham	120
New Haven	282		

DELAWARE

REQUIREMENTS:	CASA appointment in abuse and neglect cases at judge's discretion
AUTHORITY:	DEL. CODE ANN. tit. 10 § 925(14); tit. 31 § C. 36
PROGRAM MODELS:	CASAs in ail counties
APPOINTMENT TIMES:	Set locally; normally shortly before or just after adjudication
TRAINING:	Required by State law
COMPENSATION:	None
CHILDREN SERVED:	15 to 80 percent in counties; 48 percent statewide
IMMUNITY FROM LIABILITY:	Good faith immunity by State law
SAMPLED JURISDICTIONS:	3 counties
TOTAL JURISDICTIONS IN STATE:	3 counties

Delaware provides GAL representation to abused and neglected children through a pilot CASA program developed in 1983. In 1985 the program was formally established statewide by Delaware law, which requires all GALs to be CASA volunteers. The law does not require GAL representation in all abuse and neglect cases but leaves the decision to appoint a CASA to the presiding family court judge. About half of the State's abuse and neglect cases are assigned CASAs. A staff attorney provides legal assistance to CASAs in each of Delaware's three counties.

In two counties the GAL program coordinator decides whether to appoint a CASA to a case, while in Kent County the judge makes this decision. The judge formally makes the appointment in all counties. The State law is ambiguous as to when appointment should occur. In Kent County appointment is made prior to the adjudication hearing, but in the other counties the CASA is not formally appointed until after adjudication. Appointment ends when the child is placed in a safe and permanent placement and when the case is closed by the agency. CASAs are not assigned to other types of cases involving children.

Since there is a shortage of trained volunteers, CASAs are assigned only to the most difficult cases, including cases in which there is severe abuse, the family has a significant court history, there is conflict between agencies, the parents are contesting abuse allegations, or a request for a CASA is made by the child welfare agency, family, child, or other party. The child also may be assigned attorney representation if there are concurrent criminal proceedings, if the child requests one, or if the judge believes an attorney is needed. However, all counties state that attorneys are rarely assigned. CASAs are required to present the child's best interests to the court regardless of whether the child agrees with the CASA's assessment.

State law specifies the duties of CASAs to include conducting an independent investigation, reporting to the court, and representing the child's best interests. The CASA represents all children in a family involved in a case and is expected to coordinate activities with other parties involved in the case.

CASAs are not paid and normally are not compensated for expenses. They must obtain 40 hours of training from the State CASA program before they can be assigned cases. The training covers a range of child welfare, social, and legal topics. One day per month of ongoing training is provided by the State program, and volunteers are expected to attend some ongoing training although it is not mandatory. No prior experience or background in child welfare or other areas is required of volunteers, but State law specifies that CASAs should have no conflicts of interests and must be willing to commit to 1 year of service.

At the time of the study, Delaware had 84 CASAs in the 3 counties, with 7 in Kent County and 30 in Sussex. Caseloads average two or three cases. All three programs reported difficulties in recruiting a sufficient number of volunteers. Sussex County had problems

recruiting minorities and men, and New Castle County claimed it did not have enough recruiters to find the number of volunteers needed. In Kent County the respondent believed that recruitment problems stemmed from the court not assigning enough cases to CASAs, which caused volunteers to lose interest.

Delaware CASA programs are administered by the Family Court and are funded through a direct appropriation from the State. The most recent funding was $150,000 divided among the three counties. The program is administered by a statewide coordinator and individual coordinators in each county. New Castle and Sussex Counties each have two additional support staff.

CASA volunteers receive an annual evaluation from the local program coordinator, and judges monitor performance informally. The program enjoys considerable judicial support.

SAMPLED JURISDICTIONS AND CASELOADS

Estimated Petitions in 1989	
Kent	154
New Castle	200
Sussex	275

DISTRICT OF COLUMBIA

REQUIREMENTS:	GAL appointment mandatory in all abuse and neglect **cases; GAL** must be an attorney
AUTHORITY:	D.C. CODE ANN. **§ 16-2304(b)(3)** (1988)
PROGRAM MODELS:	Private attorneys with staff support One staff attorney with limited caseload
APPOINTMENT TIMES:	Initial appointment occurs at filing of initial petition; appointment ends when court intervention ends.
TRAINING:	Initial 2day training required of all attorneys
COMPENSATION:	Private attorneys: **$35/hour,** up to $750 through initial disposition and up to **$750/review** hearing
CHILDREN SERVED:	100 percent of abused and neglected children served in 1989
IMMUNITY FROM LIABILITY:	None
SAMPLED JURISDICTIONS:	**1**
TOTAL JURISDICTIONS IN STATE:	**1**

The District of Columbia uses private attorneys to represent children in all civil abuse and neglect cases. The attorneys have both social work support to assist them in case investigation and administrative support. The District also employs one staff attorney through the corporation counsel who has a limited caseload of sexual abuse and "boarder baby" cases. All of the approximately 975 abuse and neglect cases in 1989 were assigned GAL representation.

District of Columbia law mandates GAL appointment for all abuse and neglect cases and requires GALs to be attorneys. When an initial petition is filed, the presiding judge appoints GALs from a list of attorneys who have volunteered to take these cases. Appointment ends when court intervention terminates, which can be when the child reaches the age of majority. For adoption cases, the GAL remains involved until final placement of the child in a new home. Appointment times and duration are established by local court rule. The court may also assign GALs to custody and visitation cases, but this does not occur often.

The District has written standards of practice that specify the GAL role and responsibilities. These standards require the GAL to investigate the case, to meet with the child, to provide legal representation, to make recommendations to the court, and to monitor the case to ensure that court orders are followed and that the child's needs are met. GALs are required to represent the child's best interests, even if the child disagrees with the GAL's assessment of these interests.

Local law sets GAL payment at $35/hour, with a ceiling of $750 through the initial dispositional hearing and up to an additional $750/hearing thereafter. Attorneys submit payment vouchers after each review or dispositional hearing, at the end of appointment, or at the end of the review year. This pay is equivalent to pay for indigent criminal defense work. GALs are compensated for all expenses, including fees for expert witnesses.

Before serving as GALs, attorneys must attend an initial 2day training. The training covers legal issues; family dynamics; the role of the GAL; interviewing procedures: working with children; and interacting with parents, foster parents, and child welfare agencies. The court has developed its own procedural and training manuals. The District also requires a minimum of 16 hours of ongoing training annually on GAL issues, social areas, and psychology.

There are no requirements for GALs in terms of prior experience in abuse and neglect. Attorneys who perform GAL services are primarily solo practitioners or work in small law firms and specialize in juvenile or family law. Approximately equal numbers of male and female attorneys serve as GALs, and there also is almost an even mix of younger and older attorneys. Most GAL attorneys are white. There are about 200 attorneys available to serve as GALs in the District, and they are assigned an average of 4 or 5 cases per year. The one staff attorney handles about 20 cases annually. The GAL program reports no problems recruiting or retaining attorneys.

The GAL program is administered by the court, through the Office of Counsel for Child Abuse and Neglect. The director of this office and the presiding judge of the Family Division oversee the program, which has a staff of eight and an annual budget of $2 million, appropriated directly to the program from public revenues. GAL fees and expenses are paid through this budget.

GALs have no immunity from liability, and the District does not have liability insurance for them. GALs must provide their own malpractice insurance which serves as their only protection from liability. There is no formal evaluation or monitoring of GAL performance.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Abuse *and* *Neglect Petitions* in 1989	
District of Columbia	975

FLORIDA

REQUIREMENTS:	Volunteer GAL mandatory in all abuse and neglect proceedings
AUTHORITY:	FLA. STAT. ANN. § 415.508 Florida Rules of Juvenile Procedure Rule 8.590
PROGRAM MODELS:	Volunteer GALs statewide assisted by private attorneys in 66/67 counties who provide team with *pro bono* legal assistance. Private attorneys: appointed in 10 percent of Dade's cases.
APPOINTMENT TIMES:	*GAL* program policy is that appointment occurs as soon as possible, generally at filing or first hearing. Appointment ends when dismissed by court, usually when court intervention ends.
TRAINING:	Volunteer GALs: State program requires 24 hours; Dade and Hillsborough, 25 to 28 hours; De Soto, 20 hours Private attorneys: Dade County Court requires 6 hours
COMPENSATION:	Volunteer GALs: none; expenses are not reimbursed Private attorneys: most in State work *pro bono* assisting GALs; when court-appointed as counsel, $23/hour or up to $3,000/case
CHILDREN SERVED:	0 to 100 percent
IMMUNITY FROM LIABILITY:	Total immunity by statute ("good faith" is presumed); for all participants in proceedings
SAMPLED JURISDICTIONS:	11 counties in 8 circuits
TOTAL JURISDICTIONS IN STATE	67 counties in 20 circuits

Florida has a statewide volunteer GAL program. In 1979, the Florida Office of the State Courts Administrator studied the use of lay volunteers, Public Defenders, and private attorneys in abuse and neglect proceedings and concluded that lay volunteers are effective advocates for children. In 1982, Florida Supreme Court Rule 8.300 approved the use of lay volunteers as GALs. Florida Statute § 415.503 mandates the appointment of GALs in all abuse and neglect proceedings. Despite this requirement, only 3 of the 11 counties sampled provide representation for 100 percent of all abused and neglected children. Eight counties do not appoint GALS in 20 to 100 percent of their cases. While Glades, Hendry, and St. Johns Counties provide representation in 100 percent of their cases, Clay, Dade, De Soto, Duval, Lake, and Polk Counties provide representation only in 50 percent, 50 percent, 75 percent, 35 percent, 8 percent, and 40 percent of their cases, respectively. In Sumter County, the local court does not appoint GALs, so no cases are represented. Respondents in all of the counties reporting a lack of representation said that there were not enough GALs for all cases.

Only volunteers can be appointed as GALs. Attorneys, if appointed, are appointed additionally as counsel. This does not occur often but is more common in sexual abuse cases or when there are concurrent criminal proceedings. While volunteer GALs are a full party to the proceedings, they do not provide legal representation or counsel. In 1989, the Florida Trial Lawyers Association formed the "Friends of GAL," in response to a Florida Supreme Court ruling, to provide *pro* bono legal advice and assistance to GALs.

Judges appoint GALs immediately, and one is assigned by the court or GAL program director at the filing of the petition or the first hearing. Two counties reported that assignment occurs at the court's discretion any time after the fling. GALs must be dismissed from an appointment by the court, usually when court intervention ends. GALs are also appointed in cases of juvenile delinquency, children in criminal proceedings (as victims or witnesses), children in need of services or supervision, and divorce and custody. Attorneys, as stated above, are appointed only to cases involving intensive legal work as in sexual abuse cases or when parents contest abuse or neglect petitions. Attorneys are appointed as counsel, not GAL. When attorneys are appointed, they are paid $23/hour or up to $3,000/case. These amounts are lower than those paid for criminal defense. Volunteer GALs receive no payment, and expenses are not reimbursed.

The State Courts Administrator's Office is the supervisory agency of the GAL program. It provides extensive guidelines for the duties and responsibilities of the GAL in its training manual. Florida Supreme Court Rule 8.590 states that GALs are to investigate and report back to the court with recommendations regarding the best interests of the child. The written report must also include the statements of the wishes of the child. A 1984 court ruling further defines the role of GAL as an advocate of the child's best interests and makes the distinction between GAL and counsel which represents desires. Even if an attorney is appointed as GAL, the attorney must represent the best interests of the child and not act as counsel. GALs are more

involved outside the courtroom and attorneys are more involved in the courtroom as legal counsel only. Respondents in four counties reported that their GALs do take a lead in the coordination among the parties of the proceeding. Florida Statute § 415.508 presumes good faith execution of GAL duties and grants GALs immunity from civil and criminal liability. GALs are insured through a State Risk Management plan.

The State GAL program requires 24 hours of comprehensive training equivalent to CASA training in other States. Dade requires 25 hours of training; Hillsborough requires 28; and De Soto requires only 20. All training must be completed prior to initial appointment. Ongoing training is provided monthly, and GAL are required to attend six inservice sessions each year. Training is organized and provided by the State program, with additional training provided by local courts and agencies. Dade is the only county that requires initial training of attorneys; the local courts there require and provide 6 hours of training of all attorneys. No ongoing training is provided, and prior experience is not required of anyone.

Except in De Soto and Hendry Counties, GALs handle only 2 to 3 cases at a time. Hendry has only one GAL who handles about five cases at a time. De Soto has 3 GALs who represented 60 children last year. Respondents in 7 of the 11 counties sampled reported that there were not enough GALs available and there was not enough staff to conduct ongoing recruiting. Dade County has 120 private attorneys available for appointments as counsel to the child. These attorneys include both men and women who are mostly young, white, and from large law firms. Low pay was cited as a reason for attorneys not to take these cases.

The Florida GAL program is a statewide program administered by the Office of the State Courts Administrator. The State program is administered by a staff of six and a budget of $3.5 million. The State program staff monitor the performance of GALs by meeting with them as well as with local judges and court administrators.

Clay County reported that the University of Florida at Gainesville is currently studying the effectiveness of the State's GAL program. Respondents in all counties said that additional funds and GALs are needed to represent all eligible children. Respondents in two counties suggested changing the program to include paid staff attorneys to act in tandem with GALs. The Duval County respondent reported that more minority GALs are needed and that fewer volunteers are available as a result of the growing numbers of two-parent working households.

SAMPLED JURISDICTIONS AND CASELOADS

Estimated Number of Petitions in 1989			
Clay	144	Hillsborough	334
Dade	1,300	Lake	179
De Soto	75	Polk	682
Duval	1,000	St. Johns	38
Glades	15	Sumter	47
Hendry	17		

GEORGIA

REQUIREMENTS:	Counsel mandated for termination of parental rights cases, and no parent or guardian in delinquency, unruliness, or deprivation proceedings
AUTHORITY:	GA. CODE ANN. § 15-11-30 (1988)
PROGRAM MODELS:	Private attorneys: 75 percent of sampled jurisdictions Staff attorneys: 33 percent of sampled jurisdictions
APPOINTMENT TIMES:	Set locally; court's discretion
TRAINING:	Set locally; no requirements set in jurisdictions sampled
COMPENSATION:	Set locally; $40 to $50/in-court hour $30 to $50/out-of-court hour Salaries range between $25,000 and $39,000/year
CHILDREN SERVED:	0 to 100 percent
IMMUNITY PROM LIABILITY:	None in sampled jurisdictions
SAMPLED JURISDICTIONS:	12 counties
TOTAL JURISDICTIONS IN STATE:	158 counties

The Georgia State Code requires counsel to be provided only in case-specific proceedings: delinquency, unruliness or deprivation, where there is no parent or guardian, and termination of parental rights. In Richmond and Emanuel Counties. a GAL is appointed in abuse and neglect cases only if there is a conflict of interest between the Department of Family Services (DFS) and the child. Chatham, Jenkins, and Stephens Counties did not provide GAL counsel in 10 to 15 percent of the abuse and neglect petitions filed in 1989. Franklin County did not assign a GAL in 20 percent of 1989's petitions. The decision to appoint counsel for the child in abuse and neglect cases is entirely the judge's. The reasons given for not appointing a GAL were (1) the case is "clear cut," and (2) the parents are in compliance with the DFS. The other six counties sampled assigned a GAL in 100 percent of abuse and neglect petitions filed.

Only attorneys are used as GALs. Eight counties use private attorneys who have contracted to take these cases or are chosen from lists kept by the court clerk. Three counties use staff attorneys. In De Kalb County, all abuse and neglect petitions are assigned to the four juvenile court attorneys who take only juvenile court cases. The Fulton County judge's staff includes two child advocate attorneys who take all the abuse and neglect cases. In Franklin County, cases receiving counsel are assigned to the Public Defender or his assistant. Burke County appoints private attorneys in 80 percent of the abuse and neglect cases and uses Legal Aid attorneys for the remainder. In Burke, Emanuel, Franklin, and Jenkins Counties, the attorney GALs receive no support. In all other counties except Richmond, GALs receive social work support. In Chatham, Gordon, and Richmond Counties, GALs receive administrative support.

In De Kalb County, appointment is automatically to the juvenile court attorneys who assign themselves to particular cases. The juvenile court referee is responsible for the entire appointment process in Richmond. Elsewhere, the judge or the clerk will handle GAL appointments. In Burke County, cases expected to last a long time usually are assigned to Legal Aid attorneys.

Chatham, De Kalb, and Fulton Counties assign GALs at the filing of the initial petition. Richmond County appoints a GAL only in cases involving termination of parental rights; appointment begins at the filing of the motion to terminate and ends following approval of the order to terminate parental rights. In all other counties sampled, the appointment is made at the court's discretion. GAL appointments generally last until court intervention ends. Only De Kalb and Henry Counties have local court rules that require appointment to be made at filing of the initial petition.

All counties sampled, except Richmond and Stephens, assign representation to children in other types of cases such as those involving criminal abuse, custody, delinquency, and voluntary foster care as well as criminal cases involving children. Gordon County may appoint a

GAL in cases of nonlitigated abuse. In Fulton County, a GAL is appointed in any case involving children except when criminal charges against the child are pending. Most counties use the same pool of GAL attorneys. Emanuel County, where only delinquency cases receive GAL appointment, uses the Public Defender's office.

Most counties sampled do not provide representation other than the GAL to a child in an abuse and neglect case. Chatham County has no objections to a person who desires to represent the child as a friend of the court, although this has not yet happened. In Burke County, when concurrent criminal proceedings exist, both an attorney GAL and an attorney are appointed.

There are no written descriptions of the roles and responsibilities of the GAL except in De Kalb and Fulton Counties. Both staff programs contain descriptions of the GAL's role which were unspecified by the respondents. In Burke County the court has different expectations for Legal Aid GALs than for private attorney GALs. Legal Aid is expected to follow up longer and is charged with "meeting the children's needs". These requirements are not written.

In De Kalb and Fulton Counties, a different attorney may be appointed in cases where the child and the GAL disagree, In Emanuel and Jenkins Counties this depends upon the particular attorney involved. In Chatham and Richmond the issue of disagreement has never been a problem. In all other counties sampled, the attorney presents both best interests and the wishes of the child to the judge.

Unless there is a conflict of interest among siblings, one GAL will represent the interests of all the children involved in a particular case. Most respondents were unsure of the role of the GAL with regard to coordination. Respondents in only three counties-Burke, De Kalb, and Jefferson--stated definitively that the attorneys there were involved in coordination.

Only Richmond County attorney GALs work solely *pro bono.* Emanuel County pays a flat fee of $100/case. The seven other counties using private attorneys pay hourly rates ranging from $30 to $50 for out-of-court time and from $40 to $50 for in-court time. Annual salaries for staff attorneys range from $25,000 in Franklin County to $39,000 in De Kalb. Gordon and Jefferson Counties have a ceiling of $300/case which may be waived with a court order. In Chatham, bills exceeding $1,000 are reviewed by a judiciary committee for approval.

Most nonsalaried attorneys are paid when they bill the court. Burke County Legal Aid sets their fees. Local county administrator are responsible for fee levels in Chatham, De Kalb, Franklin, Gordon, and Jenkins Counties. Respondents in all the other counties sampled reported that the fee was "regular practice". Respondents in eight counties stated that GAL fees are equivalent to those paid to other indigent defense workers.

The DFS pays for expert witnesses, child testing, and other major expenses in most of the counties. The attorneys in these counties are not reimbursed for lesser costs of mileage, photocopying, etc. Chatham County courts reimburse GALs for lesser costs, while in Gordon cost recompensation is unspecified; the attorney must petition the court for expenses.

There are no local or State training requirements for attorneys. There also are no requirements regarding prior experience, though the trend in De Kalb and Fulton is to select attorneys with some work in children's issues. All GALs in De Kalb and Fulton are former probation officers.

The average caseload for attorneys is two cases at any time. The Stephens County court covers 4 counties that share approximately 40 attorneys. Chatham County has access to approximately 125 attorneys. In De Kalb and Fulton Counties, which are more densely populated than the others sampled, only staff attorneys are used and the average caseload is very high. In De Kalb, 4 attorneys carry approximately 250 cases each at any time. In Fulton, two attorneys carry up to 500 cases at any time.

All counties sampled reported no problems recruiting or retaining GALs. Most attorneys are younger, white males from a solo practice or a smaller firm practicing primarily in a variety of areas of law. None of the GALs is considered independent from the courts. In De Kalb, the Director of the Court oversees and monitors the GALS. In Burke, the administrator of Legal Aid supervises Legal Aid attorneys. Elsewhere, any evaluation of GAL performance is performed informally by the judge.

Respondents in four counties either felt that the issue of immunity from liability was not resolved or were unsure whether any laws existed providing immunity. Respondents in all other counties sampled were very clear that there were none. Neither the counties nor the State provide any insurance to cover attorneys working as GALs.

SAMPLED **JURISDICTIONS** AND CASELOADS

Number of Petitions in 1989			
Burke	20	Gordon	15
Chatham	375	Henry	30
De Kalb	1,100	Jefferson	35
Emanuel	10	Jenkins	12
Franklin	10	Richmond	N/A
Fulton	1,600	Stephens	50

HAWAII

REQUIREMENTS:	GAL appointment mandatory throughout abuse and neglect proceeding
AUTHORITY:	HAW. REV. STAT. § 587-34
PROGRAM MODELS:	Private attorneys: all counties Volunteer: all counties Statewide volunteer GAL program
APPOINTMENT TIMES:	Private attorneys and volunteer GALs appointed at the filing of the petition in ail four counties. Appointment ends at time of permanent placement (mandatory by statute) or when court relieves GAL, usually when court intervention ends.
TRAINING	Private attorneys: none Volunteer GAL: statewide training conducted locally; 20 to 32 hours required in counties
COMPENSATION:	Private attorneys: set by Family Court Act 376-87 $60/in-court hour; $40/out-of-court hour Maximum: $1,500 through disposition; $500 for review
CHILDREN SERVED:	100 percent of abused and neglected children served in all counties
IMMUNITY FROM LIABILITY:	Private attorneys and volunteer GALs have immunity from civil liability when acting in "good faith" according to § 350-3 of the Child Abuse Reporting Law
SAMPLED JURISDICTIONS:	4 counties
TOTAL JURISDICTIONS IN STATE:	4 counties

Private attorney as well as volunteer GAL are used in all four counties in Hawaii. In Honolulu and Maui counties, private attorneys receive no administrative and social work support. Hawaii County has only a volunteer GAL program manager, with no clerical or social work staff. Kauai County offers administrative support only. Honolulu and Maui Counties assigns private attorneys as GALs in 85 percent of abuse and neglect proceedings and volunteer GALs in the remaining 15 percent. Hawaii County assigns attorneys in 90 to 95 percent of the cases'and volunteer GAL in 5 to 10 percent. Kauai is the only county to use volunteer GALs more often than private attorneys. This county uses volunteer GALs in 75 percent of abuse and neglect cases and attorneys in the remaining 25 percent. In all four counties, 100 percent of the children in abuse and neglect proceedings receive GAL representation.

The presiding judge in the abuse and neglect proceeding appoints a GAL based on the mandate of Hawaii Revised Statutes § 587-34 requiring GAL representation throughout abuse and neglect proceedings. The court clerk then assigns private attorneys from a list of attorneys who agree to do GAL work. Gases referred to the volunteer GAL program are assigned a GAL by the program services manager in each county. More legally complex cases are assigned to private attorneys. The judge, alone or with the program manager, decides which cases should be referred to the volunteers. This differs only in Kauai County, where volunteers are assigned first and private attorneys are used only if no volunteers are available. An additional factor in the assignment process is geography. Because of the multi-island geography of Hawaii, children generally receive GALs who live in or near their communities in order to facilitate the GALs' visits with the children.

Volunteer GALs are used only in abuse and neglect cases, while private attorneys may be assigned to represent children in custody disputes, foster care hearings, and delinquency or other criminal cases. In abuse and neglect proceedings, representation in addition to GAL can occur and, in fact, is mandated by § 587-34 if the child and GAL disagree on the child's best interests. Counsel is then appointed; however, this is rare.

The duties of all GAL are described in § 587-34. Duties include submitting reports to the court every 6 months, appearing at all proceedings, and representing the child's best interests but including child's desires or perceived interests in the written report. Volunteer GALs receive additional guidelines from the statewide program information and training. All GALs .neet with the child, family, and relevant school and social work staff. All GALs submit written reports to the court and represent the child at all proceedings. Legal representation, however, is provided only by attorneys as GALs or as counsel.

Volunteer GALs are not paid but are reimbursed for travel, phone calls, and other out-of-pocket expenses. Family Court Act 376-87 set attorney's fees for the entire State at $60/in-court hour and WI/out-of-court hour, up to $1,500 through disposition; an additional $500 is allowed if the case goes to review. Attorneys must receive prior approval from the judge for

expenses, usually including only travel among islands. All family court-appointed counsel receive the same rate, considered equivalent to indigent criminal defense compensation.

Private attorneys are not required to attend any training before taking on GAL work However, some GAL issues-specific training is available to them. Private attorneys are not formally monitored or supervised except by local bar or peer disciplinary panel. In Maui County. attorneys who have attended training are assigned cases before untrained attorneys. Volunteer GALs are required to complete comprehensive GAL training before being appointed. The same training topics are used statewide but are administered and provided locally using GAL, court, and social service speakers. Honolulu County requires 28 classroom hours and 4 courtroom observation hours of training. Hawaii County requires 20 hours of training; Kauai and Maui Counties require 22 to 24. Ongoing training is provided and recommended in all counties, but it is not required. Volunteer GALs are monitored by the program services manager and/or court officer who oversee all paperwork and attend proceedings. No prior experience is required of attorneys or volunteer GALs.

In all four counties, volunteer GALs are assigned only one or two cases at a time, with only a small number of GALs taking more. The caseloads of private attorney GALs vary throughout the State. Hawaii and Kauai Counties assign one or hvo cases to each private attorney. Honolulu attorneys have an average of 5 to 10 GAL cases, and some Maui County attorneys have 10 to 20 cases.

Although the smallest county, Kauai, has no problems recruiting or retaining GALs (in part, due to smaller need), the three larger counties have insufficient numbers of GALs due to a lack of organized recruiting by the State. The already small program staff is unable to conduct ongoing recruiting in addition to its other duties. Hawaii County has experienced a drastic decrease in the number of-private attorneys available for court appointment in all cases, including GAL. Private attorneys in Hawaii County became concerned about their liability in court-appointed cases when one attorney was suspended from practice for more than 1 year by disciplinary panel regarding a GAL, appointment. Most private attorneys accepting GAL work in the State are men from small firms or solo practices. The attorneys include equal numbers of whites and minorities. Maui County has equal numbers of male and female attorneys. All counties have **a mix** of experienced and younger attorneys specializing primarily in family law.

No formal program exists for private attorney GALs. Private attorneys submit vouchers to the court and are paid with State funds. Volunteer GALs belong to the statewide volunteer GAL program, which is part of the State court system. The program is administered in each county by a program services manager who also administers five other programs. The statewide annual budget for the volunteer GAL program is $130,000, provided directly by State funds. The entire State program is coordinated by the Honolulu program staff, which includes a

coordinator, a **secretary, two** social workers, and two attorneys providing legal counsel to the program (not to the GALS).

All GALs are immune from civil liability when acting in "good faith" according to § 350-3 of the Child Abuse Reporting Law. Volunteer GALs are considered public employees and are covered by the State, which is self-insured. Private attorneys are not considered public employees, but this has never been tested.

Respondents reported that the volunteer GAL program works very well and receives the support of judges. The respondents would, however, like to see paid legal counsel to provide advice and guidance to the volunteer GALs. Required training and monitoring of private attorneys was also suggested.

SAMPLED **JURISDICTIONS** AND CASELOADS

Number *of Abuse and Neglect Petitions* in 1989	
Hawaii	114
Honolulu	est. 800
Kauai	39
Maui	75

IDAHO

REQUIREMENTS:	GAL or separate counsel is required in all abuse and neglect cases
AUTHORITY:	IDAHO CODE § 16-1618a (1986)
PROGRAM MODELS:	Private attorneys: Canyon and Washington CASAs: Ada, Elmore, Gooding, and Twin Falls No representation: Bingham, Bonner, Clearwater, Gem, Idaho, and Payette
APPOINTMENT TIMES:	Set locally. Attorneys are appointed at initial petition; appointment lasts until court intervention ends. CASAs are appointed at initial petition or prior to adjudication; appointment lasts until the case is closed by the agency.
TRAINING:	Set locally: 0 to 18 hours for CASAs; none for attorneys in sampled areas
COMPENSATION:	Set locally: attorneys receive $40/hour; CASAs may get reimbursement for large travel or telephone expenses
CHILDREN SERVED:	38 percent of abused and neglected children statewide 0 to 100 percent in counties sampled CASA programs average 65 percent of caseload in four counties
IMMUNITY FROM LIABILITY:	Complete immunity through § 16-1633
SAMPLED JURISDICTIONS:	12 counties
TOTAL JURISDICI'IONS IN STATE:	44 counties

Idaho's representation of children is in a state of change. In some areas, CASA programs are being developed to complement or replace private attorney representation, while in others, there is no representation at all. Canyon and Washington Counties use only private attorneys; Ada, Elmore, Gooding, and Twin Falls Counties have CASA programs. Bingham, Bonner, Clearwater, Gem, Idaho, and Payette have no representation at all. Attorneys can work alone or with social workers. Some CASAs work with *pro bono* attorneys as consultants;

In the counties with private attorneys, representation is 100 percent. Representation in counties with CASAs varies. In Gooding, which has the newest program, representation is 25 percent; in Elmore, 70 percent; in Ada, 75 percent; and in Twin Falls, which has the largest and oldest of the programs, 100 percent. In Gooding, CASAs work alone. In Ada County, CASAs are assigned as GAL where available, but there always is an attorney in the courtroom with each child. This attorney is not the GAL but supervises and consoles the child if necessary. In Twin Falls and Elmore, CASAs have attorneys to consult with them. In all of the counties sampled, judge decides whether to appoint a GAL Respondents in the areas where there is no representation at all gave the following reasons for this lack: the idea was never raised, they would just get in the way at the hearing, they would confuse the process, and there is a delay in getting a CASA program. Programs are being developed in Bingham, Gem, and Idaho Counties, but they are developing slowly, and there is no representation for children in the meantime. Judges and social workers felt strongly that a CASA would interfere in their territory or get in their way. Apparently there is a backlog of volunteers in the CASA counties with less than 100 percent representation, but there are no funds or personnel to train them. It was reported that Elmore County is a military area, with the military base often taking over cases before appointment.

Appointment times vary by model. Both private attorney counties, Canyon and Washington, appoint at the initial petition filing and appointment lasts until the end of court intervention. In CASA counties, appointment is made either at the initial petition or prior to adjudication and lasts until the case is closed by the social service agency. Both CASAs and attorneys are used in divorce, custody, and delinquency cases. Attorneys also are used in criminal cases against the child.

Both CASA and attorney GALs investigate, provide legal representation, monitor the case, report to the court, and contact appropriate agencies for the child. In the case of a disagreement between the GAL and the child, respondents in all counties sampled said that the best interests of the child was presented.

Private attorneys are paid $40/hour in both Canyon and Washington. There is no ceiling on hours billed. This is equal to payment for other similar indigent work. Attorneys also can bill for extra tests or expert witnesses.

There are no training requirements for attorneys. CASAs train for 0 to 18 hours. There is no training in Elmore County, but Ada, Gooding, and Twin Falls have similar programs that last 16 to 18 hours and cover law, courtroom responsibilities, child abuse, procedures, and interacting with attorneys. This training must be completed prior to appointment as a GAL. Gooding and Twin Falls are part of a group, South Central Community Action, that has a staff of four and a budget of $15,000, provided by the counties, grants, and donations. The Elmore County CASA is independent and is funded by donations. The Ada County CASA is part of Family Advocate Program, Inc., with a staff of two and a budget of $63,000, provided by the county, grants, and donations. None of these organizations requires previous experience, but they do perform extensive background checks on volunteers.

The average caseload of a CASA is 1.2, with a range of 1 to 2 in sampled areas. Attorneys average 2 cases, with a range of 1 to 3. No problems were reported regarding recruitment or retention of CASAs or attorneys. Many CASA programs have volunteers waiting to be trained months before the next session.

Idaho's attorneys are remarkably diverse in age, gender, and background. However, all respondents reported whites only for both paid and *pro bono* consultants.

All CASA program respondents were aware of § 16-1633, granting total immunity to GALs. No attorney county mentioned knowledge of this law. All attorneys in the two counties using only attorney GALs must prove that they have malpractice insurance.

Any monitoring of attorneys is informal, with judges making mental note of the best attorneys and those not to appoint again. All CASA programs formally monitor CASA performance. Monitoring is performed by observation, speaking to judges, and meeting monthly or bimonthly with volunteers to ensure compliance with laws and policies.

SAMPLED **JURISDICTIONS** AND CASELOADS

Number of Cases in 1989			
Ada	131	Gem	4
Bingham	0	Gooding	3
Bonner	100	Idaho	3
Canyon	108	Payette	10
Clearwater	20	Twin Falls	60
Elmore	10	Washington	5

ILLINOIS

REQUIREMENTS:	GAL may be appointed if sexual abuse case. GAL *shall* be appointed if no parent, guardian, or relative of the minor appears at the first or subsequent hearings, or if the child came to the court under the Abused and Neglected Child Reporting Act.
AUTHORITY:	ILL ANN. STAT. ch. 37, § 802-17 (1989)
PROGRAM MODELS:	CASA: Winnebago Private attorneys: Du Page, Logan, Hancock, Madison, Stephenson, Washington Staff attorneys: Cook, Du Page, Perry, Schuyler, Washington, Winnebago
APPOINTMENT TIMES:	Set locally; in all counties sampled. appointment is made at the filing of the initial petition and lasts until court intervention ends
TRAINING:	Set locally: CASAs are required to have 38 initial hours plus 10 meetings per year; attorneys have 0 to 38 hours of training in sampled counties
COMPENSATION:	Private attorneys receive $35 to $60/hour Staff attorneys receive $25,000 to $35,000/year
CHILDREN SERVED:	100 percent in sampled counties CASA serves 20 percent in Winnebago County
IMMUNITY FROM LIABILITY:	Staff attorneys have total immunity as court workers for the county. Private attorneys have no immunity but have State insurance. CASAs have partial immunity as long as working in good faith, set locally.
SAMPLED JURISDICTIONS:	10 counties
TOTAL JURISDICTIONS IN STATE:	102 counties

Illinois uses a wide variety of private attorney/CASA/staff attorney models. Cook County, which includes the city of Chicago, uses only attorneys in the Office of the Public Guardian. Children can have their own attorneys also, but the staff attorney remains the GAL in every case. Several counties use both staff and private attorneys. Reasons for this include availability of private attorneys, any pending criminal charges against the child, and the desire to evenly distribute responsibilities. Winnebago County has CASAs handle about 20 percent of its cases, usually the worst ones. All jurisdictions have social workers available for consultation, but only Du Page and Hancock use that help regularly.

Respondents in all counties indicated that they assign GALs to all cases. The decision when to appoint is always left to the judge, but either the judge or his clerk may select the person For the case. Generally, the severity of the case dictates who will be assigned. In the county where CASAs are available, they are used for the most severe abuse cases. Where there are staff attorneys available, they also usually are used for the most difficult cases.

The appointment is made at the filing of the initial petition and ends when court intervention ends. Attorneys who serve as GALs also are used in a wide variety of other juvenile cases, depending on the jurisdiction. They may be appointed in divorce/custody disputes or in cases involving criminal charges against the child or termination of parental rights.

Private attorneys are paid hourly. Hourly rates range from $35 in Hancock County to $60 in Washington County. There is no maximum on the number of billable hours allowed. except in Du Page and Madison Counties. Du Page has a limit of 8 hours, petitionable to more; Madison County also has a petitionable $500 limit. CASAs are not compensated. Staff attorneys receive salaries averaging $24,000/year. These amounts are comparable to other indigent cases in the area, although several respondents felt that these were too low.

All training requirements are set locally. Initial training for CASAs lasts 38 hours; CASAs also are expected to attend 10 meetings annually. There is no training requirement for private attorneys. Cook County requires a 16-hour course For their Office of Public Guardian attorneys, and Winnebago County requires the same 38-hour course for both CASAs and their staff attorneys. Other counties have no staff attorney training requirements. Previous experience prior to being appointed as a GAL is not required in any county.

The average caseload of attorneys is 2.5, with a range of 1 to 4. Only Washington County experiences problems recruiting attorneys. The county's new judge recently was a partner in a firm that provided a large amount of GAL representation, but he was not able to appoint his former co-workers for GAL work for 1 year. This left a void in the pool of representatives for the children, and the county had to "borrow" attorneys from other counties to provide representation. Illinois attorneys vary in age, but all are white men, mostly from small

firms. Staff attorneys have full immunity from liability as workers for the court. Private attorneys, however, have no immunity, but are insured for liability by the State.

The Winnebago County CASA program is independent from the court and is part of the Child Welfare Office. A CASA coordinator oversees the 25 CASAs. Funding sources include the county, private donations, and grants. The annual budget is $50,000. There is a local policy of good faith immunity for the CASAs, but they do have insurance. The coordinator monitors their performance through seminars and courtroom observation.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions in 1989			
Cook	3,821	Perry	4
Du Page	200	Schuyler	11
Hancock	3	Stephenson	100
Logan	45	Washington	8
Madison	50	Winnebago	250

INDIANA

REQUIREMENTS:	Court may appoint attorney or CASA or both to represent a child's best interests in court, at any time in the proceedings
AUTHORITY:	IND. CODE § 31-6, 7, 2-l (1986)
PROGRAM MODELS:	Private attorneys: Parke, Pulaski, Vennillion, Wabash, and White CASAs: Dearborn, Knox, St. Joseph, Vanderburgh, and Wabash Paid volunteers: Clay and Marion
APPOINTMENT TIMES:	Set locally: great variation across the State
TRAINING:	Locally set: CASAs train 0 to 20 hours Attorneys have no training requirement GALs have no training requirement
COMPENSATION:	Attorneys receive $40 to $50/hour CASAs receive no compensation GALs are either salaried at $15,000 to $34,000 or are paid $ 10/hour
CHILDREN **SERVED:**	50 to 100 percent in sampled counties
IMMUNITY PROM **LIABILITY:**	Total immunity from liability for GALs, CASAs, and attorneys unless there is gross misconduct. CASA programs generally do not have insurance.
SAMPLED JURISDICI'IONS	11 counties
TOTAL JURISDICI'IONS IN **STATE**	91 counties

Indiana law leaves room for any type of representation of children, at any time in a proceeding. This guarantees many different approaches throughout the State. Of the counties sampled, five use private attorneys, five use CASAs, and two use court staff or paid volunteers who are not attorneys. None use social work help to any great extent.

Because of the term "may appoint" as opposed to *must appoint," Indiana does not require representation in abuse and neglect cases. Nine counties sampled indicated that not all children are represented. The county with the lowest representation is Vermillion where no one is appointed in 70 percent of cases. This county makes no assignment unless the abuser is someone in the child's home. Marion County, home to Indianapolis-and the highest number of petitions in the sample area, 1,400—appoints in about 50 percent of cases due to a staffing shortage. GALs in this county are paid volunteers from the volunteer assistant program. In Vanderburgh County, about 25 percent do not receive appointment. The judge in this county stated that representation is appointed only in cases in which parental rights might be terminated, the parent denies abuse, or the child is in danger of harming himself or someone else. In Clay County, there is one volunteer **GAL** who represented three of the county's five cases last year. The volunteer is a retired court worker who has a background in child welfare. In the other two cases in Clay County, no representation was provided and the judge ordered removal of the child to a foster home. In Wabash County, 20 percent have no representation. In Dearborn County, 10 percent of "one-shot court appearance" cases receive no GAL. Knox. Parke, Pulaski, and White counties reported 100 percent representation.

The GAL is assigned by the judge and the program director, if there is a CASA program. The judge always decides if a GAL is warranted in the case. Private attorneys generally are assigned from the removal hearing until the court intervention ends, but the assignment may end at the dispositional hearing if a judge so orders. Although CASAs may be assigned at any time, they usually are assigned at the removal hearing or at the filing of the initial petition. They are excused when court intervention ends or when dismissed by the court. The volunteers in Clay and Marion Counties serve at the court's discretion. In counties that use more than one model, such as Wabash, the cases where a parent is not accused of abuse will go to the CASA, and the others to the attorneys.

GALs of all models can take other assignments, such as cases involving criminal charges against the children, custody disputes, and delinquency. GALs also are used in some instances involving elderly people with impaired judgment, youth under the age of 18 with large inheritances or who are trying to get a real estate license, and paternity suits.

The duties of the GAL, regardless of model, are consistent in the areas sampled. In areas of disagreement with the child, it is up to the GAL to decide which side to present to the judge, but they would normally make both presentations to the court. The compensation to private attorneys is also fairly equal, ranging from $40 to $50/hour, with no limits in any county.

CASAs are sometimes reimbursed for mileage or phone calls, but are not paid. The Marion County volunteers receive a salary of $15,000 to $34,000. The volunteer GAL in Clay County is paid $10/hour and has a maximum annual budget of $2,000. This person has an average caseload of three cases.

Training for private attorneys is not required, but Pulaski County requires some work in the child welfare area. CASAs have training of an unspecified amount of time up to 20 hours. The training covers all general areas of abuse, working with children, and the courtroom role. Seminars are available for ongoing training in all counties with CASAs that were sampled. The volunteer GALs in Clay and Marion Counties do not have mandatory training. In Marion County all volunteers have either a B.A., M.S.W., or J.D. degree.

The caseload of the private attorney ranges from 1 to 3 and averages 1.8. The caseload of the CASA ranges from 1 to 10 and averages 5, but this is weighted by the one county with 10; others are from 1 to 3. The Clay County volunteer has 3 cases annually, and the Marion County volunteers have caseloads up to 400. No one reported any significant problem in finding or keeping GALs, except Vanderburgh County. This may be due to the difficult cases assigned to CASAs in this county. They receive only cases where there is a potential of termination of parental rights, if the parents deny abuse, or if the child is a danger to themselves or others. The CASA program has 40 volunteers and reports a large dropout rate. Indiana GAL attorneys tend to be older, white men. They all come from generally small firms or solo practice.

Vanderburgh and St. Joseph County CASA programs are independent of the court. Vanderburgh has 40 volunteers, an Executive Director, and one staffperson. Its $60,000 budget comes from county, State, and the United Way. St. Joseph County's program is part of the Youth Service Bureau. Its $40,000 budget supports 42 CASAs, a Project Director, and one staffperson, and comes from the United Way. The Marion County volunteer GAL program is also independent and has two staff with an annual budget of $110,000, 90 percent of which comes from the United Way. The remaining 10 percent is donated by individuals. The Clay County GAL is part of the court and runs on a $2,000 budget.

There is total immunity given by Indiana Code 31 for CASAs, attorneys, and GALs unless there is gross misconduct. Only St. Joseph County CASAs and Marion County GALs carry insurance.

SAMPLED **JURISDICTIONS** AND CASELOADS

Number of Petitions in 1989			
Clay	5	St. Joseph	100
Dearborn	30	Vanderburgh	165
Knox	15	Vermillion	1
Marion	1,400	Wabash	6
Parke	12	White	10
Pulaski	2		

IOWA

REQUIREMENTS:	GAL or counsel required in any case where the child is. a party or witness
AUTHORITY:	**IOWA CODE ANN. § 232.89(2) (1988)**
PROGRAM MODELS:	Private attorneys: **all** jurisdictions Public Defender's Office: assists in Black Hawk County **CASAs:** assist in Polk County
APPOINTMENT TIMES:	Set locally; generally from initial petition to closing of court case
TRAINING:	No training requirements, except for CASA (25 hours)
COMPENSATION:	Private attorneys: $40 to **$50/hour** Public Defenders: **$32,000/year**
CHILDREN **SERVED:**	100 percent in sampled counties
IMMUNITY FROM **LIABILITY:**	Iowa State Attorney General Opinion 76-7-24 gives good faith immunity; only Polk County CASA had knowledge of this
SAMPLED **JURISDICTIONS:**	13 counties
TOTAL **JURISDICTIONS** IN **STATE:**	99 counties

Iowa has a very thorough law to cover children in the judicial system. It requires a GAL or legal counsel in any case where a child is a party or witness. This mandate requires GAL to be appointed in many different areas. Every county sampled provides an attorney for the child. Black Hawk County uses the Public Defender for most cases and private attorneys for the overflow work All other counties use private attorneys. In some cases, Polk County also assigns CASAs, along with attorneys, based upon the CASAs' availability.

All areas reported 100 percent representation, in compliance with State law. Technically, the judge has the option of appointing or not, but it has become routine in several counties due to the law, and often a clerk or assistant to the judge does all of the work except for the final signature on the paperwork. The actual appointment of a specific person is done either by the judge or by someone on the judge's staff. The public defender in Black Hawk County calls upon private attorneys whenever his caseload exceeds 15 or 20.

Appointment occurs at the initial petition filing for all attorneys, including the Public Defender. The CASAs are assigned after the first dispositional hearing. The assignment ends either when the court intervention ends or when the case is closed by an agency. This holds true for both attorneys and CASAs. GALs are assigned to several other types of cases in order to comply with Iowa State law. These include delinquency, custody or divorce, criminal abuse, and other criminal cases involving children. All GALs work on all these types of cases as needed.

The duties of all GALs are the same. CASAs, however, represent only the child's best interests and do not provide legal representation, since they are paired with an attorney. If the child and the GAL disagree, the CASA would state the best interests side of the case, while the attorney in the case would state the child's wishes. All other areas, where there is an attorney alone, responded that the attorney could present both sides or just his own.

The private attorneys are paid between $40 and $60/hour, with several counties having maximums of $500/case. The Public Defender has an annual salary of $32,000. CASAs are not paid, and they receive no compensation for mileage or phone calls. The attorneys can petition for extra payment for tests or expert witnesses. In 7 of the 13 counties sampled, this payment maximum has made many older, more established attorneys unwilling to take on these cases.

Training requirements are in place for CASAs only. The State requires 25 hours of comprehensive training before the first assignment for all volunteers. Additional seminars are offered bimonthly. However, the Supreme Court has ruled that unless CASAs are reimbursed for travel mileage, attendance cannot be required. There are no previous experience requirements for GALs.

The average caseload of the private attorney is 3, with a range of 1 to 9; CASAs handle 1 case at a time; the average caseload for the public defender is 18. There are no major problems retaining attorneys or volunteers, but many attorneys are reluctant to get involved due to the payment restrictions.

The average attorney involved in GAL in Iowa is a man from a small firm or a solo practitioner. He is also generally white, and tends to be fairly young, although there is more variation in age than in any other category. No programs are independent of the court. The executive director of the CASA program is a %-time State employee, and the program has a $60,000 budget from the court.

The State Attorney General's Opinion 76-7-24 states that there is good faith immunity for GALs. Among the jurisdictions sampled, only Polk County's CASA program respondents knew about this. There is informal monitoring of the attorneys and a more formal monitoring of the CASAs by the Director.

CASAs soon may no longer serve as GALs in Iowa. As of February 1990, the State legislature was considering a bill brought forth at the instigation of attorneys which would require attorney representation of all abused and neglected children. Non-attorneys would not be allowed to serve as GALs. Many attorneys in Iowa believe that CASAs do not properly represent the child or know the court system adequately. The CASA program argues that attorney representation is inadequate due to large numbers of attorneys that do not take what the CASAs consider to be enough time with the child or in investigating all of the facts. This issue is unresolved.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Cases in 1989			
Black Hawk	180	Marion	72
Bremer	25	Pocahontas	2
Buchanan	15	Scott	90
Delaware	11	Washington	45
Humbolt	15	Webster	20
Iowa	20	Wright	5
Jones	25		

KANSAS

REQUIREMENTS:	GAL appointment mandatory in all "child in need of care" cases. GAL shall be an attorney.
AUTHORITY:	KAN. STAT. ANN. § 3&1505(a) (1986)
PROGRAM MODELS:	Private attorneys, either contracted by county or selected from a rotating list by the court clerk
APPOINTMENT TIMES:	Appointed at the filing of the initial petition. Appointment ends when court intervention en&.
TRAINING:	No requirements set in sampled counties
COMPENSATION:	$50/hour recommended by State; set locally
CHILDREN SERVED:	100 percent of abused and neglected children in sampled counties
IMMUNITY FROM LIABILITY:	No immunity by State statute. Partial/good faith immunity provided through local policy in Allen and Doniphan Counties.
SAMPLED JURISDICTIONS:	13 counties
TOTAL JURISDICTIONS IN STATE:	105 counties

Kansas State law requires an attorney be appointed as GAL at the filing of the initial petition in all abuse and neglect cases. All counties sampled use private attorneys who have contracted with the county to receive all abuse cases or who are selected from a rotating list of attorneys available for court appointments. In Lyons County, one attorney has contracted to take all cases requiring a Public Defender, which includes all abuse and neglect petitions.

The Sedgwick judicial system was the only one sampled to provide extra support to its GALs. The courthouse has a staff of 12 Court Services Officers, including one secretary, who are available as resources to GALs. The officers are assigned to specific cases for which they conduct independent investigations and provide monitoring. The court services offices often brief new attorneys on procedures related to representing abuse and neglect cases. Only Johnson County has a CASA program to support attorneys.

Respondents in all counties were aware of the State mandate to appoint attorney GALs. While the judge is responsible for appointments, it usually is an automatic process. In nine counties, the paperwork and actual appointment process is delegated to the court clerk. In Allen, Neosho, and Osage Counties, the judge handles this. One hundred percent of children involved in abuse and neglect proceedings are represented In Sedgewick County, the District Attorney decides whether to petition a case. The revision of the laws in 1983 enabled any State, county, or law enforcement agency to request a petition be filed.

Most of the counties sampled adhere to the State mandate requiring the appointment to be made at the filing of the initial petition. Respondents in Atchison and Marshall Counties noted attempts made to have attorneys present at the emergency removal hearings. In Brown and Neosho Counties, the GAL is appointed at the first hearing. All GAL appointments end only when court intervention ends. In seven counties, these assignment times are determined by State requirements.

All counties except Saline and Sedgewick provide GALs in other cases involving children. Most often these are delinquency, custody, and conservatorship cases, but they also include legal disability and criminal abuse cases. The same attorneys are used as GALs on these cases and civil abuse and neglect cases. Saline County does provide a GAL in more obscure cases such as those involving an unknown heir.

Only Allen County provides representation in addition to the GAL. Additional representation is provided at judicial discretion or when requested by the child or the GAL. However, this occurs rarely. Respondents in Brown and Coffey Counties felt that other representation could be provided at judicial discretion, although this had never happened.

Most counties do not have local written descriptions of the roles and responsibilities of the GAL. Respondents in four counties mentioned that descriptions were included in the

statute. Attorneys from Johnson County developed a handbook for GALs based upon the State statute. The handbook states that the GAL must meet with the child, provide legal representation, monitor the case, ensure compliance with court orders, make recommendations and/or reports to the court, and meet the child's needs. Nemaha County court rules require the attorney to investigate the case as well.

Representation of the perceived best interests of the child appears to be the priority. Attorneys from six counties-Allen, Lyon, Marshall, Osage, Saline, and Sedgwick-also present the child's wishes to the judge in cases of disagreement. Disagreement between the child and the GAL has never occurred in Coffey or Neosho. However, respondents in these counties felt that if the conflict were severe, they would appoint another attorney. Generally, all children in a family involved in a particular case are represented by the same GAL.

Most attorney GALs are involved in the process of coordination among parties. GALs in Brown, Lyon, and Osage Counties generally take a lead role, while in Neosho and Sedgwick, this depends on the case or the attorney involved.

The Kansas State Board of Indigent Defense Workers has set a recommended rate of attorney compensation at $50/hour. Eight counties-Allen, Atchison, Brown, Coffey, Doniphan. Marshall, Nemaha, and Neosho—follow this recommendation. Atchison, Doniphan, and Marshall Counties have set a maximum fee of $250/case, but this may be waived with judicial approval. Neosho County's maximum is $100/case. All the aforementioned counties except Brown pay at least minor expenses of the GAL. Osage County pays $40/hour. Johnson, one of the larger counties sampled, has a step system. Attorneys receive $125/case through the adjudication, $50 for each ensuing hearing, and $30 for judicial reviews. Expenses are not reimbursed. Lyons County has a contract with one attorney who receives $1,400/month to represent all children in petitions to the court. The 1990 contract is $3,000 less than the 1989 contract. No expenses are reimbursed. Attorneys in Sedgwick County receive the lowest compensation. They are paid $30/hour for in-court time only. They are allowed to use the courthouse telephone, but that is the only compensation in terms of expenses. The result is that most of the work besides actual legal representation is left to the Court Services Officers. Respondents in every county sampled—except Sedgwick, where GALs are paid less-reported that GAL wages are equivalent to those for other indigent defense work Except as discussed above, there are no payment ceilings.

All attorneys in Kansas must receive continuing legal education credits to retain their licenses. There are no training requirements specific to abuse and neglect nor are there any requirements regarding experience prior to GAL appointment.

In the smaller counties in Kansas, most attorneys handle 2 to 4 cases at any given time. Caseloads in Johnson and Lyon Counties are considerably higher. In Johnson County, 2,035

cases were petitioned in 1989. The county has 40 GAL attorneys available, each of whom carries an average caseload of 200 cases. Fiity petitions were reported for Lyon County for 1989, but this probably is a low figure; in 1989, the county had 2 attorneys available, each with an average caseload of 6 cases.

Respondents in two counties felt that more adequate compensation would help in retaining and recruiting GALs. No other problems regarding retaining or recruiting GALs were reported. In each county sampled, most attorneys are not primarily juvenile family law specialists. Most are white males, except in Allen, Johnson, and Sedgwick. These counties, which are much more densely populated, have an equal mix of men and women.

Allen and Doniphan Counties provide partial/good faith immunity to GAL attorneys through a local policy of the judicial system. Elsewhere, immunity does not exist or the issue was not resolved. There is no insurance provided by the State or the counties to GAL a ttomeys.

There is no formal monitoring or evaluation of GALs. Respondents in the smaller counties felt that their communities were small enough that any attorneys not providing adequate representation would be held accountable.

SAMPLED **JURISDICTIONS** AND CASELOADS

Number of ***Petitions*** in 1989			
Allen	20	Marshall	5
Atchison	62	Nemaha	12
Brown	18	Neosho	3
Coffey	4	Osage	18
Doniphan	4	Saline	250
Johnson	2,035	Sedgwick	324
Lyon	50		

KENTUCKY

REQUIREMENTS:	Private counsel mandatory in *dependency" proceedings, for adjudicatory hearing
AUTHORITY:	KY. REV. STAT. § 620.100(1)(a)
PROGRAM MODELS:	Private attorneys: all jurisdictions Staff attorneys: 1 to 5 percent of Henry, Kenton, and Warren cases CASA: appointed additionally (not as GAL) in Jefferson and Fayette Counties
APPOINTMENT TIMES:	Statute requires appointment before adjudicatory hearing. In sampled jurisdictions this occurs at filing or first hearing. Appointment ends when permanent placement occurs.
TRAINING:	Attorneys: none CASAs: 20 to 22 hours required
COMPENSATION	Set locally. *Pro bono* or $50/hour or $35 to $750/case to maximum of $35 to $750 in sampled counties.
CHILDREN SERVED	100 percent represented in 7 of 12 sampled counties 30 to 80 percent represented in Butler, Grant, Ohio, Owen, and Warren
IMMUNITY FROM **LIABILITY:**	Attorneys: none CASAs: Jefferson reported statutory 'good faith" immunity
SAMPLED JURISDICTIONS:	12 counties
TOTAL JURISDICTIONS IN **STATE:**	119 counties

Kentucky State Statute § 620.100 mandates that private counsel be appointed for children in dependency proceedings. Despite this requirement, not all children receive counsel in 5 of the 12 counties sampled. Seven counties have 100 percent representation, but 20 to 70 percent of the cases in Butler, Grant, Ohio, Owen, and Warren are unrepresented. In these counties judges do not appoint attorneys in cases requiring only one appearance, cases where the respondents never appear, and other "easy" cases. In two counties the attorneys for the petitioner (Department of Human Resources) usually are regarded as protectors of the child's interests. In one county appointment is only mandatory if removal from the home is being considered.

All counties appoint private attorneys, although only Henry, Kenton, and Warren use staff attorneys in 1 to 5 percent of their cases when a private attorney is not available. Henry and Kenton Counties use Legal Aid, and Warren County uses the Public Advocate. Attorneys receive social work support only occasionally. CASAs are appointed by the court, but they do not provide direct support to attorneys and do not act as GALS. Fayette and Jefferson Counties have active CASA programs; Kenton County may assign CASAs from Campbell County; and Warren County is starting a CASA program.

The judge decides to appoint an attorney, and one is assigned by either the judge or the court clerk. In eight counties appointment occurs at the filing of the petition, and in four it occurs at the first hearing. All counties meet the statute's requirement that counsel be appointed for adjudicatory hearing. Usually appointments end when court intervention ends; however, in three counties it continues until permanent placement and in Henry County it ends at disposition. In addition to the statute, the Uniform Juvenile Code also mandates these appointment times in three counties. Barren County has a local court rule, and in Fayette County a local court rule is currently being written. CASAs serve at the discretion of the judge.

In the counties sampled attorneys are only occasionally appointed in other types of cases, such as criminal abuse and custody. Only in Jefferson County are attorneys regularly appointed in all types of cases involving children. In the counties sampled additional representation occurs only if private counsel is hired by the family for the child.

Attorneys for children have no written description of their duties except for § 625.080 regarding termination of parental rights, which states that the GAL shall represent the best interests of the child. There are no training requirements or supervision of attorneys. In five counties attorneys represent the child's best interests, in five they represent both the child's best interests and desires, and in two it depends on the attorney. CASAs always advocate for the child's best interests. In nine counties the attorneys are not involved in a lead role, except as legal counsel in court. In two counties it depends on the attorney. In Daviess County judges are pleased with the vigorous representation provided for children by the young attorneys appointed in abuse and neglect cases.

Fees for attorneys vary widely across the State. In Grant and Gwen Counties, court-appointed attorneys receive only $35/case, although judges can approve higher fees. Daviess, Fayette, Henry, and Warren pay $250/case; Butler, Hopkins. Jefferson, and Ohio pay up to $500/case. Kenton pays attorneys $50/hour up to $750/case, and Barren judges set their own fees. In Grant and Gwen Counties, GAL attorneys receive lower fees than do attorneys in criminal defense. Barren, Jefferson, and Warren reported that fees are equivalent. In five of the remaining counties, GAL attorneys are paid more than criminal indigent defense attorneys. In Kenton County the GAL fee of $50/hour is double the rate for attorneys in other court appointments. Because of the very low compensation in the rural counties of Grant and Owen, most attorneys there take cases on a *pro bono* basis, rarely asking for payment or expense reimbursement. In these counties, 70 percent of the abuse and neglect cases are unrepresented. Respondents did not cite low pay as the reason for the lack of representation but the belief that the petitioner's attorney protects the child's interests and, therefore, private counsel is unnecessary. No explanation was obtained for the widely varying compensation across the State. Expenses are reimbursed in nine of the counties; again, most GAL attorneys in Grant and Gwen Counties do not request reimbursement.

Private attorneys in all of the counties sampled have caseloads ranging from one to five cases. Half of the counties have fewer than 10 (ranging from 2 to 10) private attorneys available. The remainder use 12 to 50 private attorneys. Henry has one Legal Aid attorney, Kenton has two Legal Aid attorneys, and Warren has three Public Advocates. All take cases as needed. Only Hopkins and Jefferson reported problems retaining attorneys because of the lack of interest in juvenile cases. Jefferson does not have enough GALs to handle its large number of cases. Most GAL attorneys in the State are experienced, white males practicing in solo or small firms. Jefferson has an even mix of white and minority attorneys and a majority of female attorneys. Daviess uses younger attorneys more often. Barren and Fayette Counties reported a mix of female and male attorneys.

No formal program exists for GAL attorneys. Jefferson's CASA program is independent of the courts and has 72 volunteers and an annual budget of $85,000 from private donations but no formal staffing. Attorneys have no immunity from liability. Jefferson County reported that CASAs have statutory "good faith" immunity.

To improve representation, one respondent suggested required training for attorneys. Another respondent reported that family court cases are not made a priority and that children's issues on the whole are ignored. A third respondent commented that even after an adjudication of abuse or neglect, the termination of parental rights proceedings continue for too long.

SAMPLED JURISDICTIONS AND CASELOADS

Estimated Number *of Petitions* in *1989**			
Barren	**5**	Hopkins	60
Butler	7	Jefferson	1,200
Daviess	350	Kenton	750
Fayette	125	Ohio	30
Grant	50	Owen	50
Henry	NA	Warren	200
NA = not available			

*Some counties split into/among district courts.

LOUISIANA

REQUIREMENTS:	Counsel required for all children involved in custody and termination of parental rights proceedings. Child is entitled to counsel in all other proceedings.
AUTHORITY:	L.S.A.C.J.P. art. 95 (West Supp. 1989) LA. REV. STAT. ANN. § 13:1602(c) (West 1983)
PROGRAM MODELS:	Private attorneys: all jurisdictions sampled Staff attorneys: East Baton Rouge, Lafourche, and Orleans CASA: teamed with attorney in 30% of Orleans cases
APPOINTMENT TIMES:	Set locally
TRAINING:	Set locally: no requirements exist for attorneys
COMPENSATION:	Set locally: varies widely among parishes
CHILDREN SERVED:	0 to 100 percent
IMMUNITY FROM LIABILITY:	Partial immunity: Orleans Parish None: all other parishes
SAMPLED JURISDICTIONS:	10 parishes
TOTAL JURISDICTIONS IN STATE:	61 parishes

The Louisiana State Juvenile Code and Revised Statutes provide that counsel shall be appointed to represent children in termination of parental rights and continued custody proceedings. Any other representation, such as GAL representation in abuse and neglect cases. is left to the discretion of local parish courts, although the law states that the child is entitled to counsel. Of the 10 parishes sampled, 8 use private attorneys as GALs. East Baton Rouge, Lafourche, and Orleans also use the parish Public Defender. Rapides and St Mary Parishes do not appoint GALs in abuse or neglect cases. In Rapides Parish, minors receive attorneys only in termination proceedings or when the minor's rights may be infringed upon. This was defined by the respondent as cases leading to the possible confinement of the minor. St. Mary's Parish does not provide independent representation to a child. The representation of best interests is left to the Department of Health and Human Services. Legal representation is provided by the District Attorney.

East Baton Rouge and Lafourche assign 90 percent of their abuse and neglect cases to the indigent defense attorney's office and 10 percent to private attorneys. Orleans uses the Public Defender on 95 percent of its cases and private attorneys on 5 percent. A CASA program exists in Orleans Parish, and CASA volunteers are assigned to approximately 30 percent of the cases alongside the attorney. Tangipahoa Parish provides administrative support to the attorney who has contracted to receive all the public defense work Lafourche Parish provides volunteer support.

In Claibome, Lafourche, and Tangipahoa, appointment is automatic. Elsewhere the judge decides whether to make an appointment. All appointments are made by the judge or the court clerk, except in Lafourche, where the Indigent Defense Board assigns indigent defense attorneys to particular cases. Within the eight counties that do provide GAL representation, 100 percent of the children involved in abuse and neglect cases are reported to receive counsel. In East Baton Rouge Parish, Public Defenders are assigned to all cases except when there is a conflict with the child. Private attorneys are assigned to these cases.

Appointment times vary locally but are made at the first hearing if not already made at the initial filing or the emergency removal hearing. CASAs are appointed prior to the adjudicatory hearing. Most parishes relieve the GAL when court intervention ends. Claiborne Parish may end the appointment after the initial disposition, while in East and West Feliciana it depends on the case. In Bienville and Lafourche, these appointment times are established as local law and local court rule, respectively. Claibome Parish respondents understood the appointment times to be a State requirement.

All parishes provide GALs in delinquency cases and a variety of other cases involving children. These cases include those involving criminal abuse, nonlitigated abuse, voluntary foster care, custody, children in need of supervision, adoptions, minor settlements, and criminal cases involving children. Lafourche Parish reported the provision of legal representation in any case

involving a child. Tangipahoa is the only parish that uses attorneys for these cases who are different from than those used in abuse and neglect cases. Rarely would a child in an abuse and neglect case receive other representation alongside the GAL except in Orleans Parish. Orleans uses CASAs whenever possible alongside the attorney GALs.

There are no written descriptions of the roles and responsibilities of the GALs. However, in Orleans Parish it is understood that when a CASA is assigned to a case, the volunteer covers investigations, meeting with the child, monitoring, compliance with court orders, etc., while the attorney handles the legal representation; the attorneys, on the other hand, are counsel.

What stance the attorney GAL should take if the attorney and the child disagree varies among parishes. Respondents in Orleans, Lafourche, and Tangipahoa stated that the GAL would represent the perceived best interests of the child. In Claiborne Parish, the GAL would present both the wishes and the best interests to the judge, while in East Baton Rouge, the GAL would do either or the judge would appoint a different GAL. In Bienville and East and West Feliciana, the issue was undecided. In all counties, one GAL represents all the children in the family involved in a particular case.

Compensation for attorneys is set locally through the judges, the Indigent Defense Board, or the parish administrative offices. However, in some parishes, attorneys are not compensated. In Bienville Parish, 50 percent of the attorneys are not paid due to lack of funds. Tangipahoa GAL attorneys are not compensated. In East Baton Rouge, Lafourche, and Orleans Parishes, the indigent defense attorneys receive annual salaries ranging from $15,000 to $50,000. In Claibome County, attorneys may not be paid for time spent if funds are not available: however, they are reimbursed for expenses. No other parish covers expenses.

There are no training requirements for the attorney GALS. In Orleans Parish, the CASA volunteers complete approximately 30 hours of training before being assigned to a case. Also in Orleans the parish court is developing a training program on child abuse and neglect for judges, social workers, and attorneys in Louisiana. There are no requirements concerning prior experience for GALs.

Private attorneys carry an average caseload of 1 to 3 cases. The attorneys in the more populated areas (East Baton Rouge, Lafourche, Orleans, and Tangipahoa), most of whom are part of the Public Defender's Office, carry caseloads ranging from 20 to 65 cases.

Respondents in all parishes sampled said that there were no problems retaining or recruiting GALs, although Orleans needs additional funding. Attorney characteristics vary among parishes. Most attorneys are white, but are of various ages and both sexes. In all parishes

except East Baton Rouge, most attorneys have small private practices, and all are general legal practitioners.

In three parishes the GAL programs are independent of the courts. The CASA program in Orleans is funded through grants and private donations. The staff consists of the executive director and five support personnel, and the program's annual budget is $135,000. Both East Baton Rouge and Lafourche Parish Public Defenders' offices are created through public funds from the county. The senior Public Defender administrates the office and monitors the other attorneys on staff.

Orleans Parish offers partial immunity from liability to the **GALs.** Elsewhere no immunity exists. Attorneys are expected to provide their own malpractice insurance.

SAMPLED **JURISDICTIONS** AND CASELOADS

Number of ***Petitions*** in 1989			
Bienville	4	Orleans	345
Claibome	12	**Rapides**	390
East Baton Rouge	93	St. **Mary**	35
East Feliciana	3	Tangipahoa	50
Lafourche	25	West Feliciana	3

MAINE

REQUIREMENTS:	State mandated GAL representation in all child protective proceedings
AUTHORITY:	ME. REV. STAT. ANN. tit. 22 § 4005(1) (Supp. 1986)
PROGRAM MODELS:	Private attorneys: all jurisdictions CASA: six of the nine counties sampled State mandates CASA volunteer as GAL must be first choice
APPOINTMENT TIMES:	State mandated: Appointment begins at the filing of the initial petition and lasts until court intervention ends
TRAINING:	State CASA program requires and provides 10 hours of training for CASA volunteers. There are no requirements for attorneys.
COMPENSATION:	$40/hour for time spent in and out of court for private attorneys, with a maximum of $350 to $1,000/case in some counties
-CHILDREN SERVED:	67 percent to 100 percent
IMMUNITY PROM LIABILITY:	No immunity from liability except in Oxford County; partial/good faith provided through case law
SAMPLED JURISDICTIONS:	9 counties
TOTAL JURISDICTIONS IN STATE	16 counties 33 district courts

Two years ago the Maine State Legislature required that, when available, a CASA volunteer must be appointed as the primary GAL When CASAs are not available, private attorneys are used. Three counties sampled-Franklin, Somerset, and Aroostook-appoint only private attorneys as GALs. All other countries in the sample appoint both CASA and private attorneys. CASA volunteers usually work unassisted, but in Cumberland County an attorney is sometimes available to help. Franklin and Somerset are the only counties that provide administrative support to the GALs.

The Maine judicial system is organized by districts and each country has at least two district courts that operate independently. The district courts within counties generally are consistent in their policies of GAL representation. One exception is Kennebec County where one district court uses only CASA volunteers as GALs, one court uses CASAs as a support to the attorney GALs, and another court has no CASA volunteers at all. In Kennebec County when the petition is uncontested by the parents (approximately 33 percent of the cases) a GAL need not be appointed.

All appointments are made by the judge at the filing of the initial petition. However, in at least two counties there may be a delay of over a month before a CASA volunteer is found to take on the case. It is unclear how many of the children in these instances were unrepresented until a volunteer was assigned. The actual appointment is handled primarily by the judge. Others who may be in charge of appointments are the State CASA director or the clerk of the court. All appointments last until court intervention ends.

The only type of case other than civil abuse and neglect to which an attorney may be appointed for the child is divorce, although this occurs rarely. In Franklin and Somerset Counties a GAL might also be appointed in juvenile petitions for emancipation. Only in Kennebec and Lincoln Counties is non-GAL representation possible in abuse and neglect cases. Kennebec County has a statute enabling an attorney to be appointed alongside a CASA volunteer.

Maine Revised Statute Annotated Title 22 § 3858 describes the general duties of the attorney GAL The Maine Department of Human Services developed a comprehensive pamphlet on the GAL's role based on this statute. According to these guidelines, the GAL provides representation to the child, acts as a guardian, and is an investigator, advocate, counsel, representative, and court officer. The guidelines also detail the typical activities of one serving the role of GAL. However, respondents in five counties were unaware of any written descriptions with regard to attorney GALs. All counties using CASA followed the State CASA program guidelines.

There is a statutory requirement that representation of any child aged 14 or older must include the wishes of the child. In all counties the GAL presents both perceived best interests

and the child's wishes (when the child is old enough to articulate them). However, in Kennebec County cases involving preteens, the GAL focuses on the child's best interests. Lincoln is the only county sampled that provides a different GAL to each individual child. In other counties, one GAL represents all children involved in a particular case. The process of coordination among all parties involved is the same in all but three counties. Both CASA and the attorneys are involved although not instigators of such coordination. The exceptions are Franklin,' Somerset, and York In Franklin and Somerset Counties GAL attorneys usually take a lead role in coordinating case activities among all involved parties. In York County neither the attorney nor the CASA GAL are involved in such coordination efforts.

Attorney GAL compensation is $40/hour statewide for time spent both in and out of court. Expenses are reimbursed by the county, there are no limits. This pay is equivalent to other indigent defense work Four counties—Aroostook, Franklin, Somerset, and York-have a limit of $350/case which may be exceeded with judicial approval. Oxford County has a limit of $1,000/case.

There are no training requirements for the attorney GAL. Only Franklin and Somerset have requirements established by the judge for prior experience before taking abuse and neglect cases. Attorneys must have been in practice for some time. All CASAs receive training from the State CASA program which sets the requirements. The training lasts about 12 hours and must be completed before appointment as a GAL. There are no ongoing training requirements.

The highest individual average caseload for a private attorney is five cases at any time (Aroostook and Waldo). Most private attorneys average two cases. The highest number of cases per CASA is four in Kennebec County. All other volunteers carry between one and three cases. Kennebec County has the most difficulties recruiting qualified CASA volunteers. Cumberland and Oxford Counties also have difficulties in recruiting and retaining CASAs.

Aroostook, Franklin, and Somerset Counties, which use private attorneys, and Lincoln County have no problems finding GALs. In the other counties, the number of GALs available is a problem. York County has difficulty with CASAs who leave in the middle of the case and also has experienced long delays in receiving a CASA volunteer for particular cases. Most attorneys across the State are white general practitioners. There was an equitable mix of male and female and older and younger attorneys.

The State CASA program is considered a part of the Judicial Department and is funded through public dollars appropriated from the State courts fund. The current annual budget is approximately $100,000. An executive director and his secretary are the sole staff, responsible for training, recruiting, screening, placing, and monitoring the volunteers. The individual district court judges also evaluate the CASA volunteers. There is no formal evaluation system for attorneys.

Immunity from liability for the GAL is provided only in Oxford County, where immunity is established through case law. No insurance is provided by the State or the county for either CASAs or attorneys. In Cumberland and Kennebec Counties, if a CASA were sued, counsel would be provided for defense.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Cases Petitioned in 1989			
Aroostook	81	Oxford	19
Cumberland	75	Somerset	25
Franklin	7	Waldo	18
Kennebec	38	York	50
Lincoln	5		

MARYLAND

REQUIREMENTS:	Counsel is mandatory in abuse/neglect proceedings. CASA may be appointed additionally.
AUTHORITY:	MD. CTS. AND JUV. PROC. 'CODE ANN. § 3-834
PROGRAM MODELS:	Staff attorneys: all jurisdictions Private attorneys: Montgomery County CASA: Montgomery and Talbot Counties
APPOINTMENT TIMES:	Contract with Legal Aid mandates that representation is to be provided throughout the proceedings, from filing through the end of court intervention
TRAINING:	17 to 20 hours annually recommended but not required
COMPENSATION:	Staff Attorneys: Legal Aid $21,000 to $35,000/year Public Defender's Office: $32,000 to $50,000/year Private attorneys average $65/court hour
CHILDREN SERVED:	100 percent of all Children in Need of Assistance (CINA) cases receive "counsel"
IMMUNITY FROM LIABILITY:	Staff and private attorneys: none CASA: 'good faith" immunity according to § 3-834.1
SAMPLED JURISDICTIONS:	9 counties
TOTAL JURISDICTIONS IN STATE	23 counties and the city of Baltimore

All children appearing before the Maryland courts in abuse and neglect proceedings receive court-appointed "counsel" as mandated by Maryland Courts and Juvenile Procedure Code Annotated § 3-834. CASAs may be appointed in addition to, but not in lieu of, counsel according to the same statute. In all counties except Montgomery, Legal Aid is contracted by the State to provide representation to all Children In Need of Assistance (CINA) cases. Conflicts of interest are referred to the Maryland Volunteer Lawyers Association for *pro bono* representation. Montgomery County uses the Public Defender's Office in 90 percent of its cases, referring 10 percent to private attorneys when the family is deemed able to pay for child's counsel. All Legal Aid and Public Defender attorneys are staff attorneys. Most of these are women with many years' experience in juvenile representation. Montgomery and Talbot Counties also appoint CASAs in 10 to 20 percent of cases.

A referral to counsel occurs automatically at the filing of the petition, and appointment continues until court intervention ends. This is required by the State's contract with Legal Aid, which states that representation must be provided at all proceedings. Counsel is appointed at the court's discretion in other types of cases (criminal, foster care, delinquency), but different staff or private attorneys are used. Respondent attorneys generally handle only CINA cases. If a handicapped child is abused or neglected, representation is provided by the Maryland Disability Law Center instead of Legal Aid or the Public Defender's Office. CASAs may be assigned at any time during or after court intervention, but they are limited to abuse and neglect cases.

Counsel takes a lead role in the courtroom as the child's attorney. Both staff and private attorneys meet with the child and represent the child's desires to the court. Except for CASA, it is rare for any additional representation to occur. Three of the counties sampled reported that the child's desires and best interests both are represented in court. Both of the State's CASA programs also reported that both views are represented. The remaining counties have staff attorneys who represent solely the child and the child's desires, unless the child is deemed to have unreasonable or impaired judgment, in which case the least restrictive or most protective view is presented. CASAs receive a more explicit explanation of their duties than attorneys in the rules and guidelines set forth by the Administrative Office of Courts' Order #89-1. CASAs interview, investigate, and monitor cases while reporting back to the court.

Legal Aid attorneys receive annual salaries in the range of $21,000 to $35,000, equivalent to the salaries of Legal Aid attorneys working on criminal cases. The Public Defenders receive annual salaries of $32,000 to $50,000. The discrepancy occurs because Legal Aid is a private, nonprofit organization and the Public Defender's Office is a governmental agency. In Montgomery County, parents are expected to pay the private attorneys who take on abuse and neglect appointments. Fees are based on an assessment of the child's parents' income and the average fee is $65. Attorneys rarely receive payment from parents, so most private attorneys would rather contract with the Public Defender's Office on a case-by-case basis in order to guarantee compensation. Case-related expenses are reimbursed.

Training is provided to all Legal Aid attorneys and Public Defenders; 17 to 20 hours per year are recommended, but no training is required. CASAs are required to complete 24 hours of comprehensive CASA training before being appointed. Private attorneys receive no training or supervision. Specific abuse and neglect experience is not required of Legal Aid attorneys, Public Defenders, CASAs, or private attorneys.

Caseloads vary throughout the State depending on population and the number of attorneys available. In Montgomery County, four Public Defenders have average abuse and neglect caseloads of 40 each. Private attorneys and CASAs handle only 1 to 2 cases at a time. Talbot County is served by the Queen Anne office of Legal Aid. Dorchester and Wicomico share a Legal Aid office. Allegheny, Dorchester, Howard, and Wicomico Counties all have several attorneys handling 25 to 40 cases each. Carroll's Legal Aid office has one attorney, and Harford's office (shared with Cecil) has four attorneys-all handling an average of 100 cases each. Problems retaining or recruiting attorneys were reported only in the rural areas, which respondents said did not attract enough attorneys in general, hence, the higher caseloads there.

The Legal Aid and Public Defender offices operate independently of the court and receive State funds directly. Supervision is limited to in-house monitoring of cases. All offices have clerical and paralegal support; however, more is needed, according to the respondents. Respondents also added that more CASA programs have not developed within the counties because of the lack of a statewide program to offer guidance and support. Montgomery CASA has 3 full-time staff members and an annual budget of $207,000, while Talbot County has only three volunteer administrators and a budget of $19,400. The city of Baltimore has a larger CASA program but was not included in the randomly selected jurisdictions. CASA was established by statute as part of the State's Administrative Office of Courts and receives funds from both public and private sources.

Attorneys are not immune from liability concerning abuse and neglect representation. Legal Aid is required by its contract with the State to carry its own liability insurance. The Public Defender's Office is a governmental agency and covered as such by the State. Private attorneys generally carry their own malpractice insurance. CASAs and CASA staff, however, do have immunity from liability when acting in "good faith," according to § 3-834.1.

Respondents commented that requiring legal counsel for children in abuse and neglect proceedings is good practice. They believe that CASA volunteers are a good adjunct to, but not a substitute for, attorney representation.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions in 1989			
Allegheny	85	Montgomery	460
Carroll	72	Prince George's	646
Dorchester	27	Talbot	234
Harford	135	Wicomico	27
Howard	451		

MASSACHUSETTS

REQUIREMENTS:	**Counsel** mandatory in abuse/neglect cases
AUTHORITY:	MASS. **GEN. 'LAWS 119 § 29**
PROGRAM MODELS:	Private attorneys in all jurisdictions
APPOINTMENT TIMES:	Appointed by judge at **filing/first** hearing. Assigned by court clerk from Committee for Public Counsel Services (CPCS) **list** to provide representation until court intervention ends,
TRAINING:	Statewide; 14 hours provided by CPCS
COMPENSATION:	**$35/hour** in all jurisdictions; set by CPCS
CHILDREN SERVED:	100 percent of abused/neglected children statewide receive **"counsel"**
IMMUNITY FROM **LIABILITY:**	None
SAMPLED **JURISDICTIONS:**	8 district courts and 2 juvenile courts
TOTAL **JURISDICTIONS** IN STATE:	69 district courts and 4 juvenile courts in 14 counties

Massachusetts General Laws Chapter 211 D § 1 established the Committee for Public Counsel Services (CPCS) to provide indigent and juvenile representation throughout the Commonwealth of Massachusetts. CPCS maintains lists of private attorneys who are specially trained to provide "counsel" in abuse/neglect proceedings, known as "care and protection" proceedings. In Fiscal Year 1988, 1,104 care and protection petitions were filed in Massachusetts. Legal "counsel" for children is mandated by Chapter 119 § 29. In Massachusetts, "GAL" refers to an investigator appointed by the probate courts, not the child's legal counsel. All children before the court in abuse/neglect cases receive court-appointed counsel.

The judge presiding over the care and protection proceeding appoints counsel to the child at the first hearing held the same day as the filing of the petition. The court clerk then assigns a local private attorney from a list provided by CPCS. CPCS maintains different lists for each type of case, e.g., criminal, juvenile, mental health. Court-appointed attorneys must be on the CPCS list to receive payment, which also is administered by CPCS. Appointments for abuse/neglect cases continue until court intervention ends.

The duties of these court-appointed attorneys are outlined in written performance standards adopted by CPCS. The duties include advocating the child's desires, meeting with the child, requesting and reviewing all records, interviewing all relevant witnesses, informing and explaining the case's progress, and generally ensuring the child's right to due process in court. Because these attorneys represent the child's best interests, additional representation rarely occurs. Attorneys are not immune from liability and are expected to carry their own malpractice insurance.

Attorneys submit pay vouchers to CPCS and are compensated $35/hour throughout the State, with no ceiling. This rate is equivalent to other indigent defense work and respondents felt strongly that this rate should be increased. Although the hourly rate is the same as for criminal cases, juvenile counsel receive higher fees ***per case*** because these cases require much more time. Case-related expenses also are reimbursed.

CPCS requires 14 hours of training before private attorneys can be assigned in abuse/neglect cases. Attorneys receive training in court procedures, laws, issues in abuse/neglect. medical evidence and expert witnesses, and preparing children for court. CPCS also provides ongoing training. As of July 1990, attorneys will be required to complete two additional 2-hour courses annually to remain on the CPCS list for court-appointed work.

Each district court in Massachusetts has jurisdiction over a small area, so attorneys handle only 1 to 3 abuse/neglect cases at a time in each district. Attorneys on the CPCS list also may be available for court appointments in several districts, so caseloads vary depending on the overlap. The larger juvenile courts of Boston and Bristol have more attorneys available but

higher **caseloads.** Respondents did not report any problems recruiting or retaining court-appointed counsel.

CPCS is part of the State court system and receives State funds directly. It also receives private donations and grants, such as from the interest on Lawyers Trust Accounts. The administrative budget for CPCS' director and four support staff is $75,000 (not including fees paid to attorneys). CPCS also has 12 regional offices throughout the State. In 1988, CPCS contracted the Family Law Advocacy Project to develop regional training staff and resources and a review process to monitor private attorneys. It is hoped that this will remedy the reported inconsistent quality of representation in Massachusetts.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions in Fiscal Year 1988			
District Courts			
Brockton	64	Greenfield	22
Cambridge	19	Northampton	26
Dedham	7	Pittsfield	65
Edgartown	1	Salem	19
Juvenile Courts			
Boston	458	Bristol	153

MICHIGAN

REQUIREMENTS:	Legal counsel mandatory to represent the child's best interests
AUTHORITY:	MICH. COMPLETE LAWS ANN. § 722.630 (1986)
PROGRAM MODELS:	Private attorneys: all counties CASA alone: Genesee County Staff attorney: Public Defender in Wayne County
APPOINTMENT TIMES:	State requirement for appointment at filing of initial petition, ending when the court case is closed
TRAINING:	State requirement for CASA, duration set by counties. No requirement for attorneys.
COMPENSATION:	CASA: no compensation Public Defender: $150/hearing, $125/appearance, on contract Private attorneys: $40 to $60/hour, $100/appearance, or $10,000/year contract, depending on county
CHILDREN SERVED:	100 percent in sampled counties
IMMUNITY PROM **LIABILITY:**	Not resolved; no insurance requirement
SAMPLED **JURISDICTIONS:**	10 counties
TOTAL **JURISDICTIONS IN STATE:**	83 counties

Michigan law states that counsel must be given to children when there are any judicial proceedings necessary, and that the counsel should represent the child's best interests. Michigan has a fairly uniform system to uphold this law and is consistent throughout the counties sampled.

Every county sampled uses private attorneys to represent children. In Genesee County, CASAs are also used, but only in cases that need no testimony. In Wayne County, home to Detroit and the largest caseload in the State, the help of the Public Defender's Office is also used to meet the requirements of the law regarding representation for all children. Every county reported full representation of all children. County attorneys generally do not use the services of social work reports, nor do they receive administrative help from the county.

Appointment is made at the filing of the initial petition, in compliance with a State rule that requires GAL appointment within 24 hours of the case being petitioned. All appointments end when court intervention ends. The judge makes the decision to appoint, but all counties said that appointment is automatic when a case has been petitioned. The actual appointment of a specific person is a more complicated matter, as some representation is provided by firms that have contracts with the county, some are selected from the bar list for the county, and others are assigned a day and must take all petitions in that day. In other cases, the judge or his registrar makes an appointment.

Where there is CASA or Public Defender assistance, assignment to CASA is based solely upon whether testimony might be necessary. If assigned, and the circumstances change, an attorney is added to the case in order to comply with the law. The Public Defender covers all cases in the county. Private attorneys are on a contract with the county to provide overflow help and take cases whenever necessary. Only Wayne County uses attorneys and CASAs extensively in cases other than abuse and neglect, including criminal cases against the child and delinquency and custody cases. Other counties may do this in extreme cases.

The law states that if the GAL and child disagree as to what should be presented in court, the best interests of the child must be presented. In many States, it is left up to the attorneys to make a judgment. Often if the child is older the attorney makes both sides known to the court.

Attorneys are paid in several different ways. Four counties pay a straight hourly wage, ranging from $48 to $60/hour. None have maximum amounts allowable. Several counties have yearly contracts with attorneys. In Manistee County, six attorneys share the burden for the whole county and an annual salary of $15,000. This is considered low because the county has a high caseload: 16 petitions last year. Newaygo County has a contract with three attorneys who receive $10,000 each for all the cases in the county. Last year this was 21. Branch County's contract is with three attorneys, and they divide an annual salary of $5,000. Jackson County contracts with two attorneys for $15,000 each to provide representation to any children *and* their

parents. Wayne County pays private attorneys $150/hearing, and its contract with the Public Defender's Office pays $690,000/year for approximately 20 to 30 percent of its cases, which totalled approximately 3,000 last year. Macomb County pays $100 for each court appearance, with no maximum.

There are no State training requirements for attorneys. Training is required for CASAs, but each county determines its own minimum time requirement. Genesee County CASAs train for an unspecified number of hours, covering the basic topics that most CASA programs cover: children and abuse, the courtroom role of the CASA, and dealing with social services agencies. There currently is no training for attorneys, but Wayne County is developing a program. One county sampled tried to hold attorney seminars, no one showed up for the first seminar, and the idea subsequently was abandoned. No county sampled requires any prior experience for CASAs or attorneys.

The average caseload of a CASA is one; Public Defender, 20; and private attorney, 9, with a range of 1 to 35.

No respondents noted any problems recruiting or retaining people to do GAL work, but difficulties were encountered in establishing the CASA program. Most of the private attorneys are male and from small firms, and in all but Wayne County they are mostly white. The age of attorneys in the counties sampled varied.

The Genesee County CASA program is not independent of the court, and it has one staff person-the court caseworker-as its administrator. The program receives all of its funds directly from the courthouse budget. Monitoring is performed by means of a report that is submitted after each case is completed. Attorneys are not monitored. No county indicated any immunity from liability. No one stated that they provided any insurance, although most attorneys carry their own liability insurance.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions			
Benzie	10	Macomb	350
Branch	10	Manistee	16
Genesee	24	Mecosta	50
Ionia	14	Newaygo	21
Jackson	70	Wayne	2,744

MINNESOTA

REQUIREMENTS:	GAL required when child needs protection or services, or if the parent or guardian is hostile to the child's interest or is indifferent to the child
AUTHORITY:	MINN. STAT. ANN. § 260.155(4)(a) (1989)
PROGRAM MODELS:	Private attorney: Crow Wing, Kittson, Murray, and Olmsted CASAs: Brown, Hennepin, Morrison, Olmsted, Ramsey, and Redwood Paid Volunteers: Marshall, Nobles, Roseau Social Worker: Jackson County
APPOINTMENT TIMES:	Set locally; generally from filing of initial petition to end of court intervention
TRAINING:	Set locally; CASA, 0 to 60 hours; social workers must have college degree
COMPENSATION:	Set locally; CASA either not paid or paid $10/hour Social workers: $15/hour + mileage GAL: $13.50 to $25/hour Attorneys: $40 to $45/hour
CHILDREN SERVED:	80 to 100 percent in sampled counties
IMMUNITY FROM LIABILITY:	Absolute civil immunity according to case law. Unclear to local jurisdictions.
SAMPLED JURISDICTIONS:	13 counties
TOTAL JURISDICTIONS IN STATE:	87 counties

Minnesota uses several forms of representation to comply with the State law that requires a GAL when a child is in need of protection or services or when the parent or guardian is hostile to the child's interest or indifferent to the child. Four counties-Crow Wing, Kittson, Murray, and Olmstead—use a standard private attorney model. Six counties use CASAs, but volunteers in Brown and Morrison are paid. Hennepin, Olmsted, Ramsey, and Redwood Counties use unpaid volunteers. Marshall, Nobles, and Roseau Counties use paid volunteers who have child welfare training and experience, while Jackson County uses a social worker.

All areas except Hennepin County have 100 percent representation of all abused and neglected children. Hennepin Couny, which includes Minneapolis, had 1,200 petitions last year. Only the most serious 80 percent of cases were represented due to the county's limited number of volunteers and staff available to train them.

Appointment is not required in any areas of the State, but it is standard practice in many counties. The appointment of a specific person may be made by the judge, his clerk or secretary, or the CASA program director. In many counties, there is only one person assigned to take abuse and neglect cases. In Olmsted County, which has dual CASA/private attorney representation, the basis for assignment is age. Children over 12 are assigned an attorney who presents their wishes in court. Children under 12 are assigned a CASA who presents the best interests of the child in court.

Appointment begins at the filing of the initial petition and ends when the court intervention ends, except in the case of social workers, who remain assigned until the case is closed by the social service agency. Attorneys also are assigned to several other juvenile cases including those involving custody, delinquency, criminal abuse, voluntary foster care, and termination of parental rights. CASAs also work on other cases involving children, except criminal cases. The social worker of Jackson County handles only civil abuse and neglect cases. The counties with paid volunteers use them primarily for abuse and neglect cases also have assigned them to custody or delinquency cases at the determination of the judge.

In Olmsted County, the CASA and attorney share responsibility. When there is a disagreement between the child and GAL, generally there is a determination made by the GAL as to whether the child is mature enough to make a decision. If it is felt that the child is mature enough to make a decision, the GAL will present both sides. In the case of a very young child, the GAL states only the perceived best interests of the child. In other counties, duties of all GALs are the same.

Payment of GALs is different in every county. Attorneys receive $40 to $45/hour, or $28,000/year on contract. Both CASA counties that pay have rates of $10/hour. The social worker receives $15/hour. The paid volunteers receive either $13.50 or $25/hour. Four CASA counties do not pay their volunteers but may reimburse for mileage and phone bills. The

attorneys feel that this is roughly equal to other indigent work, and the social worker agrees that the pay is within the market for similar work

There is no training requirement for attorneys or paid volunteers, nor is there a set training schedule for the social workers. In two counties, the paid volunteers are required to have a master's degree in social work In the other county, the judge chose the single volunteer to provide all the representation in his county because this volunteer had a background in child welfare and had many children himself.

CASAs train from 0 to 60 hours, depending on the county. Redwood County has no training. Morrison requires an unspecific number of hours with some followup training. Olmsted requires 28 hours plus monthly seminars. Training there covers all basic duties and issues plus cultural awareness. Hennepin and Ramsey Counties require 40 hours of initial training and ongoing seminars covering issues such as crack and boarder babies. Brown County requires 60 hours, including 40 hours at the State level and 20 at the local level. There are no requirements regarding previous experience for attorneys or CASAs.

The average attorney caseload in Crow Wing County is 40, which is abnormally high for the State. The only attorney GAL in this county handled 100 cases last year. The other private attorneys had caseloads of one, three, and five. CASAs averaged two or three cases, with the exception of the busy Hennepin County CASAs, who average seven. Hennepin County has 150 CASA volunteers who covered 1,200 cases last year. The social worker averaged a caseload of three cases, and the GALs averaged seven cases each. The average private attorney willing to work on these cases is an older, white male from a small or solo firm. The only county to complain of high turnover was Hennepin, with the largest CASA caseload. The respondent there noted a short average stay, probably due to the county's high caseload.

The only program independent from the court is in Hennepin County. This program, which is part of the Bureau of Community Corrections, has a director, three staff members, and an annual budget of $250,000 from the county. In Morrison County, the program is run by the court administrator as part of his overall duties. The Brown County program has an annual budget of $5,000 and receives funds directly from the county budget. The Olmsted program has a director and one staff person supported by a $7,000 budget which covers one-third of the salaries and training. Ramsey County is part of the County Board's jurisdiction in the courthouse and has a program director, five staff members, and an annual budget of $280,000. The program needs more volunteers, but the director is unwilling to add more until the program has more staff to ensure proper monitoring of the volunteers.

There is immunity from liability for CASA volunteers established by county judges in Hennein, Marshall, and Morrison Counties. Ramsey County respondents claimed total immunity for GALs statewide from a State Supreme Court decision. However, no one else mentioned this

de&ion. Case law **does exist** granting absolute civil immunity to GALs in paternity and abuse cases.

CASAs **are monitored** closely by each jurisdiction's -program director. The social workers and **paid volunteers are** monitored as county employees. There is no formal monitoring of attorneys.

SAMPLED JURISDICI'IONS AND CASELOAD

Number of Gases *in* 1989			
Brown	30	Murray	8
Crow Wing	100	Nobles	15
Hennepin	1,200	Olmsted	100
Jackson	5	Ramsey	348
Kittson	2	Redwood	3
Marshall	40	Roseau	20
Morrison	6		

MISSISSIPPI

REQUIREMENTS:	Requires a GAL to protect the child's interest in abuse or neglect cases
AUTHORITY:	MISS. CODE ANN. § 43-21-121(1)(e), (2) (1981)
PROGRAM MODELS:	Private attorney: nine counties Social Worker: Calhoun, Harrison, Jones, and Rankin Staff Attorney: Jones and Rankin
APPOINTMENT TIMES:	Set locally; generally from initial petition to end of court intervention
TRAINING	Set locally; none are trained
COMPENSATION:	Set locally; private attorneys receive $40 to $50/hour or $300/case, depending on county. Staff attorneys' salaries start at $28,000/year. Social workers' salaries range from $15,000 to $20,000/year.
CHILDREN SERVED:	50 to 100 percent in sampled counties
IMMUNITY PROM LIABILITY:	Set locally; issue unresolved or no immunity in counties; no insurance
SAMPLED JURISDICTIONS:	11 counties
TOTAL JURISDICTIONS IN STATE:	82 counties

Mississippi's Code requires a GAL to be appointed to represent the child's interests in all abuse or neglect cases. This mandate is fulfilled sporadically throughout the State by attorneys and social workers. Social workers are used to represent children in four counties: Calhoun, Harrison, Jones, and Rankin. In Jones and Rankin Counties, staff attorneys are used to supplement the social workers. Nine other counties sampled use private attorneys. Many counties often use the services or reports of social workers.

In four counties GALs are not appointed in every case. Wayne County sends 25 percent of its cases straight to the child welfare agency without an appointment. Respondents stated that these cases are clear cut and do not need appointment. In Clarke and Rankin Counties. 50 percent of cases are not assigned a GAL Again, respondents stated that these cases are clear cut and go straight to removal from the home and into the child welfare department. Calhoun County does not assign a GAL if the perpetrator is not someone in the home and if there is no chance of removal from the home. About 30 percent of its cases fall into this category.

The judge decides what is a "clear cut case" and generally is the one to appoint a specific person to the position. In many counties the judge appoints attorneys from a rotating list. Several counties use more than one model at a time for representation, both to keep caseloads low and for economic reasons. Rankin County relies heavily upon the Public Defender but also uses private attorneys and social workers for overflow cases. In Jones County, a social worker is used if the case will 'not go to court. If, when in court, it is decided to remove the child from the home, the case is reassigned to a social worker. In Calhoun County, social workers are assigned to the simpler cases, while the attorney is assigned to the ones requiring more intensive legal work.

There is no consistent time for appointment start or end. The time of initial appointment varies from the emergency removal hearing to the filing of the initial petition to any other time the judge decides to appoint someone. The appointment ends either when court intervention ends or when an agency closes the case. Attorneys are widely used in delinquency cases, but GALs generally are used only in abuse and neglect cases. The duties of all persons performing GAL work are the same except in the cases noted above. When the child and GAL disagree, all GALs present both sides to the court, except when the child is very young.

Compensation for attorneys varies as much and is as different among counties as the times of appointment start and end. Hourly rates range from $40 to $50; some counties have a maximum of $200. Payment per case ranges from $75 in De Soto, where many attorneys do not bill, to $500 in Jasper. The judge often can raise the limits depending on the case and time involved. In Smith County, the attorney submits a bill and the judge decides how much of it to pay. Many of these amounts are lower than other indigent work. In Clarke County, payment of attorneys for GAL work began only six months ago, and the judge feels that it is much easier now to obtain attorneys for the cases. The social workers are paid from $15,000 to $20,000.

The staff attorneys of the Public Defender's Office earns $28,000 to $40,000 per year. Attorneys and social workers are not required to have any training specific to GAL work.

The average caseload of the private attorney is 2.3, with a range of 1 to 10. For the social worker, the range is 2 to 50. Three counties averaged 2 cases, and in Harrison County 1 social worker handled 56 petitions last year. The Public Defenders average 10 to 20 cases.

There are no problems recruiting or retaining attorneys to perform GAL work. Now that all counties pay GALs, attorneys are more willing to take cases than they have been in the past. Most of the attorneys are white men of varying ages from small or solo firms.

None of the GAL programs are independent from the court, and there is no formal monitoring of their work Social workers and the staff of the Public Defender all have supervisors who oversee their work There is no immunity from liability offered to GALs in any county. De Soto County respondents mentioned that they were discussing plans for a CASA program.

SAMPLED JURISDICI'IONS AND CASELOAD

Number of *Cases* in *1989*			
Calhoun	25	Jones	30
Clarke	5	Pontotoc	25
De Soto	70	Rankin	30
Harrison	156	Smith	9
Hinds	330	Wayne	5
Jasper	10		

MISSOURI

REQUIREMENTS:	GAL required in every case of abuse or neglect
AUTHORITY:	MO. REV. STAT. § 210.160(1) (1986)
PROGRAM MODELS:	Private attorneys: all counties except one CASA: Jackson and Platte Counties Staff attorneys: Jackson County
APPOINTMENT TIMES:	Set by State; at filing of initial petition, excused when court intervention ends. In practice, this varies widely.
TWINING:	Required by § 210.160(1), (1986), program in permanency planning. Eight counties have no attorney training; Cass and St. Louis do. CASAs train 16 hours.
COMPENSATION:	Locally set; ranges from $25 to $75/hour, $5,000/year, and $100/case. Legal Aid attorneys receive up to $30,000/year.
CHILDREN SERVED:	100 percent in sampled counties
IMMUNITY FROM LIABILITY:	Partial/good faith, by statute
SAMPLED JURISDICTIONS:	10 counties
TOTAL JURISDICTIONS IN STATE	114 counties

Missouri Statutes require that every child receive representation in abuse and neglect cases. Private attorneys serve the children in most counties, assisted by CASAs in Platte County. Jackson is the only county without private attorneys. It uses Legal Aid attorneys with CASA assistance or, occasionally, CASA or attorney alone. Respondents in most areas indicated that social workers reports were available, but few reported actually using them extensively.

All counties reported 100 percent representation of all children. Judges appoint a guardian, except in Platte, where a Juvenile Court Officer makes that decision. The judge, his clerk, or the CASA director actually appoints a specific person. In both counties that use CASAs, Jackson, and Platte, respondents felt that CASAs had the time available to play a larger role in leadership and organization than any other parties involved. CASAs are assigned to all cases in Platte but only to the most severe abuse cases in Jackson.

According to the State, appointment of the guardian must take place at the filing of the initial petition and end when court intervention ends. However, this varies widely. CASA appointment actually begins either at initial petition or sometime before a removal hearing. Private attorney appointment takes place from the initial petition to the end of disposition and other times in between. There is also wide variation in end of appointment. CASAs are excused either when the case is closed by an agency or when permanent placement takes place. Attorneys can be excused at the end of court intervention, when an agency closes the case, or when permanent placement takes place. Other areas where guardians are used include custody disputes, statutory cases against the child, delinquency cases, and criminal abuse cases. Only CASAs are confined to civil abuse and neglect cases, mostly because of the small numbers of CASAs. In Jackson County, CASAs cannot independently represent children in the courtroom. although they may conduct all other preparation and followup.

In both Jackson and Platte Counties, when there is a disagreement between child and guardian, CASAs make both presentations to the court. The Legal Aid attorneys also make both presentations. Approximately half of the private attorneys present both the best interests and the wishes of the child; the others present the best interests of the child.

Legal Aid attorneys are paid up to $30,000/year. Private attorneys receive hourly salaries ranging from $25 in Platte County to $75 in St. Louis County. Cass County pays an annual salary of $3,500 to $5,000; Andrew County pays $450/case; and Texas County pays $100/case. There is no maximum number of hours or cases per year. Payment for expert witnesses is rare and tends to take place only in the larger counties.

The $25 hourly rate in Platte County is significantly lower than hourly rates in the other counties sampled. However, in this county, this compensation is fairly equal to compensation for all other indigent work. Respondents in other counties with higher pay felt that their own pay was low. The $60 hourly rate in Jefferson County and the $50 hourly rate in Holt County both

were low. Respondents may have been comparing their rates with the $75 one in St. Louis County.

Eight counties have no attorney training. State Statute § 210.160 requires training in permancy planning. Two counties, Cass and St. Louis, have attorney training programs. Jackson County requires one-on-one training for their Legal Aid attorneys. Both CASA programs have training requirements: Jackson requires 50 hours, covering a wide variety of issues and topics from drug abuse to dealing with children along with the standard CASA training; Platte requires 16 hours, covering all basic family dynamic and child abuse issues and courtroom work Cass County's attorney training covers juvenile court issues and is presented by the Cass County Bar Association. No jurisdiction requires previous experience.

The average caseload varies greatly throughout the State depending on the particular role and position. Legal Aid attorneys have the highest caseloads, averaging approximately 40. Private attorneys' caseloads range from 1 to 15, with an average of 4.6. CASAs carry one or two cases. No one noted any specific problems retaining or recruiting either attorneys or CASAs. One CASA program respondent expressed frustration that the program's CASAs did not reflect the same demographics as the population served.

The average attorney performing GAL work is a young or middle-aged white man, from a small office. Only in St. Louis County is there variation in gender or size of firm.

The CASA programs in Jackson and Platte Counties both are independent from the court, but the similarities end there. The Jackson program has a staff of four and a $150,000 annual budget. The county has over ten times more petitions than Platte County and carries its own liability insurance, unlike Platte County. The Platte program is small, with one staff member and an annual budget of $14,000.

Missouri Statute provides partial/good faith immunity from liability. Respondents in over two-thirds of the counties sampled were unaware of this, but respondents in both CASA programs knew of it.

There is no formal monitoring of any private attorney action or performance, but CASAs and Legal Aid attorneys are evaluated and monitored by their directors or supervisors.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Cases in 1989			
Andrew	20	Jackson	300
Cass	251	Jefferson	150
Crawford	5	Platte	23
Dent	6	St. Louis	702
Holt	50	Texas	50

MONTANA

REQUIREMENTS:	Mandated appointment of GAL in every abuse and neglect case
AUTHORITY:	MONT. CODE ANN. § 41-3-303 (1985)
PROGRAM MODELS:	Private attorneys: 14 of 17 counties sampled Staff attorneys: 3 of the 17 counties sampled Family Services: provides GAL representation on 50 percent of Chouteau County petitions CASA: Blaine County only
APPOINTMENT TIMES:	Set locally; emergency removal hearing, filing of petition, and/or first hearing and continues until court intervention ends.
TRAINING:	Locally set; no existing requirements for attorneys
COMPENSATION:	Private attorneys: $30 to $60/hour in court, $30 to $50/hour out of court
CHILDREN 'SERVED:	100 percent represented by court-appointed GAL
IMMUNITY FROM LIABILITY:	None
SAMPLED JURISDICTIONS:	17 counties
TOTAL JURISDICTIONS IN STATE:	57 counties

Montana law requires GAL appointment but does not require the GAL to be an attorney. All counties, except Chouteau, either provide private attorneys or include abuse and neglect petitions in the caseload of the local Public Defender. In Chouteau, 50 percent of the petitions filed are appointed to Family Services for representation. Flathead and Lincoln Counties provide administrative support to GALs. Lincoln recently began contracting all abuse cases to the Public Defender and providing an investigator and a secretary rather than contracting the cases to a private attorney. Fergus and Flathead County GALs receive social work support. Blaine County is the only one with a CASA program. This program follows the attorney/volunteer team model.

Only Fergus and Flathead Counties did not provide 100 percent representation. Their cases not provided with GAL representation were those in which a third party, usually the parents, retained private counsel for the children. In all other counties, 100 percent of abuse and neglect cases receive GAL appointments.

The only two counties in which the judge does not appoint GALs are Carbon and Sanders. In these counties, the county attorney is responsible for GAL appointments. In 13 counties, the judge or the court clerk actually makes the appointment; in Yellowstone and Carbon, the county attorney does. In Sanders County, all cases are automatically assigned to the Public Defender. Ten counties have only one attorney who receives all the appointments. Big Horn, Cascade, Fergus, Powder River, Ravalli, and Rosebud used both private attorneys and the Public Defender's Office. Chouteau directs their more serious abuse cases toward Family Services. The appointment may begin at the filing of the initial petition, the emergency removal hearing, or the first hearing. All appointments last until court intervention ends or until the case is closed by the Department of Human Services.

Each county has one or two other types of cases to which a GAL may be assigned. The most common type of case is delinquency. Others include cases involving custody, probate, conservatorships, divorce, kids as witnesses, incapacitated persons and, in Big Horn County, criminal abuse and other criminal cases involving children. Big Horn and Lincoln may use lay volunteers or family members in these cases to act as GAL. Carbon, Dawson, and Lincoln use attorneys other than those used in abuse and neglect cases.

Respondents in six counties sampled stated that they would provide representation in addition to the GAL, although in four—Chouteau, Flathead, Ravalli, and Rosebud--this has never happened. When additional representation might be provided was either unclear (Chouteau and Flathead) or left to judicial discretion (Ravalli and Rosebud), such as when the child and GAL disagree. Ravalli also listed concurrent criminal proceedings as a time when other counsel may be appointed. Other representation has been provided in Fergus and Judith Basin Counties at judicial discretion.

Blaine County is only one that has any written descriptions of the role of the GAL, In this county, the attorney is responsible for legal representation; the volunteers cover all other aspects of a particular case, including investigating, monitoring, conducting followup, meeting the needs of the child, etc.

Some respondents felt that the State mandated that the GAL represent the best interests of the child when disagreements arose. This is, in fact, left to local interpretation and depends upon the attorney. Most respondents said that they would make both presentations, particularly if the child were over the age of 15.

Compensation rates are set locally, either by the judges or the county commissioners, and vary widely among counties. Hourly rates for private attorneys are between $30 and $60 for time spent in court and $30 and $50 for time spent out of court. In five counties, annual salaries range between $15,000 and $33,000 (Flathead and Yellowstone: contract GALs; Ravalli, Lincoln, and Sanders: Public Defenders). In 13 counties, GALs are paid rates comparable to those paid for other indigent defense work Flathead County pays the GAL less because this attorney has fewer cases than the Public Defender. Blaine, Lincoln, Ravalli, Sanders, and Yellowstone Counties do not reimburse attorneys for costs.

Respondents in several counties felt that training was important and that the lack of training was a problem. Only Blaine County has training requirements for volunteers. The volunteers receive 18 hours of training on all topics suggested by the National CASA Association. Ongoing training includes 10 to 16 hours of training annually. Blaine County has the only CASA program of all the counties sampled. It is not an independent entity but organized under the District Court. Public funds are appropriated specifically for this program. The current annual budget is $2,000. The Rosebud County's Public Defender's Office, which provides all GAL representation, is independent of the court. There are no requirements for experience prior to GAL appointment in any county sampled. However, the judge in Flathead County looks for attorneys with some experience.

Caseloads for attorneys in the smaller counties range from 1 to 10 cases; the average is approximately 4. In the larger counties, the average is 24.5 cases. In Yellowstone County, the GAL carries a caseload of 50 abuse and neglect petitions at any given time. The respondent from Stillwater County noted that there was a high rate of abuse, particularly sexual abuse, yet only a few cases were ever petitioned (about 7 percent in 1989).

Respondents in Big Horn and Ravalli Counties reported problems with retaining GALs due to the small number of attorneys available. In addition, most attorneys available in Ravalli County preferred not to take these cases. There were no other problems reported.

Seven counties use mostly younger attorneys; six counties use mostly older ones. Five counties used equal numbers of men and women; 10 used men. In 14 of the counties, most attorneys are white. Only one county has attorneys who are affiliated with a large law firm, and only one county's GAL practiced primarily juvenile family law.

All counties sampled reported that there is no immunity from liability offered on a State or local level. Blaine County volunteers are indemnified by the county. Chouteau County Family Services workers are covered as State employees. Otherwise, all GALs must provide their own malpractice insurance. Attorneys are not monitored or evaluated except informally by the judges.

Respondents cited as a problem the judicial control over most Public Defenders' Offices. Respondents believed that the attorneys could provide more effective representation if the program were independent. Respondents also stated that youth cases do not get high priority and sometimes are overlooked when resources are scarce.

SAMPLED **JURISDICTIONS** AND CASELOADS

Number of Petitions Filed in 1989			
Big Horn	10	Lincoln	21
Blaine	20	Powder River	4
Carbon	10	Prairie	0
Cascade	so	Ravalli	20
Chouteau	4	Rosebud	8
Dawson	6	Sanders	14
Fergus	96	Stillwater	3
Flathead	32	Yellowstone	240
Judith Basin	23		

NEBRASKA

REQUIREMENTS:	A GAL shall be appointed at the commencement of cases filed under neglect and abuse; except in cases where there are particular reasons to appoint a layperson, the court shall appoint an attorney as the GAL
AUTHORITY:	NEB. REV. STAT. § 43-272(1), (2)-(3) (1984) NEB. REV. STAT. § 43-272.01(1), (2) (Supp. 1986)
PROGRAM MODELS:	Private attorneys are used in all jurisdictions. The Public Defender's Office is used only in Douglas County.
APPOINTMENT TIMES:	The GAL must be appointed at "the commencement of the proceedings." Fifty percent of the counties sampled appointed GALs at the filing of the initial petition; 50 percent varied but made the appointment before the adjudicatory hearing. In all counties, appointments last until court intervention ends.
TRAINING:	Set locally
COMPENSATION:	Set locally by the court, approved and paid by county; $40 to $50/hour in and out of court or by contract
CHILDREN SERVED:	100 percent of abused and neglected children in counties sampled
IMMUNITY FROM LIABILITY:	None
SAMPLED JURISDICTIONS:	18 counties
TOTAL JURISDICTIONS IN STATE:	93 counties

In Nebraska the State law requiring the appointment of a GAL also requires. except in very specific cases, that the GAL be an attorney. Every county sampled except Douglas County uses private attorneys as GALS. In Douglas County, the Public Defender's Office has two staff attorneys who receive 95 percent of the GAL appointments. The remaining 5 percent are assigned to private attorneys.

Respondents in only five counties-Dakota, Dixon, Lancaster, Seward, and Thurston-specified that GAL attorneys receive social work support. In two counties-Dakota and Thurston—GALs receive administrative support, but the actual type of support was unspecified.

The decision to appoint a GAL is mandated by State law. In all but four counties the judge makes the actual appointment. In Douglas, Keith, Perkins, and Lancaster this duty is delegated to the court clerk or bailiff. In Douglas County, the only county with more than one model, cases are spread evenly among available GALs.

The appointment usually is made at the filing of the initial petition and always prior to the adjudicatory hearing. All appointments last until court intervention ends. Although the statute specifies only that the appointment of a GAL shall be at the "commencement of the case," two counties reported that there were specific State requirements regarding this.

Four counties-Cheyenne, Douglas, Deuel, and Keith-appoint counsel in most cases involving children. Often the counsel appointed are the same attorneys who serve as GALs. Nine counties do not provide representation other than the GAL in civil abuse and neglect proceedings. Although in Knox and Perkins Counties the possibility of appointing other representation is not discounted, it has never happened. In Boyd, Cheyenne, Deuel, Holt, and Keith Counties counsel can be and is appointed alongside the GAL. This may occur when the child and the GAL disagree, when requested by any party in the proceeding, or if the judge deems it necessary.

The responsibilities of attorneys acting as GAL are outlined clearly in the Revised Statutes of Nebraska § 43-272.01(1)(2) (Supp. 1986). These responsibilities include visiting the child, investigating the case, consulting with other parties, and making recommendations about the case. Most respondents stated that, in cases of disagreement between the child and the GAL, the GAL would represent the best interests of the child. In Adams, Douglas, and York Counties, attorneys would make both presentations. In Dakota, Dixon, Seward, and Thurston Counties, it had never been raised as an issue, and the respondent was unclear as to what would be expected. In all counties except Seward and York the GAL is involved in the process of coordination among interested parties. However, only in Boyd, Cheyenne, Deuel, Holt, and Knox Counties do GALs take a lead role.

GALs are paid in accordance with § 43-273. Compensation, while set through local administrative policy or local court rule, is very similar among counties. Most attorneys are paid $50/hour for both in- and out-of-court time. In Holt and Lancaster Counties, attorneys are paid $45/hour. In Knox County, they receive $40/hour. Cheyenne, Deuel, Keith, and Perkins Counties have established a case-by-case system that combines charges for in-court time, out-of-court time, travel, and interviews with children into one statement submitted to the county for payment. The breakdown of the rates for time is kept confidential by the judges. In all counties, the pay is equivalent to that received by other indigent defense attorneys.

There are no training requirements for GALs. The Nebraska Continuing Legal Corporation (the legal arm of the State Bar Association) and the National Council of Juvenile Family Court Judges helped create a 2day seminar conducted in 1988 for attorneys and judges working in the field of abuse and neglect. The seminar was attended by over 300 people. It is now offered annually in association with the Bar Association. It is partially subsidized by the National Council of Juvenile Family Court Judges.

The GALs in all counties except Douglas have relatively small caseloads, averaging one or two cases. Dakota County has the highest average caseload per attorney, six cases at any given time. This may be due to the availability of attorneys there taking abuse and neglect cases. In Douglas County, where there are two primary GAL attorneys, the average caseload is 35 cases. No county reported problems recruiting or retaining GAL attorneys.

The characteristics of attorney GALs are similar across county lines. Most attorney GALs are white males from a solo practice or a small firm practicing primarily in other areas of the law. Lancaster is the only county with a somewhat diverse range of characteristics of attorney GALs.

The primary responsibility of providing adequate representation for children in court in Nebraska remains with the judiciary. Judges are responsible for appointments, compensation, and any monitoring or evaluation that may occur. Except in Douglas County, where the lead Public Defender will review the staffs work, all monitoring of GAL performance is informal.

Respondents in a few counties were unclear on the issue of immunity; two respondents thought their counties provided statutory immunity. Currently there is no immunity from liability when in the position of GAL,, and there also is no insurance provided to cover GALs in this regard. However, GALs are considered employees for State tort claims.

Respondents cited the huge distances between towns, foster homes, and medical and psychological services as the largest barrier to adequate representation.

SAMPLED JURISDICTIONS AND CASELOADS

Number of *Petitions* in *1989*					
Adams	5	Dixon	9	Knox	3
Arthur	0	Douglas	400	Lancaster	500
Boyd	5	Garden	0	Perkins	1
Cheyenne	1	Grant	0	Seward	3
Dakota	50	Holt	15	Thurston	0
Deuel	0	Keith	7	York	10

NEVADA

REQUIREMENTS:	GAL appointment mandatory in abuse and neglect cases
AUTHORITY:	NEV. REV. STAT. § 432B.500 (1985) NEV. REV. STAT. § 432B.420 (1985)
PROGRAM MODELS:	Private attorneys: Churchill, Elko, Lincoln, and Pershing Staff attorneys: Churchill and Elko Social workers: Esmeralda, Mineral, and Nye Layperson volunteer: Lincoln CASA: Carson, Clark, and Washoe
APPOINTMENT TIMES:	Set locally; appointment may begin at any time in the proceedings and lasts until court intervention ends
TRAINING:	Set locally; CASA program: 9 to 40 hours in sampled counties
COMPENSATION:	State set for indigent public defense work: $60/hour in court; $40/hour out of court. GAL compensation: local judicial discretion.
CHILDREN SERVED:	0 to 100 percent
IMMUNITY FROM LIABILITY:	Not resolved
SAMPLED JURISDICTIONS:	11 counties
TOTAL JURISDICTIONS IN STATE:	16 counties 1 independent city

A GAL must be appointed in every petition alleging abuse and/or neglect. A GAL does not necessarily provide legal representation. The GAL may be a social worker, a juvenile probation officer, an officer of the court, or a volunteer. The judge or the juvenile court master may appoint an attorney to serve both as GAL and as counsel.

There are three primary models used in the sampled counties. Elko, Churchill,. Lincoln. and Pershing Counties use private attorneys and/or Public Defenders. Carson, Clark, and Washoe Counties use only CASA volunteers. Esmeralda, Mineral, and Nye Counties always appoint the social worker who petitioned the case as the GAL Lincoln County uses private attorneys for half of its cases and volunteer laypersons, who may be anyone concerned with the case, for the other half. Lincoln provides administrative support to the GALs. All CASAs work unassisted. In Esmeralda, Mineral, and Nye, any legal representation is provided through the district attorney.

Clark and Washoe counties do not provide GAL representation in % percent of the cases petitioned. In Lincoln County 50 percent of the children involved in abuse and neglect petitions do not receive any legal representation. The deciding factor is the judge's decision that cases are simple enough for the social worker to look out for best interests of the child. Esmeralda, Mineral, and Nye Counties, where the social worker serves as GAL, do not provide independent legal representation in any of the abuse and neglect cases. The judge or juvenile court master is responsible for all aspects of the appointments where they are made, except in Carson, Clark, and Washoe Counties, where the actual appointment is left to the CASA program director.

Appointment times are set locally. Appointment generally occurs close the first hearing; however, appointment is highly variable, and in Lincoln and Washoe Counties, it may occur at any time in the proceedings. All appointments last until court intervention ends.

Other types of cases that may be appointed a GAL include domestic violence cases and cases involving custody, delinquency, criminal charges involving children, and truancy. Most counties use the same pool of GALs for representation in these cases. Pershing County is the only one in which GALs are not appointed except in abuse and neglect petitions. This county is starting a CASA program, and currently all children are appointed an attorney. Clark, Esmeralda, Mineral, and Nye courts occasionally have appointed attorneys as other representation alongside the GAL Elsewhere this possibility is left to judicial discretion and rarely, if ever, happens.

The CASA programs follow the national CASA guidelines. CASA volunteers are responsible for all aspects of representation except legal counsel. There are no guidelines for attorneys or other persons acting as a GAL There also is no clear policy on whether the GAL is to present the best interests or the child's wishes. Carson, Churchill, Clark, and Elko County

GALs present both beat interests and the child's wishes. GALs in other counties generally represent the perceived best interests of the child.

GALs in all counties except Elko are involved in coordinating activities with other parties. In all counties except Pershing, one guardian will represent all the children involved in a particular case. In Pershing County, each child receives his or her own advocate.

Indigent defense work is compensated rates set by the State: $60/hour in court and $40/hour out of court. However, compensation for attorney GALs is not mandated unless they are appointed as counsel. Churchill and Elko counties have set ceilings of $2,500 and $1,000/case, respectively. The State does cover expenses, per diem, mileage, phone, and up to $300 for expert witnesses.

Training requirements exist only for CASA volunteers and cover a range of child advocacy topics. Hours of training required range from 9 in Clark County to 40 in Washoe. All training is provided by the local CASA programs. Ongoing training requirements vary: Clark County requires three sessions annually; Washoe requires 12 hours annually; and Carson County requires training whenever it is scheduled. The Lincoln County respondent felt that the laypersons used as GALs tended to "have experience with the system." There are no requirements on prior experience, however, before taking a GAL appointment.

All of the CASA programs are suffering from a lack of a sufficient number of volunteers; Mineral County lacks attorneys. Elko County has no problems retaining or recruiting GALs because few are ever appointed. The average caseload is between one and four cases for both attorneys and volunteers. Churchill has the only significantly high average caseload. The two staff attorneys, who take all the public defense cases, carry an average of 40 abuse and neglect cases at any given time. Attorneys are mostly white males in small firms or solo practices, primarily practicing in other areas of law.

Clark and Washoe County CASA programs are not considered independent of the juvenile court system. Carson County CASA is sponsored by the Seroptimists International. This program receives county funds as well as private grants. The current annual budget is $3,000. CASA volunteers in Carson are covered by city insurance. The Washoe CASA program has a staff of four persons who provide evaluations and monitor the volunteers. The annual program budget, comprising private and county funds, is $96,000. The Clark County CASA program has a staff of three persons and an annual budget of $120,060 from county funds. Clark volunteers are insured. Washoe County provides total immunity by statute. Pershing County respondents reported good faith immunity by statute. All others sampled were unclear on the issue or certain that no immunity existed.

Except for the CASA programs, there is no insurance provided to the GALs. There are no formal requirements or methods of monitoring or evaluating those representing abused and neglected children.

SAMPLED **JURISDICTIONS** AND CASELOADS

Number of Petitions Filed in 1989			
Carson	25	Mineral	13
Churchill	72	Nye	23
Clark	628	Pershing	?
Elko	25	Storey	1
Esmeralda	23	Washoe	976
Lincoln	2		

NEW HAMPSHIRE

REQUIREMENTS:	Attorney for child mandated in all abuse/neglect proceedings
AUTHORITY:	N.H. REV. STAT. ANN. §169-C:10
PROGRAM MODELS:	Private attorneys in all jurisdictions
APPOINTMENT TIMES:	Appointed by judge at Sling/first hearing or before adjudicatory hearing. Appointment continues until court intervention ends.
TRAINING:	None
COMPENSATION:	$30/in-court hour; $20/out-of-court hour
CHILDREN SERVED:	100 percent of all abused/neglected children eventually receive an attorney (see text for reasons why delay occurs)
IMMUNITY PROM LIABILITY:	None
SAMPLED JURISDICTIONS:	12 district courts in 9 counties
TOTAL JURISDICTIONS IN STATE:	41 district courts in 10 counties

The 41 District Courts of New Hampshire appoint attorneys to represent children in abuse and neglect cases as mandated by New Hampshire Revised Statutes Annotated §169-C:10. CASAs or nonattomeys can also be GALs and can be appointed in addition to an attorney any time during the proceedings according to § 464-A:41. Private attorneys only are used as primary representation throughout the State on a case-by-case basis, with some attorneys contracted by the State. One hundred percent of all abused and neglected children receive a court-appointed attorney, but in some districts, an attorney may not be assigned for 30 days and children may be basically unrepresented during that time. Manchester District Court has a pilot CASA program where CASAs are appointed by the court to conduct special investigations or reports for the court and do not act as GALs. Currently, there are no State laws or regulations governing CASAs.

Private attorneys do not receive administrative or social work support. There is no formal program, so attorneys do not receive any required training, supervision, or guidance. Attorneys are not immune from liability regarding abuse and neglect representation.

Judges appoint attorneys for children at various times throughout the State. In most districts, an attorney is appointed at the filing of the petition or at the preliminary hearing; in two districts, attorneys are appointed within 30 days of filing. Respondents in several districts, however, explained that it is very difficult to locate attorneys willing to accept the appointment. and children may not be represented in the early stages of a case. Judges may order at the beginning of a case that an appointment be made, but it is left to the court clerks to find a willing attorney as quickly as possible. Many clerks said that this is very difficult because of the low fees paid for court appointments, the small number of attorneys available, and the lack of interest in juvenile work among most attorneys. After clerks find a willing attorney, the assignment continues until court intervention ends. Abuse and neglect cases that continue into termination of parental rights or adoption move into probate court, where a new attorney is assigned.

The duties of court-appointed attorneys in abuse and neglect cases are not clearly defined by statute. In eight districts, when a child and appointed attorney disagree, the child's desires are represented; in two districts, "best interests" are represented; in the remaining two, both views are presented. The State statute allows for a GAL to be appointed in addition to an attorney, but this occurs in only half of the sample1 districts. GALs are appointed in cases involving teenagers whose desires strongly conflict with their best interests. In most counties, dual representation is limited by the small number of attorneys available, especially in the more rural areas.

Private attorneys are paid $30/hour for in-court time and $20/hour for out-of-court time. One respondent said that the fees have not been raised in over 7 years, thus discouraging attorneys from taking court appointments. The same low fees are paid to indigent criminal

defense as well. Case-related expenses, however, are reimbursed. Some private attorneys throughout the State are contracted by the State to take court appointments for a fixed fee per case.

Districts reported using rotating lists, county bar lists, and, in Keene, attorneys pledged by large law firms to provide representation. No source was entirely reliable, and most districts rely heavily on the few attorneys-average five per district-who consistently accept juvenile cases. Caseloads vary from 1 to 10 per attorney, with an average of 5. Attorneys taking abuse and neglect cases are both male and female. Most are solo practitioners or from small firms, fairly young, and white. Court clerks said that these attorneys are more interested in juvenile work and tend to be very good.

Suggestions for improving representation included increasing attorney fees, defining better the role of attorney/GAL, and promoting interest in and better understanding of the importance of children's legal rights.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions					
	1988	1989		1988	1989
Berlin	12	10	Keene	31	37
Claremont	56	28	Laconia	54	50
Concord	68	60	Lebanon	20	17
Dover	25	22	Manchester	124	64
Exeter	10	24	Nashua	141	110
Goffstown	12	9	Portsmouth	18	30

NEW JERSEY

REQUIREMENTS:	"Law Guardian" mandatory in all abuse and neglect proceedings. Law Guardian must be an attorney.
AUTHORITY:	N.J. STAT. ANN. tit. 9:6-8.23
PROGRAM MODELS:	Staff attorney: all jurisdictions Office of the Public Defender
APPOINTMENT TIMES:	Appointed automatically at filing of petition; appointment continues until court intervention ends
TRAINING:	Required basic training for all Law Guardians; number of hours not specified
COMPENSATION:	Annual salary range: $30,000 to $62,000
CHILDREN SERVED	100 percent of all abused/neglected children statewide (see text for information regarding discrepancy)
IMMUNITY PROM LIABILITY:	Total immunity according to case law
SAMPLED JURISDICTIONS:	11 counties
TOTAL JURISDICTIONS IN STATE:	21 counties

New Jersey's Statute Title 9:6-8.23 requires the appointment of a "law guardian" for all children before the court in abuse and neglect proceedings. Law Guardians are staff attorneys in the Public Defender's Office, which is a division of the State Office of Public Advocacy, All of the counties use Public Defender's Office Law Guardians; some smaller counties share one Law Guardian. Most Law Guardians have administrative/investigative support. Bergen, Essex, and Morris (not in the sample) all have pilot CASA programs with CASAs acting as "friends of the court," not GALS.

Law Guardians are automatically assigned to a child at the filing of the petition. Every child receives a Law Guardian, but in one county, paperwork from the court may take weeks before reaching the Law Guardian's office and, in some cases, may even be "lost before it reaches the office." The Law Guardian aggressively pursues these cases which the court may ignore. All court appointments continue until court intervention ends, but Law Guardians frequently continue to advocate for their clients outside of court.

One Law Guardian handles all cases in the county and sometime-s more. Burlington and Camden share a Law Guardian; Monmouth and Ocean share one; Bergen, Passaic, and Sussex share one; and Hunterdon, Mercer, and Somerset share one. Essex has two Law Guardians. As a result of this, five of the counties reported caseloads over 100 and three Law Guardians-Essex and Bergen/Passaic/Sussex-have caseloads as high as 250. Warren and Somerset have caseloads less than 50. All Law Guardians in the sampled counties are women with more than several years' experience.

These Law Guardians represent only Title 9 (abuse and neglect) cases. Different Law Guardians are assigned in other types of juvenile cases. Title 30 (termination of parental rights) cases get private *pro bono* attorneys, and voluntary foster care placements receive no representation for the child Both of these practices were criticized by several Law Guardians. All said that the resulting representation in these cases was poor or negligible. It was suggested that the State increase the funding for and expand the statutory role of Law Guardians.

Title 9:6-8.23 states that Law Guardians must "help protect [the child's] interests and to help him express his wishes to the court.' Most counties have Law Guardians who interpret this to mean representing the child's desires as well as best interests in court. One Law Guardian, however, cited recent New Jersey Supreme Court Rule 5:8 § A, which defines Law Guardian as ● attomcy' for the child and makes the distinction between Law Guardian and

GALS lentiality (when the client is a child) was being questioned.
(§ ldition to Law Guardians, although statute

Guardians receive annual salaries in th
to other Public Defenders. Public monies provide funding. However, respondents in several counties reported that the Law Guardian Program is not a priority and, at the local level, does not receive its fair share of funds, staff, office space, or administrative support.

All Law Guardians receive statewide basic training in abuse and neglect issues and the advocacy and representation of children in court. The number of hours required is not specified, but training must take place before first appointment. Ongoing training also is required. Again, hours and topics are not specified, but many counties reported that Law Guardians want as much issue-specific training as possible.

According to the State-level and five county-level discussions, Law Guardians have total immunity from liability according to statute. The remaining counties believed that Law Guardians had only good faith immunity or that immunity was established by case law.* As public employees, all Law Guardians are insured by the State.

Respondents in most of the counties sampled said that abused and neglected children in New Jersey receive very good legal representation because of the commitment of their Law Guardians, despite frustrations resulting from poor funding, high caseloads, and lack of support.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Cases per Year			
Bergen	30	Monmouth	55
Burlington	500	Passaic	40
Essex			11
Hunterdon	NA	Union	NA
Mercer	NA	Warren	25
Middlesex	NA	NA = not available	

(Delbridge v. Office of Public Defender) granted absolute

NEW MEXICO

REQUIREMENTS:	GAL shall be appointed in all abuse and neglect cases
AUTHORITY:	T A ANN. § 32+27(K)(L)
PROGRAM MODELS:	Private attorneys: all sampled counties; assisted by CASAs in four counties Staff Attorneys: San Juan, Doña Ana
APPOINTMENT TIMES:	Appointment must be made no later than the filing of the petition by Rule 10-305(D). Appointment ends when case is closed or court intervention ends.
TRAINING:	Set locally
COMPENSATION:	State Supreme Court guidelines are $500 through initial disposition, $50 per hearing thereafter; considerable variations locally, however
CHILDREN SERVED:	100 percent in sampled counties
IMMUNITY FROM LIABILITY:	Not resolved
SAMPLED JURISDICI'IONS:	11 counties
TOTAL JURISDICTIONS IN STATE:	33 counties

New Mexico court rules require a GAL to be appointed in all child abuse and neglect cases. Private attorneys provide representation to all children in sampled counties with the exception of Doña Ana County, where public defenders and Legal Aid attorneys represent about 10 percent of cases, and in San Juan County where Legal Aid attorneys take about 5 percent of cases. A group of private attorneys in Bernalillo County practicing under the name Advocacy Inc., take a small number of cases under contract to the county. The court assigns CASA volunteers in Bemalillo, Chaves, Roosevelt, and Santa Fe Counties to provide special services for the court such as case investigation and monitoring. About one third to one half of cases in these counties are assigned CASAs, who are not GALs. Attorneys in Doña Ana, Grant, and San Juan Counties have administrative support. Luna and Quay Counties, which have few cases, have no support.

All counties reported that 100 percent of abuse and neglect cases were assigned GALs in 1989. According to court rules, an attorney must be assigned prior to the time the petition is tiled, and all counties complied with this requirement. Appointment ends when the case is closed or when court intervention ends. The presiding judge makes the appointment in all sampled counties. In the counties with CASA programs, the judge can also assign a CASA at any time to provide the court with information or to monitor the case. Assignment of CASAs is limited by availability of volunteers. The judge may dismiss them at any time.

New Mexico law also allows GALs to be assigned at judicial discretion to other cases involving children, and all counties sampled except Sierra made such assignments. These cases included delinquency, criminal abuse, custody and visitation, and voluntary foster care. In all counties sampled except Chaves and Grant, the court uses the same pool of attorneys to appoint as GALs in these other cases. Seven counties reported that a child may be appointed representation in addition to the GAL if requested, but this rarely occurred.

There are no written descriptions of GAL roles and responsibilities, and State law and court rules imply only that the GAL should represent the child's interests. In cases where the child disagrees with the GAL, all counties except Doña Ana reported that the GAL should inform the court of the child's wishes in addition to the GAL's assessment of best interests. Doria Ana County believed that the GAL should advocate only for the child's best interests. GALs represent all children in a family and are expected to facilitate coordination among parties. In Bernalillo and Doña Ana Counties, GALs are expected to take a lead role in coo:dination.

The State Supreme Court has established guidelines for compensation of GAL attorneys that specify $100/hour for the first 4 hours and $25/hour thereafter. GALs may bill up to $500 through the initial disproportional hearing and up to $50 for each subsequent review. Of the counties sampled, only Grant and San Juan followed these guidelines. Compensation varied considerably in the other counties sampled. Luna and Santa Fe Counties provide a maximum of

$500/case; Roosevelt County pap $35/hour to a ceiling of $750; Doiia Ana County pays only $75/case. Attorneys in Chaves County work under contract to the county and receive a fixed fee per case, as do Legal Aid and the Public Defender's Office in Doria Ana County. Respondents in these counties did not know the amount paid. In Chaves, San Juan, and Sierra Counties, GALs are paid comparably to attorneys performing indigent defense work However, in the other counties, GAL pay was lower than pay for other comparable work.

In all counties, the court will compensate at least some expenses to the GAL; however, Chaves, Doiia Ana, and Roosevelt Counties require prior court approval. De Baca and Quay Counties will pay only for expert witnesses, to a maximum of $750.

There are no training requirements for GALs in New Mexico. CASA volunteers are trained by their local programs. Some attorneys in Chaves County voluntarily take the CASA training; in Bernalillo County, many GAL attorneys take training offered by Advocacy, Inc. There are no requirements for experience or law specialty for GAL attorneys.

Caseloads vary widely among the State. At the time of the study, Santa Fe had only two attorneys handling all abuse and neglect cases. They had a caseload of 125. Chaves County attorneys also had high caseloads of about 100. Attorneys in other counties had more manageable caseloads of 15 to 20 in Bemalillo, 9 in De Baca and Quay, and 5 in Sierra. The remaining counties had caseloads of 1 to 4.

The typical GAL attorney in New Mexico is a white male in solo practice or a small law firm who does not specialize in juvenile or family law. Attorneys are of varying ages, although Santa Fe, Bemalillo and Sierra Counties reported their GAL attorneys tended to be older. These counties, along with Chaves and Doiia Ana, also reporting having an equal split of male and female attorneys. Bemalillo and Chaves were the only counties who had a large number of minority attorneys. Bemalillo, Luna and Santa Fe reported having difficulty recruiting and retaining attorneys which they attributed to the low compensation.

There was confusion regarding immunity of GALs from liability. In three counties, respondents claimed GALs had total or good faith immunity by statute or case law, although none could provide a specific reference. In other counties, respondents either did not know the status of GAL immunity or claimed there was none. In Chaves and Doiia Ana Counties, contract attorneys are protected from liability by the state. All other attorneys had only their own malpractice insurance.

The GALs in Bemalillo are informally monitored by the court and their performance is reviewed every 60 to 90 days by Advocacy, Inc. In the remaining counties, GAL performance is reviewed only informally by the court. The majority of respondents believed New Mexico's GAL

representation could be improved by increasing compensation, developing specific training requirements for attorneys and providing concrete guidelines on GAL role and responsibilities.

SAMPLED **JURISDICTIONS** AND CASELOADS

Number of Petitions in 1989			
Bernalillo	186	Quay	30
Chaves	100	Roosevelt	75
De Baca	10	San Juan	46
Doña Ana	116	Santa Fe	260
Grant	37	Sierra	5
Luna	20		

NEW YORK

REQUIREMENTS:	"Law Guardian" appointment mandatory in abuse and neglect cases. Law Guardian must be an attorney.
AUTHORITY:	N.Y. FAM. Cr. ACT pt. 4 § 249
PROGRAM MODELS:	Private attorneys: all jurisdictions except large cities Staff attorneys (Legal Aid): New York City, Erie
APPOINTMENT TIMES:	Appointed automatically at the filing of petition; appointment continues through review until relieved by the court
TRAINING:	Required by the four judicial departments of New York State; number of hours not specified.
COMPENSATION	Private attorneys: W/hour in-court; $25/hour out-of-court statewide Maximum: $800, set by the State Staff attorneys: $23,000 to $48,000/year
CHILDREN SERVED:	100 percent of abused/neglected children statewide
IMMUNITY PROM LIABILITY:	Not statutory. Case law unclear.
SAMPLED JURISDICTIONS:	7 counties and New York City
TOTAL JURISDICTIONS IN STATE:	57 counties and New York City (5 counties)

New York's Family Court Act Part 4 § 249 mandates that a "Law Guardian" must be appointed in all Article 10 (Child Protective) proceedings. Law Guardians are attorneys used specifically to represent children in cases of abuse and neglect, delinquency, and "person-in-need-of-supervision." GALs may be appointed in other types of cases, but they do not provide legal representation. CASAs are used as 'friends of the court" in some jurisdictions (e.g., Ulster), but they do not act as GALS. Erie County's CASA program is "on hold" due to lack of funds.

Law Guardians are private attorneys approved by Appellate Court Panels in each of the four judicial departments of New York In the larger cities of Buffalo (Erie County) and New York, those judicial departments have contracted Legal Aid Society to provide Law Guardian representation. Each county uses only Panel attorneys or only Legal Aid; a mix of models was not seen in the sampled counties. One hundred percent of all children statewide receive a Law Guardian.

Private attorneys have no local administrative or social work support but can rely on the Law Guardians Backup Center in Albany to provide legal or other issues-specific resources regarding Law Guardian representation. The Legal Aid Society of New York City assigns Law Guardians from its Juvenile Rights Division which does provide administrative and social work support. CASAs are court-appointed in only a few counties to provide investigation or assistance in a case, not as direct support for Law Guardians.

An assignment of a Law Guardian occurs immediately at filing because appointment is mandatory by statute. Cases are referred by the court clerk, and the judge appoints a Law Guardian to represent the child until the court orders otherwise. Per § 249, attorneys remain as Law Guardians until the court relieves them of this duty, generally after court intervention ends. The court may appoint additional representation, but this occurs very rarely.

The New York State Office of Court Administration's four judicial departments offer Law Guardians only a broad outline of their duties. The New York State Bar Association's Committee on Juvenile Justice published a report in 1988 which further described the standards, duties, and guidelines of Law Guardians and which stated that 'law guardians' primary statutory function is to articulate the wishes and protect the interests of the child." This recommendation appeared to be followed by all of the 'up-State" counties sampled, with Law Guardians representing in court both the child's desires and what the Law Guardian believes is in the child's best interests. In the 'down-State" area (Long Island, New York City, and suburbs), however, Law Guardians feel strongly that they are the child's legal counsel and exist to express the child's perceived interests and desires to the court. This view is contained in written resources and recommendations provided to Legal Aid Law Guardians by its Juvenile Rights Division. The State's statutes are not specific concerning the "standard of representation," so the debate in New York State continues.

Appellate Court Panel Law Guardians are private attorneys who receive payment at the end of their appointment. The fees are set and paid by the State at $40/in-court hour and $25/out-of-court hour, to a maximum of $800 per case. Most counties reported that judges frequently approve fees above the maximum because they believe that the fees are too low and that these cases require more time. Case-related expenses are reimbursed, and all compensation is equivalent to other indigent defense work Legal Aid Law Guardians receive annual salaries set by the Legal Aid Societies which have a contract with the judicial departments to provide indigent representation in certain areas. Erie County Legal Aid reported an annual salary range of $23,000 to $48,000.

Training of Law Guardians is not required by the State, but each judicial department has the authority to require training before an attorney is certified by the Appellate Court Panel. All counties sampled require training in basic laws and issues concerning abuse and neglect. The number of hours required is not specified. Initial and ongoing training is provided by the State and county courts and by the judicial departments. The Legal Aid Society requires basic and ongoing training of its own staff and offers training in abuse and neglect issues, medical and expert witnesses, and sexual abuse. In all cases, training must be completed before first appointment.

Caseloads vary depending on the model used. Genessee, Ulster, and Wyoming each use fewer than 10 private attorneys, who handle an average of 10 cases each. Chautauqua and Dutchess Counties have 28 and 40 private attorneys, respectively, handling 5 to 10 cases each. Erie County Legal Aid has 7 attorneys who handled about 1,000 cases last year, with an average of 100 each; in New York City (in 1987) 97 Legal Aid attorneys represented over 16,000 abused and neglected children averaging 150 each. Although no counties reported any problems recruiting or retaining Law Guardians, several suggested raising attorney's fees. Throughout the State, most attorneys performing Law Guardian work are primarily younger, white males in solo or small practices, both family law specialists and others. This is different, however, in New York City which has a higher proportion of female and minority attorneys.

The Law Guardian program is administered by the State Court's four judicial departments. The State budgets $2 million for each department for the Law Guardian Program. Each county court maintains its own list of panel-approved private attorneys. In New York City and Buffalo, the judicial districts have contracted Legal Aid, an independent organization, to provide Law Guardian representation.

The liability of Law Guardians remains unclear to most local courts and attorneys. There is no statutory immunity from liability for Law Guardians, and the case law is unclear. Most respondents at the State and local levels were unsure regarding this issue.

The staff attorneys of Legal Aid are monitored and supervised. Private attorney Law Guardians, however, are not monitored directly, and many respondents suggested that this should change in order to improve children's representation.

SAMPLED **JURISDICTIONS** AND CASELOADS

Number of Petitions			
1989			
Cayuga	est. 20	Genessee	89
Chautauqua	140	Ulster	est. 80
Dutchess	377	Wyoming	19
Erie	938		
1987			
New York City	est. 16,000		

NORTH CAROLINA

REQUIREMENTS:	GAL appointment mandatory in abuse and neglect cases. If a non-attorney GAL is appointed, an attorney shall also be appointed.
AUTHORITY:	N.C. GEN. STAT. § 7A-586 (1986)
PROGRAM MODELS:	Attorney advocate/volunteer team all jurisdictions except Edgecombe: attorney advocate or volunteer
APPOINTMENT TIMES:	State set: at filing of initial petition; ends when court intervention ends or when child is permanently placed.
TRAINING:	State set: 16 hours initially for volunteers; unspecified for attorney advocates
COMPENSATION:	State set: all jurisdictions except Mecklenburg $40/hour spent in and out of court Mecklenburg: $32,000 to $40,000/year
CHILDREN SERVED:	100 percent of abuse and neglect petitions filed
IMMUNITY PROM LIABILITY:	Partial/good faith by statute
SAMPLED **JURISDICTIONS:**	10 counties
TOTAL **JURISDICTIONS** IN **STATE:**	100 counties

North Carolina has a statewide GAL program. It has 55 coordinators throughout the State, overseen by the State GAL Services Administrator. The budget, from State funds, for Fiscal Year 1990-1991 is $2 million. North Carolina mandates in every abuse and neglect case that an attorney ***and*** a volunteer must be appointed. However, volunteers may not be appointed if unavailable. Usually two attorney advocates are contracted in each county to take all abuse and neglect cases. Edgecombe County is the only one sampled in which an attorney or'a volunteer is appointed.

Avery, Buncombe, Durham, Jackson, and Richmond Counties have volunteers assigned to 100 percent of the abuse and neglect cases petitioned. Bertie, Caldwell, Edgecombe, Hertford, and Mecklenburg provide volunteers on 20 to 90 percent of the cases petitioned. Yancey County has no volunteers. Avery, Edgecombe, and Mecklenburg attorney advocates receive social work support. Mecklenburg County also provides administrative support.

In the counties sampled, 100 percent of children alleged abused or neglected receive GAL representation. The judge or the program coordinator is responsible for the actual appointment. Often the judge appoints the coordinator, who may also be the attorney advocate who, in turn, appoints the volunteers. In counties where there is more than one attorney advocate, the judge decides who will receive the case.

The GAL appointment is State mandated to occur at the filing of the initial petition. Attorney advocates always are appointed at this time. Local variations regarding volunteer appointments exist in Avery, Bertie, Edgecombe, and Hertford. Avery County volunteers are appointed at the court's discretion, while in the other counties, the assignment is made as soon as the program receives the petition or a volunteer is available. All GAL appointments end when court intervention ends or when the child is permanently placed.

Bertie, Buncombe, Hertford, and Jackson Counties do not appoint GALs in any other type of case involving children. Mecklenburg County will appoint representation in all juvenile cases but may use attorneys and volunteers other than those assigned in abuse and neglect cases. Other types of cases that may receive GAL representation include criminal abuse (Caldwell), custody (Avery, Caldwell, Durham, Edgecombe, Richmond, Yancey), delinquency (Caldwell), voluntary foster care (Caldwell), and termination of parental rights (Edgecombe, Richmond). Durham County uses public defense attorneys in the other cases. All other counties sampled will use the **same attorney advocates and volunteers.**

Respondents in three counties stated that a child may receive representation in addition to the GAL in an abuse and neglect case. Durham County provides additional counsel if the minor is a parent. Mecklenburg has provided additional representation but generally does not, as the child already has both an attorney and a volunteer. Edgecombe has no specific policy in this regard, and it has not yet happened.

The duties of the GAL, as outlined in North Carolina General Statutes § 7A-586 (1988). include conducting independent investigations to determine facts of the cases, the needs of the juvenile, and available resources; facilitating settlement of issues; presenting options to the judge; and promoting the best interests of the juvenile. Respondents in all counties sampled agreed that the attorney advocate generally is responsible for investigations and legal representation and should meet with the child. The volunteer generally is responsible for meeting with the child, conducting investigations, monitoring the case, ensuring compliance with court orders, and making recommendations/reports to the court. Respondents in nine counties stated that the GAL team reports both the child's wishes and the best interests of the child to the judge when the two do not concur. In Bertie and Hertford Counties, such disagreements have not been an issue.

Avery and Yancey Counties do not file petitions on families. Each child is considered a separate case and appointed representation accordingly. In all the other counties, one GAL team generally represents all children involved in a particular case.

The role of attorney advocates in coordination is not clearly defined and depends upon the attorney involved. In most counties, the volunteers are involved; in Durham, volunteers take a lead role in coordination.

The State has set attorney compensation at $40/hour for time spent in and out of court. All Mecklenburg attorney advocates are staff members of the Children's Law Center, a private, nonprofit organization. These attorneys receive annual salaries between $32,000 and $40,000. Most attorney advocates bill the State monthly. Mecklenburg is the only county in which attorney advocates receive payment comparable to that received by other indigent defense attorneys. Attorney advocates elsewhere receive less. Buncombe and Mecklenburg are the only two counties that do not reimburse attorneys for expenses. Respondents in several other counties stated that reimbursement is possible but not requested by attorneys or volunteers.

State training requirements for both attorney advocates and volunteers cover laws, regulations, investigation, family dynamics, child abuse, advocacy, roles, courtroom responsibilities, monitoring, interviews, dealing with children, disagreements with children, recommendations, interactions with social services, parents and foster parents, and local community resources. Volunteers must attend 16 hours of training plus 3 hours of courtroom observation. The length of training for attorneys is unspecified. State ongoing training requirements for volunteers include local inservice meetings as well as an annual statewide conference. Attorneys must attend annual continuing legal education conferences. The State GAL program provides the initial training. Mecklenburg has local training requirements for Children Law Center attorneys. The topics covered include areas similar to those required by the State as well as other case-related topics. There are no requirements regarding prior experience for either attorney or volunteer GALs.

Attorney advocates' caseloads are either less than 13 cases each or between 55 and 100 cases each, depending on the population density of the given area. Only Mecklenburg County (with five staff attorneys) has more than two attorneys. Volunteer caseloads average about three cases per GAL, except in Avery, where one volunteer handles an average of six cases.

Respondents in Bertie, Buncombe, Hertford, Mecklenburg, and Richmond cited. the number of volunteer GALs available as a problem. Problems in retaining and recruiting GALs result from not enough staff time to recruit (Mecklenburg); distance from State training (Bertie, Hertford); difficulty with getting a l-year commitment (Bertie, Hertford, Richmond); lack of cooperation with State concerning funding issues (Buncombe); and not having enough cases to justify a volunteer program (Avery, Yancey). Caldwell and Durham reported no problems retaining or recruiting GALs.

There is an equal mix of older and younger attorneys serving as GALs. Respondents in Bertie and Durham reported mostly female attorneys; Buncombe and Mecklenburg have both male and female. The remaining seven counties have mostly male attorneys. Most attorney advocates are white. While a few come from larger firms, most are solo practitioners or from small firms. All attorney advocates practice in different areas of the law.

Mecklenburg's Children's Law Center is the only independent GAL program supplying attorney advocates. The Center is funded primarily by the State contract; approximately 20 percent of its funds come from private donations and grants. The current annual budget is $400,000.

According to the administrative office of GAL services, partial/good faith immunity is offered by statute to GAL attorneys and volunteers. The Children's Law Center in Mecklenburg provides insurance for staff attorneys. Attorney advocates elsewhere must provide their own malpractice insurance. Local GAL program coordinators monitor and evaluate the GAL teams. Whether formal evaluations are conducted annually or monthly depends on the county.

SAMPLED **JURISDICTION** AND CASELOADS

Number of Petitions in 1989			
Avery	6	Hertford	4
Bertie	1	Jackson	11
Buncombe	84	Mecklenburg	500
Caldwell	25	Richmond	7
Edgecombe	78	Yancey	3

NORTH DAKOTA

REQUIREMENTS:	GAL appointment mandatory in all judicial proceedings involving abuse and neglect
AUTHORITY:	N.D. CENT. CODE § 50-25.1-08 (1988)
PROGRAM MODELS:	Contracted private attorneys: 15 of 19 counties sampled Public Defender: Cass County Nonattorney GAL: Eddy, Stark, and Stutsman CASA: Cavalier, Grand Forks, McHenry, Nelson, Pembina, Pierce, Ramsey, Towner, and Walsh
APPOINTMENT TIMES:	Made at filing of initial petition; lasts until court intervention ends
TRAINING:	Set locally: CASA, 12 hours
COMPENSATION:	Set locally: $45/hour in court; $45/hour out of court Attorney GALs: $15/hour in court; $15/hour out of court Nonattorney GALS: $10/hour: CASA volunteers Maximum $200/case: Grand Forks, Pembina, Ramsey, Pierce, Cavalier, McHenry, Nelson, Towner, Walsh
CHILDREN SERVED:	100 percent of abused and neglected children
IMMUNITY FROM LIABILITY:	Total immunity by local policy: Eddy, Stark, Stutsman. None ekewhere.
SAMPLED JURISDICTIONS::	19 counties
TOTAL JURISDICTIONS IN STATE:	53 counties

Fifteen of the 19 counties in North Dakota use private attorneys as GALs. Cass County relegates all abuse and neglect cases to the Public Defender's Office. Eddy, Stark and Stutsman Counties hire non-attorney laypersons to act as GALs. Cavalier, Grand Forks, McHenry, Nelson, Pembina, Pierce, Ramsey, Towner, and Walsh Counties, all in the northeast section of North Dakota, share rotating judges and 10 GAL attorneys. Because the court system and policies are identical in all nine counties for this summary they will be referred to as the' northeast (N.E.) section. Twenty percent of the abuse and neglect petitions in this section are handled by unassisted CASAs. The N.E. section courts provide social work support to the GALs. Cass County also provides social work support.

The decision to appoint a GAL is mandated by the State. The judge or clerk of the court usually makes the actual appointment. In the N.E. section, the juvenile court supervisor is responsible for the appointment. In Sheridan and Kidder the court referee is responsible for this. All appointments are made at the filing of the initial petition and last until court intervention ends. There are no written local requirements concerning these times.

Kidder, McLean, and Stark Counties do not appoint GALs to any type of case other than civil abuse and neglect. Almost all other counties appoint GALs in custody and delinquency cases. Sheridan County also utilizes GALs in other criminal cases involving children and cases involving children in need of supervision. AU counties use the same GAL in the other cases as they do in abuse and neglect cases.

Four counties allow other representation besides the GAL in abuse and neglect proceedings. In Kidder and McLean Counties, it is up to the judge and, as of yet, it has not been necessary. Stark County, which uses hired nonattomey laypersons, also appoints an attorney when requested by the GAL. Sheridan has appointed extra counsel in cases involving concurrent criminal proceedings.

The N.E. section has written descriptions of the role of the GAL. For attorneys. this is included in their contracts. CASA volunteer GALs are given the descriptions during training. Responsibilities of both groups include investigating, visiting the child, providing legal representation, monitoring the case, ensuring compliance with court orders, and making recommendations/reports to the court. CASA also is charged with meeting the child's needs. Eddy, Stark, and Stutsman Counties use a job description to list the responsibilities of the hired GALs. These responsibilities are the same as those of the CASA volunteers.

In Kidder, McLean, Sheridan, and Stark Counties, the GAL represents the best interests of the child. Elsewhere the GALs present to the judge both perceived best interests and the child's wishes. Generally one GAL represents all the children involved in a particular case except when conflict of interest exists between the children.

The hired nonattomey GALs in Eddy, Stutsman, and Stark Counties were reported to take a lead role in coordination of all parties involved. All other counties sampled had no clear policy regarding this issue.

Attorneys are paid $45/hour for time both in and out of court. Although all compensation is set locally by the judge or county, this rate is uniform except in Cass and Sheridan Counties. Cass County pays the Public Defender's annual salary of $25,000. There is no breakdown indicating what proportion of these funds go to GAL work. Sheridan County has contracted with four legal firms to accept all abuse and neglect cases at $1,300 per month per firm. The N.E. section has set a maximum rate of $200/case. Eddy, Stark, and Stutsman pay the nonattorney GALs $15/hour. The CASA volunteers in the N.E. section are paid $10/hour. With the exception of the nonattomey GALs, the pay rates are equal to those for all other indigent criminal defense work.

Expenses for services such as expert witnesses or testing are covered by Health and Human Services. Minor expenses, such as mileage and phone, are not covered for attorney GALs. Eddy, Stark, and Stutsman reimburse GALs for phone, travel, meals, copies, etc.

The only GAL model with training requirements is the CASA program in the N.E. section. This program is a part of the'court system, overseen by the juvenile court supervisor. Topics covered in the training include laws and regulations, investigation, family dynamics, child abuse, general advocacy issues, GAL role, courtroom responsibilities, case monitoring, interview procedures, dealing with children, and working recommendations. Training lasts 12 hours, and CASAs must be trained before accepting any GAL appointment. Training is provided primarily by local law school students. Ongoing training requirements include monthly seminars on varied topics.

Eddy, Stark, and Stutsman Counties are the only ones requiring GALs to have prior experience. Both past work with children and a college degree are required. Work experience as an educator or a social worker is a plus.

The average caseload per GAL is two cases at any given time. Cass County has a significantly higher average of 50 cases per attorney. No problems were reported concerning retaining or recruiting GALs. Most attorney GALs are fairly young, white men from solo practices or small firms, practicing in various areas of law.

The only GAL program independent from the courts is the Public Defender's Office in Cass County. Its budget wmes from county funds; no breakdown was available. The senior Public Defender monitors and evaluates his staff of four attorneys and one part-time support staff member. In the N.E. section, the Juvenile Court supervisor is responsible for monitoring both attorney GALs and CASAs. The judge in Stark County formally oversees the hired GALs.

There is no immunity from liability for attorney GALs or CASAs. Attorneys are expected to provide their own insurance. Local policy gives total immunity to hired nonattorney GALs in Eddy, Stark, and Stutsman Counties.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions in 1989			
Cass	426	Oliver	10
Cavalier	4	Pembina	4
Eddy	25	Pierce	4
Grand Forks	4	Ramsey	4
Kidder	20	Sheridan	80
McHenry	4	Stark	20
McLean	20	Stutsman	50
Mercer	10	Towner	4
Morton	5	Walsh	4
Nelson	4		

OHIO

REQUIREMENTS:	Requires GAL for any proceeding involving abuse or neglect. Legal counsel must be provided for a child not represented by a parent, guardian, or custodian.
AUTHORITY:	OHIO REV. CODE ANN. § 2151281(B)(l) (1989) OHIO REV. CODE ANN. § 2151.352 (1989)
PROGRAM MODELS:	CASA: Ashland, Hamilton, and Summit Private attorney: eight counties Social worker: Hamilton
APPOINTMENT TIMES:	Set locally; CASAs can be appointed at any time. Attorneys are appointed at initial petition or removal hearing. Social workers can be appointed at any time. Appointment ends when court intervention ends or when the referring agency closes the case.
TRAINING:	CASAs: State statute; as of October 1989, 12 to 24 hours required Private attorneys: set locally; train 0 to 8 hours in counties sampled Social workers: set locally; must attend monthly seminar
COMPENSATION:	State maximum of $50/hour, localities pay $15 to $50/hour to attorneys. No payments to CASAs.
CHILDREN **SERVED:**	60 percent to 100 percent in counties sampled
IMMUNITY FROM **LIABILITY:**	Determined locally; not resolved in counties
SAMPLED **JURISDICTIONS:**	9 counties
TOTAL JURISDICTIONS IN STATE:	88 counties

The State of Ohio requires a guardian for all children in any proceeding involving abuse and neglect. Legal counsel is required for all children if a parent, custodian, or guardian is not representing them. All counties in Ohio are striving to fulfill this requirement, but there is not yet 100 percent compliance. Ohio has three CASA counties: Ashland, Hamilton, and Summit. Hamilton is the only county that uses social workers in ovefflow cases. The remaining counties sampled use private attorneys for representation. Almost without exception, social work reports were available for reference, but few GALs used them.

Over 97 percent of children were represented in the counties sampled. In Ashland County, where attorneys and CASAs are used, approximately 60 percent of children are represented because, the respondent indicated, the judge did not feel that all cases were severe enough to warrant a GAL The more severe abuse cases are assigned to attorneys, with the attorney role described as that of a protector. In Marion County, where representation is estimated at 80 percent, the judge appoints GALs only in what he considers the worst abuse cases.

In all counties sampled, the judge decides to appoint a guardian to the case, and the judge, his clerk, or the CASA program director decides whom to appoint. In Hamilton County, the CASA gets the worst abuse cases; in Ashland County, the CASAs get the least severe cases. Appointment times of CASAs vary greatly. In all counties, the CASA can be appointed at any time in the process. This is also true of the county with social work representation. Attorneys are appointed either at the initial petition or prior to the removal hearing. In Marion County, the judge can appoint at any time in the process. The appointment ends either when court intervention ends or when the referring agency closes the case.

Guardians are assigned to a variety of cases other than abuse and neglect. These include delinquency, divorce/custody, criminal charges against the child, and foster care cases. All attorneys, social workers, and CASAs are available for these cases.

The duties of all guardians are the same throughout the sampled jurisdictions. Respondents in most counties said that in the case of a disagreement between child and guardian, the best interests of the child would he presented to the court. In two attorney counties, Hamilton and Licking, both sides would be presented to the judge.

Attorneys are compensated in all counties where they are used. In Geauga County, they often do not bill the usual $45/hour up to $450. Other counties pay from $15 to $50/hour. The standard pay is $40 to $50/hour, but the out-of-court hourly wage in Hamilton is $15; in-court, $30. The attorneys must attend monthly seminars. They consider their payment very low compared to other attorney fees. A large number of judges sampled considered attorney commitment substandard and uninspired.

Private attorneys are required to have training only in Geauga County; this training lasts 8 hours. CASAs train for 12 hours in Summit County and for an unspecified time in Ashland County. Hamilton County CASAs must attend monthly seminars, but there are no formal training procedures. In all counties sampled that require training, the training must be completed prior to appointment.

CASA caseloads range from 1 to 2 cases, with an average of 1.7. Private attorneys' caseloads range from 1 to 10, with an average of 3.2. Social workers' average caseload is 40.

No recruitment or retention problems were mentioned for CASAs. Responses from the private attorney counties varied. Several respondents noted low pay, especially for older attorneys, as a problem. Respondents in other counties stated that there were attorneys on their waiting lists.

Most Ohio attorneys involved in GAL work have courtroom experience. These attorneys are both young and middle-aged, but they are overwhelmingly male, white, and from small firms.

The three CASA programs are independent from the court. Ashland County relies on donations or grants for funding and currently has 10 volunteers. Summit County's 90 CASAs work from a $65,000 budget of county funds, grants, and donations. The Hamilton County CASA program has 100 people, a 3-person staff, and a budget of $120,000 from public funds, grants, and donations.

Section 2151.421 grants absolute immunity to 'anyone participating in a judicial proceeding" on abuse or neglect, however, it is not clear if this applies to GALs.

All CASA programs have monitoring of volunteers, but no attorney counties formally monitor the attorneys' work Many judges said that they would avoid reappointing anyone who did a poor job.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Cases in 1989			
Allen	67	Marion	102
Ashland	13	Scioto	100
Geauga	25	Summit	100
Hamilton	500	Van Wert	12
Licking	55		

OKLAHOMA

REQUIREMENTS:	Mandatory appointment of attorney in "deprived" cases, only if child is not otherwise represented by counsel. Mandatory in all abuse cases. GAL/CASA may also be appointed.
AUTHORITY:	OKLA. STAT. ANN. tit. 10 § 1109; tit. 21 § 846
PROGRAM MODELS:	Private attorneys: all jurisdictions Staff attorneys: 90 to 95 percent of Tulsa and Oklahoma cases CASA: Tulsa, Oklahoma, Comanche, and Cleveland Counties
APPOINTMENT TIMES:	Attorneys appointed at filing or first hearing or prior to adjudicatory hearing. Appointment lasts until court intervention ends. CASAs appointed at any time; one county appoints CASA at disposition.
TRAINING:	Attorneys: none CASA: 18 to 37 hours required in counties sampled
COMPENSATION:	Private attorneys: at judge's discretion according to State guidelines. Maximum $100/case through adjudication. Maximum $500/case for trial. Staff attorneys: Public Defenders' annual salary $28,000 to $40,000.
CHILDREN SERVED:	100 percent of all children in sampled counties
IMMUNITY PROM **LIABILITY:**	Attorneys: none CASA: total immunity according to Title 10 § 1109(D)
SAMPLED JURISDICTIONS:	13 counties
TOTAL JURISDICTIONS IN STATE:	77 counties

Attorneys are appointed for all children in abuse and neglect proceedings in Oklahoma according to Statutes Annotated Title 10 § 1109 and Title 21 § 846. Section 846 mandates appointment for all abused children; § 1109 mandates appointment in "deprived" (neglected) cases only if the child is otherwise unrepresented by counsel, such as by a private attorney retained by the parents for the child. Despite this limitation, all **13 sampled** counties reported that attorneys are appointed in all abuse and neglect cases. Statute allows for the additional appointment of a GAL or CASA.

All but the two largest counties appoint private attorneys in 100 percent of abuse and neglect cases. Oklahoma and Tulsa use their Public Defender Offices to represent 90 to 95 percent of the cases, with the remainder referred to private attorneys when there is a conflict of interest. There are 13 independent CASA programs in the State which provide additional representation in 15 counties. Sampled counties with CASAs were Cleveland, Comanche, Oklahoma, and Tulsa which appoint CASAs in addition to attorneys in 60 percent, 50 percent, 10 percent, and 75 percent of their cases, respectively. CASA staff added that the CASA programs in the nonsampled rural counties are even more active, representing higher percentages of cases. In sampled counties CASAs are not GALs but report to the court.

Attorneys are appointed by the judge at the filing of the petition or at the first hearing. They are then assigned to a case by the judge, the judge's clerk, or the Pubic Defender's Office sometime before the adjudicatory hearing. Attorneys are assigned from lists on basis of availability. Additional representation may be appointed and is, in fact, mandated by § 1109 if the child or the child's attorney requests it. All appointments continue until court intervention ends. CASAs may be appointed additionally at any time, although Tulsa reported that CASAs are appointed in their courts after adjudication. CASAs are appointed to cases at judges' discretion. Generally, cases requiring close monitoring or children in care will have a CASA appointed. Most counties also appoint attorneys for children in delinquency, custody, criminal, and Child in Need of Supervision cases (CHINS). The same private or staff attorneys handle these cases in addition to abuse and neglect cases. In two counties, however, child victims of crimes are not represented in court and this lack of representation was criticized.

Both private and staff attorneys are appointed as counsel for the child. In the "deprived" cases under Title 10 § 1109, attorneys do not receive any specific description of duties. Title 21 § 846 does mandate that, in abuse cases, the attorney represent the child's best interests and investigate, interview witnesses, and make recommendations to the court. CASAs are instructed by Title 10 § 1109(D) to advocate for the child's best interests and assist in obtaining a 'permanent, safe, homelike placement-" CASAs across the State advocate 'best interests"; however, some minor differences exist among attorneys. In one county attorneys represent the child's desires, while in most other counties the child's "best interests" are represented. In three counties both views are presented, in one county another GAL is appointed if there is a conflict between 'desires" and "best interests." In all counties attorneys

generally do not take the lead in case coordination. CASAs are more involved outside of the courtroom, while attorneys are more involved in the courtroom.

Salaries in the Public Defender's Office range from $28,000 to $40,000/year. Private attorneys submit vouchers to the court, and fees are set by individual judges based on State guidelines. Private attorneys can receive up to $100/case through adjudication and up to $500 if the case goes to trial. Fees are equivalent to those received in criminal cases. Expenses generally are reimbursed in all but three counties.

No training or supervision exists for attorneys. CASAs must complete comprehensive training in abuse and neglect as well as court training before their first appointment. The individual CASA programs mandate and provide training. The Oklahoma program requires 18 hours; Cleveland, Comanche, and Tulsa all require 24. Tulsa requires an additional 10 hours of homework and 3 hours of courtroom observation. Ongoing training is also required 4 to 6 times per year. The Tulsa program will be instituting a "mentor" program with senior experienced CASAs supervising newer ones.

The more rural counties in the sample all have less than 10 private attorneys (9 have less than 5 each) who represent 1 to 3 cases each. Cleveland has 4 to 5 attorneys handling an average of 20 cases each. Comanche has 150 attorneys available who are used as needed. Ten counties have a mix of experienced and inexperienced, white, male attorneys in private practice. Tulsa has 3 Public Defenders representing 25 cases each, and Oklahoma has 4 Public Defenders representing an average of 80 cases each. The Cleveland, Comanche, Oklahoma, and Tulsa CASA programs have 50, 25, 27, and 77 volunteers, respectively, who take only 1 to 2 cases at a time. Two counties do not have enough CASAs be-cause of lack of funds and staff available for recruiting.

No formal program exists for private attorney GALs, but staff attorneys are part of the Public Defender's Office which is independent of the courts. Individual CASA programs also are independent of the courts; the exception to this is the Oklahoma CASA, which is part of the juvenile court and receives its funding from it. Funding for the other three programs comes from private donations and grants. The CASA programs are supported by staffs of one to four people and budgets ranging from $55,000 to $131,214.

Attorneys are not immune from any liability regarding abuse and neglect representation. Private attorneys are presumed to have individual malpractice insurance. CASAs do have total immunity according to Title 10 § 1109(D).

Child abuse and neglect is a priority at the State and local levels in Oklahoma, resulting in good legislation and a high level of community awareness and involvement.

SAMPLED **JURISDICTIONS** AND CASELOADS

Number of Petitions in 1989			
Alfalfa	3	Mayes	17
Cleveland	est. 200	Noble	6
Comanche	88	Oklahoma	488
Cotton	2	Tillman	12
Grant	4	Tulsa	124
Jefferson	14	Wagoner	est. 40
Logan	est. 9	STATEWIDE	1,488

OREGON

REQUIREMENTS:	Requires CASA to be appointed; if no CASA is available, may appoint juvenile department employee to represent the child's best interests
AUTHORITY:	OR. REV. STAT. § 417.640(1), (3) (1987)
PROGRAM MODELS:	CASA: Hood River, Josephine, Multnomah, Polk, and Wasco Private attorneys: Jackson, Josephine, Lane, Multnomah, Union, and Wallowa Public Defender: Grant and Multnomah Juvenile Court counselor: Benton
APPOINTMENT TIMES:	Set locally; appointment times vary greatly throughout the State
TRAINING:	Set locally; CASAs train 19 to 30 hours, with ongoing seminars. Attorneys have no training requirements. Counselors must have a master's degree and complete inservice training with another counselor.
COMPENSATION:	Private attorneys: $35 to $50/hour Public Defenders: $28,000/year
CHILDREN SERVED:	0 to 100 percent in sampled counties
IMMUNITY PROM LIABILITY:	Not resolved. Multnomah claims total immunity by Statute.
SAMPLED JURISDICTIONS:	12 counties
TOTAL JURISDICTIONS IN STATE	36 counties

Oregon uses many different programs to represent children, with few counties having similarities. Oregon Revised Statute (1987) states that a CASA must be appointed to represent children in abuse or neglect cases, and a juvenile department employee may be appointed if no CASA is available. However, no State funds were allocated for the development of CASA programs. Other counties seem unaware that the law exists. Thus, GAL representation is in a state of transition and confusion, and counties employ different approaches to meet the needs of abused and neglected children.

Of the 14 counties sampled, 5 have CASA programs. These counties are Hood River, Josephine, Multnomah, Polk, and Wasco. Six counties use private attorneys. Grant and Multnomah use the Public Defender. Benton County uses a Juvenile Court counselor. Many counties use a combination of people.

The representation rate of counties sampled ranges between 0 and 100 percent. Polk County blames a lack of CASAs for incomplete representation, estimating that 70 percent do get a CASA. Representation is provided to the most serious abuse and neglect cases. Hood River and Wasco have representation rates of 50 to 70 percent, respectively. Both counties cite the lack of CASAs and the relative severity of some cases as reasons for less than total representation. Jackson County has a 90 percent representation rate. In this county, the Children Services Department must request representation; without a request, no GAL will be provided. Union and Wallowa Counties have 35 and 50 percent representation. respectively. Representation is low because the District Attorneys in these counties often think that they can represent both the parent and the child. In Josephine County, which has a 10 percent representation rate, there is representation provided only if the child will be removed from the home. Multnomah County includes the city of Portland and has the largest in population of all counties sampled. Multnomah has an estimated 1,600 petitions annually and a 40 percent representation rate. There is little availability of CASAs, since there have been only 2 years to train CASAs and few trainers due to lack of funds. Baker County has no representation. due to a perceived lack of need. Two petitions were filed last year in this county.

In all counties sampled, the judge decides whether to appoint. The actual appointment is made by the judge, his clerk, a CASA program director, or the Juvenile Court director. In each county that has a CASA program along with other available GALs, the CASA is appointed in the most serious cases. Appointment generally begins at the filing of the initial petition, but this is left to the judge in some smaller counties. When appointment ends also varies. There is a 60-day limit on appointment in Union and Wallowa Counties due to the attorneys being on a contract with the county for all cases, and this time limit is stipulated in the contract. In other areas, appointments end at the end of court intervention, when the judge decides it should end. or when the case is closed by a social service agency. Generally, GALs assigned to abuse and neglect cases are not assigned to other types of cases, simply because the workload is so high,

especially in the CASA counties. Occasionally there may be appointment in delinquency if there is suspected abuse in the home.

Most of the duties of the Juvenile Court counselor, the Public Defender, the CASA, and the private attorney are the same. In Josephine County where each case is assigned both a CASA and an attorney, the attorney represents the child's wishes, while the CASA represents the best interests of the child and may go beyond the courtroom work in helping the child. In cases of disagreement with the child, the court counselor in Benton County is instructed to represent the best interests of the child. CASAs do the same. The Public Defender may present both the best interests and the wishes of the child, as this person attends only the courtroom representation and is not required to meet with the child extensively or to conduct investigation or followup. Private attorneys can decide whether to present the child's best interests or the child's wishes in cases of conflict.

Payment to all parties involved is as diverse and complicated as the other areas already discussed. The Juvenile Court counselor receives $26,000/year. The Public Defender staff attorney starts at $28,000/year. Private attorneys who are paid hourly receive either $35/hour, with a maximum of $275; or $50/hour with no ceiling. Others are paid a case-by-case fee and receive either $100/case, with a maximum of 60 days of work that is renewable; or a flat fee of $150/case. There is no compensation to GALs for expert witnesses or testing, but a social service department can arrange for these services. Many attorneys with limits on hours or case amounts stated that their compensation is less than that for other types of legal work.

Private attorneys and the Public Defender attorneys are not required to have training. The Juvenile Court Counselor position requires a master's degree and training in child dynamics, abuse, and advocacy. Additionally, new hires must have State social work experience. All CASAs are required to have some training, ranging 19 to 30 hours. Polk County requires 19 hours and ongoing training. Training covers all general areas of duties and responsibility in the court along with values and cultural differences. Josephine County requires 20 hours of training covering basic roles and responsibilities. The County has no ongoing training. Both Hood River and Wasco require 25 hours of training also covering basic roles and responsibilities. Hood River does not require ongoing training, but Wasco requires attendance at two seminars monthly unless there is a prior conflict. Multnomah County requires the most training, 30 hours. After 18 hours of basic training, CASAs may take cases, but the remaining hours must be completed in 4 months. The training covers the same basic topics as the other counties and emphasizes culture and values. CASAs in Multnomah County also must complete 6 hours of ongoing training annually to maintain their CASA certificates. There is no prior experience required for CASAs or attorneys.

The average caseload of the private attorney is 11, skewed by the high number estimated in Lane County, 35; average caseloads in other counties range from 3 to 8. Lane County has 11

attorneys to cover 500 petitions, making their caseloads up higher than most. Juvenile Court counselors average 15 cases at any one time. The Public Defender's Office attorneys average 8.5 cases, with a range of 7 to 10. CASAs have the smallest caseload, averaging 2.4, with a range of 1 to 4.

Polk County's lack of funds for training makes it unable to recruit CASAs. The 'county has people waiting to be trained, but lacks funds for materials. In Josephine County, the average work period for CASAs is only 2 years. This is attributed to the difficult situations that these CASAs face and a genera1 high burnout for lay people dealing with tragic situations.

Attorneys that volunteer for abuse and neglect cases in the counties sampled tend to be of various ages. Most are men; all are white and from very small firms. The only exceptions were in the counties with large cities—Multnomah County, with Portland; and Lane County with Eugene--which have greater diversity in age as well as more women than the smaller areas sampled.

The CASA programs in Josephine, Multnomah, and Wasco Counties are independent bodies. Wasco County has the smallest operation of the three, with one staff person and a budget dependent on donations from citizens and the United Way. This program currently has no funds. Multnomah's program has four staff and a budget of $138,000 from the county (15 percent) and donations. Josephine County has two staff and a budget of $150,000 to share with a treatment center that it also operates. The Juvenile Court counselors also are independent of the court. They are part of the Benton County Juvenile Department, with two on staff.

CASAs are monitored by their program director, Juvenile Court counselors by the Juvenile Department head, and Public Defender attorneys by the attorney in charge. There is no formal monitoring of private attorneys. However, several counties have contracts that they could choose not to renew if the judges felt that a poor job had been done in the past year.

Liability is a foggy issue. Respondents in many counties said that they had none; some said that liability has yet to be resolved or even discussed. Multnomah County claims total immunity by Statute.

SAMPLED JURISDICTIONS AND CASELOADS

Number of *Cases* in 1989			
Baker	2	Lane	500
Benton	69	Multnomah	1,600
Grant	20	Polk	31
Hood River	10	union	60
Jackson	30	Wallowa	20
Josephine	110	Wasco	50

PENNSYLVANIA

REQUIREMENTS:	The court shall appoint a GAL for the child when a proceeding has been initiated alleging child abuse. The GAL shall be an attorney.
AUTHORITY:	PA **STAT. ANN.** tit. II, § 2223(a) (Supp. 1986)
PROGRAM MODELS:	Private attorneys: available in all jurisdictions Staff attorneys: Public Defender in Beaver, Bucks, Centre, Philadelphia Child Advocacy Center: Philadelphia Juvenile Law Center: Philadelphia Legal Aid: Allegheny, Wyoming DHS Attorney: Indiana
APPOINTMENT TIMES:	All appointments made at the filing of the initial petition if not at the emergency removal hearing. Ends when case is closed.
TRAINING:	Locally set; The Support Center for Child Advocates requires 12 hours before GAL appointment. No other requirements exist.
COMPENSATION:	Locally set; hourly wages from $30 to $40. Annual salaries range from $12,000 to $37,000. Wyoming County offers office space in exchange for services. Philadelphia child advocate attorneys take cases on a ***pro bono*** basis.
CHILDREN SERVED:	100 percent reported in all counties sampled except Philadelphia (less than 50 percent of cases petitioned) and Indiana County (3 percent are not represented).
IMMUNITY PROM **LIABILITY:**	Partial immunity set by State statute
SAMPLED JURISDICTIONS:	10 counties
TOTAL JURISDICTIONS IN **STATE:**	65 counties

The State law of Pennsylvania requires the appointment of an attorney as the GAL in all proceedings alleging child abuse. The attorneys may be in private practice or staff attorneys whose office routinely accepts abuse and neglect cases.

Armstrong, Clearfield, and Lycoming Counties use only private attorneys and do not provide them with any specific administrative or social work support. Centre County uses both private attorneys (20 percent) and the Public Defender's office (80 percent). Beaver and Bucks Counties assign cases to the Public Defender's Office exclusively; Bucks County provides administrative support. Legal Services is a statewide organization providing counsel to indigents and to children in Allegheny and Wyoming Counties. Legal Services represents 100 percent of cases in both counties. In Indiana County, the attorneys for the Department of Child and Youth Services (DCYS) provide 100 percent of child representation.

Philadelphia has three different organizations providing attorneys to represent children. Approximately 90 percent of the cases go to the Public Defender's office, which receives administrative support. The Support Center for Child Advocacy provides representation for approximately 600 sexual abuse, severe abuse, and criminal abuse cases annually. The center has a staff of six social workers who assist attorneys and receive administrative support from the county. The Juvenile Law Center is the smallest of the three groups, taking approximately 40 cases annually and focusing on teenagers. Currently the Juvenile Law Center is suing Philadelphia County for failing to represent over 50 percent of the cases petitioned. In Indiana, the only other county to report less than 100 percent representation, the judge follows DCYS' recommendation that representation is unnecessary in approximately 3 percent of the cases petitioned. The problems in Philadelphia are at least partly due to the lack of enough attorneys to absorb the very high caseload. The number of cases petitioned in Pennsylvania was high compared to other States.

The local court judge is ultimately responsible for the appointment of attorneys. However, in all counties sampled except Philadelphia and Centre, which do not use one organization exclusively, the appointment process is automatic. The program director or court administrator selects the attorney. In Philadelphia, depending on the type of case, the judge decides which one of the three programs will receive the case. All appointments begin at the filing of the initial petition, except in Wyoming and Centre Counties, which try to have the attorney present at the emergency removal hearings. All appointments last until court intervention ends.

GALs also can be appointed in custody, termination, criminal abuse and incompetency hearings; however, this happens rarely. Delinquency cases remain in the domain of the Public Defenders. Most counties do not provide any other type of representation. In Armstrong and Bucks Counties, other representation is considered possible but happens rarely. Philadelphia County provides other representation in cases of disagreement, but this is always at judicial

discretion. Allegheny County usually provides other counsel when the child is involved in concurrent criminal or civil proceedings.

There are no written local descriptions of the roles and responsibilities of the GAL. According to the law, if a case is petitioned under the Child Protective Services Code, the attorney is considered GAL and is expected to represent best interests. However, 99 percent of abuse and neglect cases are filed under the "Juvenile Act," in which the definition of "dependent" includes abused. Under this Act, the attorney is not a GAL but counsel for the child and may represent the child's wishes. Despite this difference, an attorney representing a child is referred to as the GAL statewide. Although the law makes the distinction between GAL and counsel, counties differ on the focus of representation. In half of the counties, GALs represent best interests of the child; in the other half, GALs either act solely as advocates for the child (Allegheny, Bucks, and Philadelphia [Center for Child Advocates]) or make both presentations to the judge (Armstrong, Indiana, and Wyoming).

In all counties, attorneys are involved in coordination among parties. In Allegheny, Bucks County, Lycoming, and Philadelphia (Center for Child Advocates), attorneys take a lead role in coordination and view themselves as advocates.

Compensation for services is set locally by the County Commissioners. Hourly wages for time in or out of court range from $30 to $40 in Armstrong, Centre, Clearfield, Indiana, and Lycoming Counties. Reasonable expenses are reimbursed by the counties. There is no ceiling on the amount an attorney may bill on any case. Respondents in all counties stated that GAL pay is equivalent to other indigent defense work Centre County's aggregate pay scale is lower than most counties'. Annual Public Defender salaries range from $12,000 (part-time) to $37,000. In Philadelphia County the more than 240 attorneys who take cases for the Support Center for Child Advocates work *pro bono. Their* expenses are absorbed primarily by the firms in which they work In Wyoming County, where the number of yearly petitions is significantly lower than elsewhere, Legal Services has agreed to take all the abuse and neglect cases in exchange for free office space and support. In Armstrong and Lycoming counties, GALs are paid slightly more than other indigent defense attorneys.

The Support Center for Child Advocates in Philadelphia County is the only organization to require any form of training prior to appointment as a GAL This training lasts 12 l-ours and covers laws, regulations, child abuse, general advocacy issues, the GAL's role, expert witnesses, and dealing with children. In Bucks and Wyoming Counties, attorneys have access to training. Only Lywming imposes any requirements regarding prior experience for GAL appointment. All potential GALs are interviewed by the court administrator and must have family law experience.

An average attorney caseload is difficult to establish since it varies greatly among the counties. Lywming County has over 1,000 petitions per year, all of which are handled by one

attorney who contracts to take all the abuse and neglect cases while running a private practice. In Philadelphia County, where 8,500 cases are petitioned yearly, each Public Defender has an average of 100 abuse and neglect cases. In addition, there are over 240 attorneys affiliated with the other organizations, representing over 660 cases a year, and still over 50 percent of the children are not being represented.

Respondents in six of the counties sampled reported no problems finding attorneys to take abuse and neglect cases. However, respondents in Allegheny, Bucks, Lycoming, and Philadelphia reported a lack of available attorneys due to the low compensation, high caseload, and a prevailing perception that juvenile law is a low priority. Respondents in several counties mentioned that their attorneys are involved in an attempt to legislate uniform, State-set levels of compensation. One difficulty in Allegheny County is when private attorneys who are new to juvenile court are appointed. Legal Services in Allegheny is seeking additional funding to expand its staff. The respondent in this county felt that Legal Services was able to handle the large number of cases it did only because of the high caliber of attorneys currently on staff.

Most attorneys are white males practicing in various areas of the law. Four counties use mostly younger attorneys, and three use mostly older ones. One county uses mostly women. Only Philadelphia had fairly equal mix of minority and white attorneys. Allegheny, Lycoming. and Wyoming Counties use GALs whose primary focus is juvenile family law.

Allegheny, Beaver, Bucks, Philadelphia, and Wyoming Counties have independent GAL programs. Each program has an executive director who is responsible for monitoring and/or evaluating staff attorneys. Legal Aid in Allegheny County has an executive director and three support staff. It also has a monitoring team process to review attorneys' performance. All staff and attorneys provide input in this process. The Society is funded by Allegheny County and the United Way and has an annual operating budget of $331,000.

Beaver County's Public Defender's Office, supervised by the chief Public Defender, is independent from the courts. This office has four support staff, eight part-time attorneys, and one full-time attorney. The total budget, approximately $625,000 annually, is not broken down to specify what portion of funds cover GAL work Bucks County also runs an independent Public Defender's Office which has a support staff of 17 persons. Of the three aforementioned programs, the smallest one handles the most cases; Allegheny served 875 new petitions in 1989, while Bucks County served 99.

Legal Services in Wyoming County has two support staff but does not formally monitor the attorney, who had onlly 10 cases in 1989. In Philadelphia, both the Juvenile Law Center and the Support Center for Child Advocates are independent programs; however, information was gathered only on the latter program. This organization has trained over 240 lawyers and 12 support staff, all overseen by the executive director. It provides representation on approximately

600 cases annually. The current annual budget of $370,000 is funded from public money, private donations, and foundation grants.

According to the respondent for the State study, partial/good faith immunity is set by State statute. However, respondents in only two counties were aware of this. All the Public Defenders except in Centre County were either considered county employees or provided insurance by the county. The independent programs provide their attorneys with malpractice insurance, and the private attorneys usually carry private insurance.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions in Fiscal Year 1989			
Allegheny	875	Clearfield	99
Armstrong	NA	Indiana	NA
Beaver	360	Lycoming	1,500
Bucks	99	Philadelphia	8,500
Centre	60	Wyoming	10
NA = not available			

RHODE ISLAND

REQUIREMENTS:	CASA appointment mandatory in judicial proceedings involving child abuse and neglect
AUTHORITY:	R.I. GEN. LAWS § 40-11-14 (1984)
PROGRAM MODELS:	Statewide CASA program: staff attorneys provide legal representation; CASA volunteers provide direct support/services to the child
APPOINTMENT TIMES:	Appointment made at the filing of the initial petition; ends when court intervention ends
TRAINING:	State-set: 11 to 12 hours for both attorneys and volunteers
COMPENSATION:	Staff attorneys are salaried. Attorneys who are not appointed through CASA receive $30/hour in court, $20/hour out of court.
CHILDREN SERVED:	100 percent of abused and neglected children statewide
IMMUNITY FROM LIABILITY:	None
SAM-PLED JURISDICTIONS:	4 counties
TOTAL JURISDICTIONS IN STATE:	5 counties

The State of Rhode Island at the instigation of the Family Court judges has created a statewide CASA program. The CASA program has seven staff attorneys who provide legal representation for 99 percent of the abuse and neglect cases statewide. The remaining cases are represented by private attorneys. These attorneys receive administrative, social work, and volunteer support.

The family court judge is responsible for appointing a GAL. The decision to appoint is mandated by State law in all abuse and neglect cases. The program director is in charge of the actual appointment. As directed by the State, all appointments are made at the filing of the initial petition and last until court intervention ends. The only other type of case for which the CASA program is utilized is delinquency when abuse is involved. With regard to representation in addition to the GAL a Public Defender is appointed to represent children in concurrent criminal and civil proceedings.

Roles and responsibilities of the GAL are set forth by the State. The attorneys are responsible only for legal representation. CASA volunteers and support staff provide all direct support and/or services to the child. Although GALs are required to represent best interests, often they present both what is perceived to be in the best interests of the child and the wishes of the child. One attorney represents all the children involved in a particular case unless extreme conflict of interest between the children develops. This is very rare. The CASA attorneys are involved in coordination but do not necessarily instigate it.

All seven staff attorneys are salaried. The salary range was, for unspecified reasons, kept confidential. Private attorneys are paid the hourly wage of $30 for in-court time and $20 for out-of-court time. The salaries are equivalent to those for other indigent defense attorneys. Expenses are covered by the State, though major expenses, such as expenses for an expert witness, are rare.

The State program sets the training requirements and provides training. Training covers laws, regulations, investigations, family dynamics, child abuse, general advocacy issues, courtroom responsibilities, disagreements with a child, making recommendations, interactions with the child welfare agency, interactions with parents and foster care agencies, the role of the GAL, and the role of CASA. Training for volunteers is the same but also includes case monitoring, interview procedures, and dealing with children. The training is 11 or 12 hours for both groups. Ongoing training is required when offered, but there is no set schedule for it. There are no requirements on prior experience before appointment as a GAL.

For each of the six attorneys covering Bristol and Providence Counties, the average caseload is approximately 300 cases at any given time. The attorney who covers Kent, Newport, and Washington Counties carries an average of 60 cases at any given time. Attorneys are mostly younger, white males specializing in juvenile law.

No respondents cited problems retaining/recruiting attorneys, though recently there was a large turnover. Volunteers are more difficult to recruit, partly due to the high unemployment rate in the State. The State goal is to provide both a GAL and a volunteer on every case. Currently only 30 percent of the cases at most are provided with a volunteer.

The CASA program is not independent but rather an arm of the family court system, which strongly supports the program. An executive director, five secretaries, three program coordinators, and four social workers comprise the core administrative staff. Public funds are appropriated directly for this program. Annual budget figures were unavailable.

Although there is no statutory immunity, CASAs are indemnified by the State. Private attorneys are required to have malpractice insurance.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions in Fiscal Year 1989			
Providence/Bristol	864	Newport	75
Kent	89	Washington	74

SOUTH CAROLINA

REQUIREMENTS:	Appointment of volunteer GAL in all abuse and neglect cases
AUTHORITY:	S.C. CODE ANN. § 20-7-110 (A); § 20-7-121; § 20-7-122
PROGRAM MODELS:	Volunteers statewide, supplemented by attorneys if volunteers are unavailable
APPOINTMENT TIMES:	At filing of initial petition, until dismissed by court
TRAINING:	Required by State law
COMPENSATION:	None
CHILDREN SERVED:	90 to 100 percent in sampled counties
IMMUNITY FROM LIABILITY:	Good faith immunity by § 20-7-127
SAMPLED JURISDICTIONS:	11 counties
TOTAL JURISDICTIONS IN STATE:	46 counties

South Carolina established by statute a statewide volunteer GAL program in 1988 to represent all abused and neglected children. Prior to the passage of this law, only attorneys could represent children. Now attorneys serve as GALs only when there are an insufficient number of volunteers available, such as in Harry County where attorneys represent about 7 percent of abuse and neglect cases. In Spartanburg County, there are enough volunteers to represent 90 percent of children; about 3 percent are assigned to an attorney, and the remaining cases receive no representation. In all other counties sampled, all abused and neglected children received representation. All GAL volunteers have legal assistance from an attorney who is assigned to represent them.

By State law, the Family Court assigns the GAL when the initial petition is filed, and appointment lasts until the GAL is dismissed by the court, usually when court intervention ends. In actual practice, the appointment of the GAL varied across the sampled counties and was made by the judge, judge's clerk, GAL program director, Department of Social Services, or assistant solicitor for the county. Volunteer GALs are assigned only to civil abuse and neglect cases and are not appointed to other cases involving children. Children normally are not provided with any representation except the GAL.

State law clearly specifies GAL responsibilities to include conducting an independent investigation of the case, maintain a case record; providing written reports to the court, making recommendations regarding services, placement and the case plan; and monitoring the case to ensure compliance with court orders or seeking early judicial review if necessary. State law also requires the GAL to advocate for the best interests of the child. If the child disagrees with the GAL, or the GAL's attorney disagrees with the GAL, the GAL presents both positions to the court, which may assign a separate attorney for the child. GALs were expected to take the lead role or to be involved in coordinating case activities among all parties in eight of the counties sampled. Respondents in Edgefield, Laurew, and Orangeburg counties said that it was unclear what role the GAL should take in coordinating the case.

Volunteer GALs are not paid and receive no compensation for expenses. Attorneys in Horry County who serve as GALs receive only $50/case; in Spartanburg County, attorney GALs are paid at the discretion of the court, and payment is contingent on the availability of funds. Thus, GAL work essentially is *pro bono* in South Carolina.

State law requires volunteer GALs to receive training prior to assignment. Specific requirements are set by the State GAL program. The training covers a range of child advocacy topics and lasts 15 to 19 hours. The volunteer also must participate in trial experience and pass a South Carolina Law Enforcement and Department of Social Service Central Registry background check. Volunteers must also attend at least two in service meetings each year to fulfill ongoing training requirements. These meetings last 3 to 4 hours. There are no other requirements for GAL volunteers.

Volunteer GAL caseloads range from one to five and average about two. Private attorney caseloads are similar in the two counties sampled that use them. All counties except Orangeburg reported difficulty obtaining enough volunteers for the program. Respondents attributed this problem primarily to the newness of the GAL program and to a lack of sufficient time for publicizing the program. They expect recruitment to be easier as the program becomes better know-n. Bamwell, Florence, Horry, and Laurens County respondents believed that the amount of time involved to serve as a GAL made recruitment difficult. The smaller counties had recruitment problems due to their low population size and rural poverty. The attorney GALs in Horry and Spartanburg Counties were reported to be mostly white, male, solo practitioners specializing in juvenile law.

The volunteer GAL program is an independent agency funded directly by the State. Its annual budget is $1.5 million, and it is administered at the local level by program coordinators in each county. The larger counties have one or two additional staff members. Local coordinators monitor and supervise the performance of individual GALs, who must submit monthly reports on their cases to the coordinator. The statewide program director monitors the local coordinators.

Section 20-7-127 of the Code of Laws South Carolina Annotated provides immunity from liability to all volunteer GALs when performing their duties in "good faith" and not guilty of gross negligence.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions in 1989			
Bamberg	20	Laurens	43
Bamwell	25	McCormick	20
Clarendon	16	Orangeburg	151
Edgefield	20	Spartanburg	est. 118
Florence	75	Williamsburg	2
Horry	2%		

SOUTH DAKOTA

REQUIREMENTS:	Must appoint counsel for any child alleged to be abused or neglected to represent the best interests of the child
AUTHORITY:	S.D. CODIFIED LAWS ANN., § 26-10-17 (1988)
PROGRAM MODELS:	Private attorneys: nine counties CASAs alone: Butte, Lawrence, Meade, Pennington, and Ziebach Counties Public Defender: Minnehaha County
APPOINTMENT TIMES:	State requires appointment at filing of petition. Local control of end of appointment.
TRAINING:	Set locally; no training for attorneys. CASAs train 20 to 26 hours.
COMPENSATION:	Set locally; private attorneys receive $40 to $45/hour. CASAs are not compensated.
CHILDREN SERVED:	20 to 100 percent in counties sampled
IMMUNITY PROM LIABILITY:	None from statute; Pennington County CASAs have total immunity by judge as officers of the court
SAMPLED JURISDICTIONS:	14 counties
TOTAL JURISDICTIONS IN STATE:	64 counties

South Dakota has among the most specific laws governing representation of children, requiring (1) counsel in all cases of any alleged neglect or abuse to represent the best interests of the child and (2) initial appointment of counsel at the filing of the petition. However, the State's reported representation is among the lowest in the country for sampled counties, and the responding judges made no mention of these laws, passed in 1988, governing representation of children.

Nine counties appoint private attorneys; five counties have CASA programs, several of them very new: and Minnehaha County uses the Public Defender in cases where the parent knows the private attorney who would be assigned to the case. Counties with long-standing CASA programs include Lawrence and Pennington. New programs, less than a year old, are in Butte, Meade, and Ziebach Counties. They take their lead from and share insurance policies with Lawrence County. In all areas with attorney representation, social work help is available and used.

Only three counties said that they provided 100 percent representation last year: Hamlin, Minnehaha, and Pennington. In Hamlin County, however, not all cases are routinely assigned someone; it just worked out that way last year. (The respondent was unaware of the law, stating that there were no rules requiring assignment to all cases.) In Codington County, it was estimated that 80 percent do not receive representation because the judge feels that when the case is clear-cut it, is a waste of time to assign someone. In Lincoln County, 33 percent did not receive representation because of the lack of severity of the case. In Ziebach County, 50 percent did not receive representation due to a lack in the number of CASAs. In Yankton County, 25 percent had no representation because of a lack of severity and the cost of an attorney. Also, in Clay County, there were 25 percent without representation due to attorney expense and the perception of severity by the judge. Deuel and Union Counties also reported 25 percent as unrepresented, citing lack of severity in the case. In Brookings, 20 percent were not presented due to lack of severity in the abuse. In Butte, 20 percent were not represented due to lack of CASA availability. In Lawrence County, 11 out of 12 cases were represented, and the one that did not have an assignment was a 17-year-old boy who chose to have a school counselor represent him, although the counselor was never officially appointed as a GAL. Finally, in Meade County, 10 percent were not represented due to lack of CASA availability. All counties lack representation due to insufficient funds, bill the parents of the child for payment of attorney fees; the counties pay any amount unpaid by the parents to the attorney.

The assessment of severity of abuse and the decision to appoint a GAL always made by the judge. The similar proportions of cases not represented is partly because the same judge may rotate and sit in several counties at once. For example, four counties in South Dakota are served by one judge, and three are served by another. The actual appointment is left to the judge or his clerk or, in counties that have CASA programs, the project director. The law states that assignment must take place at the filing of the initial petition, but this occurred only in

Minnehaha County. In all other counties, time of appointment is at the discretion of the judge, although it is usually done at or near the time of petition. CASA assignments are usually made at the emergency removal hearing. The end of appointment is not specified by South Dakota law. and in the counties that use private attorneys, it is left to the judge to decide. In the CASA counties, they are excused when court intervention ends. Appointments for attorneys in other types of juvenile cases is routine, with most appointments in the areas of custody or divorce. CASAs also have been used in the delinquency and voluntary foster care cases.

GAL duties do not differ between the CASA and attorney; however, many judges feel that CASAs are more interested in the work and not only investigate further but also provide more assistance to the family in obtaining social service benefits.

While CASAs are not paid, private attorneys receive $40 to $45/hour, with no maximum. The Public Defender is used 10 percent of the time in one county and receives $30,000/year for all of his duties, including many other than GAL representation. This is consistent with other indigent work

There, is no training required of or offered to private attorneys or the Public Defender. The older CASA programs have specific hourly classes; Pennington County requires 26 hours and covers all basic legal responsibilities and child dynamics. In addition, the county's CASA volunteers make a courtroom visit to familiarize themselves with the work Ongoing seminars are available for volunteers. Lawrence County, parent program to the others sampled, requires 20 hours and covers the same topics as Pennington. Lawrence County does not require ongoing training or courtroom visits. Butte, Meade, and Ziebach are still setting standards and cover the same topics as the others but have no minimum hourly requirements. They are not required to complete their training before their first appointment, since there is no one else in the counties to represent the children. There are no previous experience requirements in any counties sampled.

The average caseload of the attorneys is low compared to many other States, averaging 1.5, with a range of 1 to 4. Six of the nine counties reported a caseload of one. The CASAs carry 1.8 cases on the average, with a range of 1 to 3. The Public Defender is never asked to carry more than one case at a time. There are no problems in finding CASAs, just time involved in their training and budget constraints on the programs. Attorneys are willing to do the work but feel that they should have an hourly raise soon. Attorneys are of varying ages but overwhelmingly male, white, and from solo practices.

All of the CASA programs are independent. Pennington County has a program manager, a staff of two, and an annual budget of $22,000 from private donations and the United Way. Lawrence County shares its program director and one staff person plus its $10,000 budget with Butte, Meade, and Ziebach Counties. They all share one liability insurance policy. These

underling programs are in the formation stage and soon will have their own administrations and budgets from donations and grants. No county respondents claimed any immunity from liability. CASA monitoring is performed by the staff and directors. No one formally monitors the attorneys.

The only unusual characteristic of the counties sampled in South Dakota, other than the apparent widespread lack of representation, is the issue of Indian sovereignty and jurisdiction. There are several Indian reservations scattered throughout South Dakota. Many county judges stated that they are uncertain about their authority over Indian parents brought before them, and they also note a hesitancy to remove the Indian child from the home, because they are unsure of the legal status of this decision.

SAMPLED JURISDICTIONS AND CASELOADS

Number of *Petitions in* 1989			
Brookings	6	Lincoln	3
Butte	7	Meade	10
Clay	5	Minnehaha	100
Codington	7	Pennington	50
Deuel	5	Union	10
Hamlin	3	Yankton	8
Lawrence	12	Ziebach	10

TENNESSEE

REQUIREMENTS:	GAL shall be appointed in all abuse and neglect cases
AUTHORITY:	TENN. CODE ANN. § 37-l-149
PROGRAM MODELS:	Private attorneys: All sampled jurisdictions CASAs alone: Shelby
APPOINTMENT TIMES:	Set locally; appointment generally occurs at filing of petition or first hearing and lasts until court intervention ends.
TRAINING:	None
COMPENSATION:	Attorney fees set according to child's family income. If indigent, then $30/hour in court and $20/hour out of court or $100/day up to $500. Some local variation.
CHILDREN SERVED	80 to 100 percent
IMMUNITY PROM LIABILITY:	Not clear; § 37-l-610 presumes "good faith" of GAL and grants immunity from liability in sexual abuse cases
SAMPLED JURISDICTIONS:	9 counties
TOTAL JURISDICTIONS IN STATE:	94 counties

Tennessee Statute § 37-l-149 mandates that a GAL be appointed to all children before the court in abuse and neglect cases. Only private attorneys act as GALs in Tennessee. Although Davidson, Knox, and Shelby Counties have CASAs, they are not considered GALs by the courts. Shelby appoints only CASAs to some cases that do not have attorney representation but, again, they are not considered GALs. Only Davidson and Montgomery Counties have administrative support for attorneys, and only Davidson County has social work support.

In five of the nine counties sampled, 100 percent of the cases receive a court-appointed private attorney as GAL Moore County had no abuse or neglect petitions filed last year, so it did not appoint any GALs. In Shelby County, CASAs are appointed at the judges' discretion. In Rutherford County, GALs are not appointed to cases where the abuse or neglect was not caused by the parents. In Carter County, 20 percent of the cases last year did not receive a GAL because the local social services department took immediate protective custody of children and no need was seen for a GAL.

There is no written statewide policy setting appointment times for GAL. Respondents in two counties, Carter and Montgomery, did report that their local Juvenile Court Rules of Procedure required certain appointment times. Five counties appoint GAL at the filing of the petition or at the first hearing. In three counties, appointments are made at different times depending on the case and judicial discretion. In Marshall, GALs can be appointed any time there is a valid report of abuse or neglect even before there is a petition or any court proceedings. Judges make appointments in all counties except Rutherford, where the Judicial Commissioner makes them. All appointments continue until the judge dismisses the GAL, usually when court intervention ends.

All counties also use private attorneys as GALs in other types of juvenile cases. Five counties use GAL in criminal abuse cases; three use GALs in other criminal cases; five use GALs in custody cases; two use GALs in foster care hearings; and Marshall and Montgomery use GALs in nonlitigated abuse or neglect cases.

Representation in addition to GAL is possible in all counties, although it occurs rarely. In five counties, this usually occurs only if the parents hire an attorney for the child. Knox and Shelby appoint CASAs in addition to GALs in some cases. In Carter and Rutherford Counties, the State Prosecutor or Attorney General may also represent the child when there are other concurrent court proceedings.

State Statute § 37-l-602 defines a GAL as "a responsible adult who is appointed by the court to represent the best interests of a child." The State offers no further guidance for GALs. Only Davidson County has a written description of duties in its Ju nile Court Rules of Procedure Rule 20 and from the Nashville Bar Association Juvenile Court Committee. Both require the GAL to examine all files, interview all parties and witnesses, personally interview the

child at least once prior to the hearing, file an appeal if necessary, and participate fully in all proceedings. In Davidson County, the child's best interests are represented when the child and GAL disagree. In all other counties, both the child's desires and best interests are represented, or representation depends on the attorney.

Private attorney GALs are paid fees determined by the child's family income. If the parents are indigent, attorneys are paid fees set by the State. Section 37-l-610 (re: sexual abuse cases) mandates that parents or perpetrators reimburse the court for the expense of appointing a GAL and any medical costs resulting from the treatment of the sexual abuse. GALs are compensated even if parents are unable to reimburse the court. In Davidson, Marshall, and Rutherford Counties, attorneys are paid $30/hour in court and $20/hour out of court, up to $500 per case. In Montgomery and Shelby, attorneys receive $500/case. In Lauderdale, they receive $75/hour in court; in Carter, $100/day; and in Knox, $100/case. In three counties, GAL fees are comparable to fees paid in other court appointments; however, in Carter, Knox, Marshall, Montgomery, and Shelby Counties, GALs are paid leas. Only Davidson, Lauderdale, and Marshall provide reimbursement for expenses.

There is no formal GAL program, and there is no required training, monitoring, or supervision. Carter County has 12 private attorneys available for GAL appointments; Davidson, 1,800; Knox, 30; Lauderdale, 8; Marshall, 10; Montgomery, 70; and Rutherford, 48. These attorneys are used as needed and generally handle only one or two cases at a time. Most GAL attorneys are white males from small firms not specializing in juvenile law. Knox, Lauderdale, and Shelby reported a mix of male and female attorneys. Davidson has more women and minorities in private practice.

GAL immunity from liability in Tennessee is unclear. When asked, respondents in three counties reported statutory immunity, one reported no immunity, and four were unsure. Again, in reference to sexual abuse cases, § 37-l-610 presumes the "good faith" of the GAL and grants immunity from any civil or criminal liability.

One respondent commented that State legislation allowing CASAs to be GALs is being considered. Other respondents suggested raising attorney fees and requiring training and supervision of attorneys to improve the representation of children. One commented that attorneys need-training or guidance because they are unsure of their role and how GAL work is different from other types of defense work.

SAMPLED JURISDICTIONS AND CASELOADS

Estimated Number of *Petitions* in 1989			
Carter	NA	Montgomery	104
Davidson	200	Moore	0
Knox	NA	Rutherford	100
Lauderdale	65	Shelby	NA
Marshall	40	NA = Not Available	

TEXAS

REQUIREMENTS:	Fully discretionary at the local level
AUTHORITY:	No State statute requiring appointment. Judge may appoint GAL according to TEX. FAM. CODE ANN. § 11.10. Judge *may* appoint CASA according to TX. FAM. CODE ANN. § 11.101.
PROGRAM MODELS:	Private attorneys statewide; CASAs as "friends of the court," not GAL,, in 21 counties (3 sampled)
APPOINTMENT TIMES:	At judge's discretion; generally appointed before adjudicatory hearing and lasts until court intervention ends
TRAINING:	None required
COMPENSATION:	At judge's discretion
CHILDREN SERVED:	0 to 100 percent in sampled counties 20 to 33 percent receive CASA additionally in three sampled counties
IMMUNITY FROM **LIABILITY:**	Attorneys and CASAs: Immunity from civil and criminal liability when acting in 'good faith" according to § 34.03; not clear CASAs: Additional immunity from civil liability according to § 11.101
SAMPLED **JURISDICTIONS:**	19 counties
TOTAL **JURISDICTIONS IN STATE:**	254 counties

Nineteen of Texas' 254 counties were sampled, and respondents in all stated that much regarding GAL representation is left to the discretion of individual judges. There is no State statute requiring representation of children in abuse and neglect proceedings, although Texas Family Code Annotated § 11.10 and § 11.101 state that a judge may appoint a GAL or CASA volunteer. Despite this, respondents in 13 counties reported that 100 percent of the abused/neglected children before the courts had private 'attorneys ad *litem*"

b u t r e s p o n d e n t s i n t h e s e c o u n t i

Tarrant, a t t o r n e y s a r e a s s

to children at judges' discretion. two p e t i t i o n e d c a s e s t h a t d i d

Tarrant, c a s e s t h a t r e s o l v e q u i c k

GALs. A l s o , a b u s e a n d n e g l e c t c a s e s t h a t o r i g i n a t e f

GALs. A n e s t i m a t e d o n e - t h i r

Tarrant's cases do not receive representation.

Tarrant a r e 3 o f t h e 2 1 c o u n t i e s i n T e x a s w i

CASAs are appointed by the court in complex cases when more fact-finding is needed. CASAs

GALs, a n d t h e y w o r k i n d e p e n d e n t l y o f t h e a p p o i n t

used outside of court in nonpetitioned abuse and neglect cases through the Family Volunteer Program. Respondents in all three counties estimated a r e u s e d i n o n l y 2 0 t

CASA p r o g r a m s h a v e w o r k e d i n d e p e

new statewide office and program including statewide training soon will be developed. Currently, each county has its own training for CASAs, lasting 20 to 30 hours. CASAs are "friends

Tarrant trative or social work support either. Attorneys in

In most counties sampled, the judge assigns attorneys from his own list. In four counties, GALs clerk assigns from a rotating list. Judges can appoint attorneys or court-attorney, but this has happened in only two

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this l a c k o f g u i d a n c e . I n n i n e c o u n t i e s , a t t o r n e y s

interests; in two counties, attorneys represent the desires of the child; and in another two

CASAs, t h e a t t o r n e y s t e n d t o

legal counsel and leave the interviewing, investigation, and case monitoring to the CASAs. Respondents in over half of the counties reported that court-appointed attorneys do not take a lead role in the case and that many never see their clients outside of court. Lamar, however, reported that the judge appoints only private attorneys interested in GAL work and that they

fully investigate and interview all parties. Judges as well as Department of Human Services staff reported very good representation in Lamar County.

Attorneys' fees are set solely at judges' discretion according to complexity of case, number of hours in/out of court, and number of court appearances. In Nueces, attorneys received a fixed fee of $150 for each court appearance. In Karnes, they receive an average fee of $150/case. Two Dallas judges set fees at $80/in-court hour and $60/out-court hour. Harris has a $500,000 fund for all court-appointed counsel. In Hunt County, however, every abuse and neglect case is assigned a ***pro bono*** attorney who receives a fee only if case involves termination of parental rights. Expenses also are reimbursed at the discretion of the judge.

No required training or monitoring of private attorneys exists anywhere in the State. Respondents in several counties suggested that required training and supervision be developed to ensure consistent quality representation. Two judges in Dallas provide an annual seminar for GAL attorneys, but more training is needed. Despite differences in population, attorneys in all the counties sampled have caseloads of 1 to 5 depending on the number of petitions active at one time. Caseloads in more densely populated areas remain low because of the higher number of attorneys available. Thirteen counties sampled are very rural, and each has only a few attorneys available. Four counties must send abuse and neglect cases to district courts in another area because they are too small to support their own court systems. In the larger counties of Bexar, Dallas, Harris, Nueces, Tarrant, and Webb, 25 to 400 private attorneys are available for court appointments. Most attorneys in the State are older, white males in solo practice or small firms. Dallas County has more females but needs more minority attorneys. Webb County uses mostly younger, minority male attorneys. In Hunt, most private attorneys are male, but one younger female attorney accepts most of the abuse and neglect cases. No problems recruiting or retaining attorneys were reported.

State Statute § 34.03 states that civil and criminal "immunity extends to participation in any judicial proceeding resulting from the [child abuse and neglect] report" when acting in "good faith." State Statute § 11.101 also grants immunity from civil liability to CASAs. Only 4 respondents, however, were aware of any immunity, and respondents in 10 counties reported that none exists for attorneys. Attorneys are presumed to have private malpractice insurance.

Despite the proposed statewide CASA office and growing number of CASA programs, large differences exist among the many counties in Texas. Much is left to judicial discretion, resulting in inconsistent representation of abused/neglected children throughout the State.

SAMPLED JURISDICI'IONS AND CASELOADS

Estimated Number of Petitions in 1989			
Bexar	600	Lamar	10
Brewster	3	Live Oak	1
Culberson	0	Nueces	37
Dallas	500	Parmer	2
Deaf Smith	1	Presidio	1
Goliad	0	Reeves	25
Harris	2,500	Tarrant	120
Hudspeth	0	Terrell	0
Hunt	25	Webb	100
Karnes	4		

UTAH

REQUIREMENTS:	GAL appointment in all abuse and neglect cases
AUTHORITY:	UTAH CODE ANN. § 78-3a-63 (Supp. 1988)
PROGRAM MODELS:	Private attorney: all jurisdictions sampled; assisted by CASAs in five counties CASA: Weber, 25 percent
APPOINTMENT TIMES:	Set by State at tiling of initial petition but can occur at emergency removal hearing or first hearing. Ends when court intervention ends.
TRAINING:	State set and provided
COMPENSATION:	State set by contract: Varies with size of jurisdiction. Total annual budget $200,000.
CHILDREN SERVED:	75 to 100 percent
IMMUNITY FROM LIABILITY:	Not clear
SAMPLED JURISDICTIONS:	13 counties
TOTAL JURISDICTIONS IN STATE:	29 counties

In Utah, GAL appointment in abuse and neglect proceedings are mandated by State statute. The State has a GAL program run by the State court administrator. As set out in 7-103 Utah Code, the administrator is responsible for program management provisions for GAL contracting, responsibilities of GAL and conflict of interests. The staff consists of the administrator and his secretary. The project receives $200,000 in public funding appropriated specifically for this purpose. Attorneys in large counties who receive GAL contracts must recruit, train, and utilize volunteers; both an attorney and volunteer are assigned cases. The attorney/volunteer team exists in Carbon, Grand, Salt Lake, Utah, Wasatch, and Weber Counties. Volunteers assist the attorneys but are not GALs. In smaller counties the use of volunteers is not required. All counties sampled except Weber use private attorneys. In Weber County, the contract GAL has created a formal CASA program. CASA volunteers act as primary in all cases except those going to trial (approximately 75 percent receive CASA). Duchesne and Uintah Counties, both within the Eighth Judicial District, reported providing administrative, social work, and volunteer support to the GALs.

In all counties except Weber, the judge decides whether to make an appointment, and the judge or the court clerk handle the actual appointment. In Weber County, appointment is automatic, and the GAL, as the director of the CASA program, makes the appointment. In Utah and Wasatch Counties, 25 percent of the petitions filed do not receive GAL representation. The decision not to appoint a GAL is made by the judge and is determined by the complexity of the case. In Salt Lake County, 1 percent of the cases do not receive GAL representation. GALS are assigned if the parents are not in compliance or if the social worker requires assistance.

The mandated appointment time is at the filing of the initial petition. Duchesne, Salt Lake and Uintah Counties make GAL assignments at the emergency removal hearing; Davis and Sanpete Counties appoint at the first hearing. Weber County assigns the CASA volunteers at the emergency hearing and may appoint the GAL whenever it becomes clear that the case will go to trial. In every county the appointment ends when other court intervention ends. In four counties, these times are required by the State.

Duchesne, Uintah, Utah, Wasatch, and Weber Counties provide GAL representation in custody cases; Carbon, Grand, and Weber Counties provide GAL representation in delinquency cases; and Washington County provides a GAL in domestic/divorce cases. In Weber County a GAL may be assigned in any case involving a child. The same GALs are used in these cases as in abuse and neglect cases.

Six of the counties may provide representation to the child, in addition to the GAL, in abuse and neglect cases. Carbon, Grand, Utah, and Wasatch Counties leave this decision primarily to judicial discretion. Davis and Salt Lake Counties provide extra counsel on cases when the victim was also a perpetrator or a minor was also a parent.

The State Court Administrator's Office has developed a manual outlining the roles and responsibilities of the GAL These include but are not limited to investigating the case, meeting with the child, providing legal representation, monitoring the case, ensuring compliance with court orders, and making reports and recommendations to the court. Most attorneys present both the wishes of the child and what is felt to be the child's best interests when the two conflict. Washington County GALs represent primarily wishes of the child, while Utah and Wasatch GALs focus on the best interests. Generally the same GAL represents all the children involved in a particular case. In all counties sampled, except Washington County, GALs take a very active if not the lead role in the coordination process. In Washington, the role of the GAL in coordination is unclear.

All attorneys are paid by the State; most have contracts negotiated with the State Court Administrator's Office. The two exceptions to this were Duchesne and Uintah Counties, where GALs are paid $40 to $50/hour for time spent on a case, and pay is set through local court rule. Salaries in all other counties ranged between $4,800 and $20,000 annually. All reported annual salaries are less than $10,000, except in Salt Lake, where it is $20,000. Duchesne and Uintah were the only counties to report GAL pay as equivalent to other indigent defense pay. Elsewhere, GAL, pay was reported to be less. Of the five counties (Duchesne, Sanpete, Uintah, Utah, and Wasatch) where GALs could be reimbursed for expenses, only Duchesne and Uintah covered minor costs such as photocopying, mileage, telephone, etc.

The State training requirements for attorney GALs cover laws, family dynamics, child abuse, advocacy, role, courtroom responsibilities, monitoring, interviewing, dealing with children, recommendations, and interactions with welfare, parents, and foster parents. The lead guardian of the State Juvenile Court provides the initial training and any ongoing training. Ongoing training is less formal than initial training but also required. All volunteers receive the same training, which lasts approximately 8 hours.

Caseload per attorney averages between 10 and 25 cases at any given time. In Davis County, which includes the city of Ogden, the contract attorney carries an average of 60 cases. The Utah County GAL's caseload is significantly high, averaging 200 cases. This GAL also accepts all the cases from Wasatch as well as two other counties. This territory includes Provo. Utah.

Duchesne, Sanpete, Uintah, and Utah reported a lack of adequate compensation as one difficulty in retaining and/or recruiting GALs. Sanpete also found the number of GALs available a problem. In Davis and Utah Counties, some attorneys are unwilling to serve as GALs. In the remaining seven counties, there are no difficulties regarding retention and/or recruitment of GAL.

Attorney GALs are mostly younger and, except in Box Elder and Salt Lake, male, white, and from small or solo practices. Salt Lake and Cache County's GALs are from larger firms. Most attorneys practice primarily in areas of the law other than juvenile or family.

Respondents were unclear regarding the issue of immunity from liability. Respondents in three counties (Carbon, Davis, and Grand) reported GALs held total immunity by statute. Respondents in five counties (Salt Lake, Sanpete, Utah, Wasatch, and Weber) stated that GALs received partial/good faith immunity by statute. Cache County said none existed. Respondents in Duchesne, Uintah, and Washington were unsure whether GALs had immunity in the counties.*

In Carbon, Grand, Salt Lake, Sanpete, and Weber Counties, the State conducts formal monitoring annually. In Salt Lake, where one law firm receives all of the county's abuse and neglect cases, the lawyers and volunteers also evaluate each other.

SAMPLED JURISDICTIONS AND **CASELOADS**

Number of Petitions in 1989			
Box Elder	15	Sanpete	10
Cache	50	Uintah	50
Carbon	8	Utah	400
Davis	65	Wasatch	12
Duchesne	70	Washington	51
Grand	5	Weber	203
Salt Lake	460		

*Respondents claimed that GALs are not insured, however, § 78-3a-44.5 considers GALs as employees of the State for purposes of indemnification under the Government Immunity Act.

VERMONT

REQUIREMENTS:	Appointment of GAL or counsel mandatory in abuse/neglect proceedings
AUTHORITY:	VT. STAT. ANN. tit. 33 § 653
PROGRAM MODELS:	Counsel and-Volunteer GAL both appointed to all cases in sampled counties Staff attorneys: Public Defenders, 100 percent in all sampled counties Private attorney "conflict counsel" used as needed in conflicts of interest Volunteer GALs: 100 percent in all sampled counties
APPOINTMENT TIMES:	All counsel appointed at the filing of petition. Volunteer GALs appointed at filing or first hearing. Appointments continue until court intervention ends, some GALs continue beyond court; Orange and Windsor counsel transfer appointment to Juvenile Defender's Office at disposition.
TRAINING:	Attorneys: none Volunteer GALS: Statewide training and manual. Hours not specified. Required before first appointment.
COMPENSATION:	Public Defenders: Annual salaries range from $21,300 to $42,600/year. Orange and Windsor Counties contract a private law firm for public defense work for a fixed annual fee.
CHILDREN SERVED:	100 percent of all abused and neglected children in sampled jurisdictions receive both counsel and volunteer GAL
IMMUNITY PROM **LIABILITY:**	None
SAMPLED JURISDICTIONS:	9 counties
TOTAL JURISDICTIONS **IN STATE:**	14 counties

Vermont statute, Title 33 § 653, mandates that judges appoint counsel or GAL in juvenile cases where the child's and parents' interests conflict. Respondents in all counties sampled reported that this includes all abuse and neglect cases and that both an attorney and a volunteer GAL are appointed in every case. In each of the nine sampled counties, Public Defenders are appointed to represent the child as counsel. Public Defenders are staff attorneys of the Public Defender's Office, except in Windsor and Orange Counties, which both contract the same private law firm to provide public defense. Private attorneys throughout the State also contract with the Public Defender's Office as "conflict counsel" and accept cases when there are conflicts of interest with the Public Defender's Office. Public Defenders have administrative support within their offices. Private attorneys performing public defense work have only their own staff as support. GALs work independently of attorneys and do not provide direct support.

Volunteer GALs also are appointed to every abuse and neglect case. GALs, like attorneys, are appointed by the judge at the filing of the petition and assigned by the court clerk immediately afterwards. Judges throughout the State are responsible for recruiting, training, monitoring, and assigning volunteer GALs; however, most or all of these duties are carried out by the court clerk. All appointments of counsel and GAL continue until court intervention ends, although some GALs may remain involved beyond the end of court action. The Orange/Windsor private attorneys performing public defense work transfer responsibility for the case to the Juvenile Defender's Office at disposition. All nine counties reported that 100 percent of all abuse and neglect cases *in District* Court (see Superior Court reference below) have both a volunteer GAL and a Public Defender throughout the court proceedings (only a small number of cases are referred to 'conflict counsel").

Attorneys generally provide only legal representation in court; volunteer GALs are more active outside of court, interviewing, investigating, monitoring, coordinating services, and reporting back to the court. Public Defenders also provide legal counsel to children in cases involving delinquency, criminal abuse, unmanageables, and mental health. GALs and counsel are not appointed in Superior Court cases. This practice was criticized by several respondents who said that representation for children in these cases is desperately lacking. It was reported that when abuse or neglect allegations arise in divorce and custody proceedings in Superior Court, the abuse or neglect matter is not referred to the District Court, and the child remains unrepresented in Superior Court. Some Superior Court judges would like to appoint GALs or counsel, but it is beyond the scope of duties of Public Defenders, and volunteer GALs are refusing divorce and custody cases until they receive issue-specific training. It was reported that several attempts have been made to revise the Vermont courts creating a juvenile court system, but the existence of a State budget deficit has prevented any major changes.

Counsel and GAL both generally represent the best interests of the child, except in four counties where counsel represents the child's desires or both views. Respondents in all counties except two reported that in cases of major differences between desires and best interests,

another attorney is appointed to represent the GAL in court. GALs always represent best interests, and the second appointed attorney is in court to represent the GAL's view. Respondents in some counties said this rarely happens, but respondents in three said it occurs frequently.

Most counties have Offices of the Public Defender with staff attorneys earning annual salaries ranging from $21,300 to $42,600. Expenses are not reimbursed. The Department of Human Services usually pays for testing and witnesses. Salaries for Public Defenders are the same as those for criminal defense. Orange and Windsor Counties contract the same law firm to provide public defense counsel. This firm receives a fixed fee for the entire year, regardless of the number of cases handled. As a result, the law firm receives a lower hourly salary, averaging only $20. Again, expenses are not reimbursed.

Attorneys receive no formal training or supervision. Community and court organizations, such as Parents Against Child Sexual Abuse and Children's Advocate Services Program, offer training, information, and guidelines in some counties, but they are not required. The volunteer GAL program was organized by a District Court judge who developed a training manual and series of 12 %-hour videos used statewide. Volunteer GALs are expected to study the manual and videos before their first appointment. Court clerks organize and monitor the training and work of volunteer GALs, and the clerks also assign only GALs who have completed training. Continued, less formal supervision of GALs is provided by the judges and clerks. Ongoing training is required but not regularly scheduled. Respondents criticized the lack of an organized program with a full-time coordinator or supervisor, asserting that the State mandates that they have a GAL program without providing funds or staff to recruit, train, or monitor volunteers adequately.

Caledonia, Chittenden, Franklin, Orange, and Windsor each have one Public Defender handling 20, 115, 80, and 100 cases, respectively. Lamoille and Orleans each have two Public Defenders handling 20 cases at a time. Rutland has three Public Defenders handling an average of 15 abuse and neglect cases each. Washington has four staff attorneys handling 25 cases each.

Caledonia, Lamoille, Rutland, and Washington have 12, 25, 4, and 35 volunteer GALs, respectively, each handling only 1 to 3 cases at a time. Chittenden has 5 GALs take 7 to 10 cases at a time, and Franklin has only 2 GALs to handle 80 cases annually. Respondents in five counties reported problems recruiting and retaining GALs because of the lack of funds and staff to conduct ongoing recruitment and the difficulty of finding well-intentioned, well-qualified volunteers who are able to make a significant time commitment. Also, GALs and attorneys have no immunity from liability, and one respondent reported a reluctance by GALs to take cases due to liability. GALs and Public Defenders are, however, covered by State or county insurance.

The Office of the Public Defender is independent of the court and represents abused and neglected children as a part of its public defense duties. The volunteer GAL program, albeit an informal one, is administered through the courts by the court clerks without a separate budget or staff. State funds were used to develop the training materials.

Despite the dual representation by GAL and counsel, respondents made many suggestions and comments regarding abuse and neglect representation. Respondents felt that the volunteer GAL program should be formalized with paid staff to recruit, train, and supervise; that a juvenile court system should be instituted; that children in Superior Court should be represented; and that a child advocacy office should be used in place of the Public Defender (this is now being instituted in the northeastern counties). One respondent commented additionally that Vermont is a 'home rule" State where local governments do not respond favorably to State or Federal intervention.

SAMPLED JURISDICTIONS AND **CASELOADS**

Number of Petitions in 1989			
Caledonia	32	Orleans	40
Chittenden	115	Rutland	52
Franklin	80	Washington	48
Lamoille	29	Windsor	51
Orange	26		

VIRGINIA

REQUIREMENTS:	The court must appoint an attorney before the hearing in alleged abuse or neglect cases
AUTHORITY:	VA. CODE § 16.1-266(A) (1988)
PROGRAM MODELS:	Private attorneys: all counties CASAs: assist attorneys in Fairfax County
APPOINTMENT TIMES:	Must be prior to the first hearing
TRAINING:	Set locally; CASAs train 24 hours. Attorneys have no training.
COMPENSATION:	Set locally. Some paid $100/case; some paid $40 to $60/hour.
CHILDREN SERVED:	20 percent to 100 percent in sampled counties
IMMUNITY FROM LIABILITY:	None
SAMPLED JURISDICTIONS:	11 counties
TOTAL JURISDICTIONS IN STATE:	95 counties 41 independent cities

Virginia law states that an attorney must be appointed for children in alleged abuse or neglect cases, and every county sampled does appoint attorneys. Fairfax County attorneys have help from CASAs. Most counties have social workers' evaluations available, but many attorneys do not take advantage of them.

Representation of children varied dramatically within the State, from 20 percent in Brunswick County to 100 percent in Arlington, Augusta, Carroll, Fairfax, Floyd, Greensville, Henrico, Patrick, Prince William, and Russel Counties. Brunswick County has a policy of nonappointment unless the child will be removed from the home. In all counties sampled, the judge decides whether to appoint an attorney, and the judge, his clerk, or a secretary makes the actual appointment, selecting the attorney from a list of names. Because the Fairfax CASA program is new, assignment currently is limited to a few cases. The CASAs are not GALs, but they assist attorneys. By State law, all appointments must be made prior to the first hearing. In most areas, the appointment is made as soon as possible, before or at the initial petition. However, in Brunswick County, the judge makes the appointment whenever he feels that it is necessary.

The duties of all attorneys are the same. According to State law, the attorney must represent the best interests of the child. In most areas, when there is a disagreement between the child and the attorney, the best interests of the child will be represented; sometimes both presentations will be made. In Greensville County, however, the child's wishes would be presented.

Attorneys are paid either $40 to $60/hour, with no hourly limits, or $100/case. In many smaller counties, the hourly compensation is better than that for other indigent work. This is because, in many other indigent cases, there are hourly limits set. Reimbursement for expenses may be petitioned to the court

Training is set locally. There are no training requirements for attorneys. Fairfax County CASAs train for 24 hours before appointment with an attorney. This training is still being developed but currently covers courtroom practices, law, and child abuse dynamics. There are no prior experience requirements for attorneys or CASAs.

Attorney's caseloads range from 1 to 6 cases; the average is 2.7. No respondents indicated trouble in recruiting or retaining attorneys to take the cases, but some stated that a few attorneys were less than enthusiastic. In several small counties, being on the list of available attorneys is mandatory, and some counties have only 6 to 10 attorneys.

Age of attorneys varies, but most attorneys are white, and, in all but Arlington and Fairfax, the more metropolitan areas, they are ahnost exclusively men.

GALs have no immunity from liability, but attorneys have their own malpractice insurance for protection. No one oversees or monitors the attorneys formally, although nearly all judges indicated that they would not reappoint an attorney who did a poor job. The Fairfax County CASA program is administered by the local court, and volunteers are monitored and evaluated by the program director and chief Family Court judge.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions in 1989			
Arlington	200	Greensville	20
Augusta	70	Henrico	60
Brunswick	20	Patrick	10
Carroll	10	Prince William	50
Fairfax	400	Russell	30
Floyd	10		

WASHINGTON

REQUIREMENTS:	The court must appoint a GAL in any case of alleged child neglect or abuse
AUTHORITY:	WASH. REV. CODE § 26.44.053 (1986)
PROGRAM MODELS:	CASA: Clark, Franklin, King, Kittitas, Pierce Private attorney: Cowlitz, Franklin, Grant, Stevens Staff attorney: Yakima Nonattomey staff: Pierce
APPOINTMENT TIMES:	Locally controlled: most from initial petition to end of court intervention
TRAINING:	None for attorneys; CASAs train 15 to 30 hours
COMPENSATION:	Set locally; ranges from $55/case to $2,500/month
CHILDREN SERVED	60 to 100 percent in sampled counties
IMMUNITY FROM LIABILITY:	Several jurisdictions claim total immunity by statute; others claim partial by local policy or local ordinance
SAMPLED JURISDICTIONS:	9 counties
TOTAL JURISDICTIONS IN STATE:	39 counties

Over half of the counties sampled in Washington State have CASA programs. This is not surprising, since the concept of a CASA program was developed by a Seattle judge and the King County (Seattle and suburbs) CASA was the first in the country. The counties that do not use CASAs use a trained nonattorney GAL staff, the Public Defender, or private attorneys. All have limited social workers' support

The most populous county is King County, which had 1,700 cases petitioned last year. The county's 400 CASAs could handle only about 60 percent of the cases. King County is the only jurisdiction in the study that did not report 100 percent representation, in compliance with Title 26 law stating that a GAL must be appointed in any case of alleged child abuse or neglect. While the King County CASAs are well aware of the law, they blame the increase in the number of cases in recent years for the lack of 100 percent representation.

The decision to appoint generally is assumed in all cases, but the ultimate decision is up to the judge. The judge, court clerk, or a CASA program director will select a particular person. Franklin and Pierce Counties use more than one model. In Franklin County, the cases are divided evenly between CASAs and private attorneys. Whether a CASA or private attorney is used depends on the age of the child If the child is over 6 years of age, an attorney is assigned to the case. A child under 6 will be assigned to a CASA unless the abuse is severe or the case is especially complicated, in which case the child would have both a CASA and an attorney. In Pierce County, a staff of non-attorney GALs handles 90 percent of the cases, but the more complicated cases are handled by CASAs. There is a lack of CASA volunteers because of a request for a 2-year commitment by the program. Because many people are unwilling to make this commitment, few cases can be assigned to CASAs.

Appointment always begins at the filing of the initial petition. Assignments generally end when court intervention or "dependency upon the court" has ceased. The notable exception to this is the Public Defender of Yakima County, where assignment ceases only when parental rights are terminated or when the child reaches the age of 18. While there are CASAs assigned to other juvenile cases, they may not necessarily be the same volunteers. In King County, a separate group of CASAs will take on custody, delinquency, mental health, and abandonment cases. In Kittitas County, students from the sociology department of Central Washington University or a private attorney will be assigned to these cases.

There is no difference between the duties of the CASA and private attorney except for the divisions of labor noted above. When there is a disagreement between GAL and child, the age is taken into account, and the GAL would either state their opinion of best interests or also add the child's wishes to the statement.

There is no payment to CASAs. The Public Defender in Yakima County receives $3,500/year by contract to do this work. The private attorneys had a range of payments from

$55/case to **$2,500/month,** depending on the size of the county. Payment of **$55/case** is extremely low and respondents considered it to be much under the average for other indigent work

CASA training takes ***15*** to ***30*** hours and covers the basics of law, **CASA** responsibility, and child and family dynamics. CASA programs have additional monthly or quarterly meetings that cover new topics. GAL staff in Pierce County receive training in child welfare and legal issues from the State training commission. There is no training for other **GALs.**

Tbe caseload of the **CASA** is 1 to 5, averaging 2.6. The GAL staff in Pierce County has a caseload of 150, the private attorneys 17, with ranges **from** 1 to 40. The attorney with 40 has a contract to do only this work for the county.

There appear to be no problems recruiting or retaining **GALs,** except in the county that asks for a **2-year** commitment. King County has 400 **CASAs** and needs more but first needs more funds for staff and training. The average attorney in the counties sampled is white and from a small firm. The similarities statewide end there. There is a mix of men and women, old and young.

Only the Clark and Kittitas County CASA programs are independent of the court. The Clark County program is part of the YWCA of Clark County. It has an executive director and three staff and a budget of $80,000 from donations and the county. The Kittitas program is called Child Advocates for Children and has a budget of $13,000 for a director and two part-time staff. Its money comes from county funds and grants.

The issue of immunity from liability is a blurred one. Respondents in several counties claimed total immunity from a statute; some claimed partial immunity from county policy or ordinance: and others claimed no immunity at all. **CASAs** are regularly monitored and evaluated by the program director and judge. There is no evaluation mechanism for attorneys.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions in 1989			
Clark	600	Kittitas	16
Cowlitz	124	Pierce	553
Franklin	72	Stevens	NA
Grant	30	Yakima	208
King	1,700	NA = Not available	

WEST VIRGINIA

REQUIREMENTS:	Counsel is required in all abuse/neglect proceedings. GALs also may be appointed.
AUTHORITY:	W.V. CODE § 49-6-2
PROGRAM MODELS:	Private attorneys: all jurisdictions Staff attorneys: 20 percent of cases in Wood and Morgan Kanawha Public Defender will begin handling 100 percent of that county's cases
APPOINTMENT TIMES:	Appointed by the judge at least 10 days prior to hearing to serve throughout the court proceedings according to § 49-6-2
TRAINING:	None required
COMPENSATION:	Private attorneys: $30/in-court hour, $20/out-of-court hour, to be increased July 1990 to $60 and $40, respectively. Must be equal to criminal defense fees as per § 49-6-2.
CHILDREN SERVED:	100 percent of abused/neglected children in all jurisdictions
IMMUNITY PROM LIABILITY:	None
SAMPLED JURISDICTIONS:	12 counties
TOTAL JURISDICTIONS m STATE	55 counties

West Virginia Code § 49-6-2 mandates that 'legal counsel" be appointed for children in all abuse/neglect proceedings. Code § 56410 allows for the additionai appointment of a GAL in any proceeding for infants, or for insane or incarcerated persons. One hundred percent of the abused and neglected children in West Virginia's courts receive a court-appointed attorney. Eleven counties reported that a GAL is rarely needed or appointed additionally. Calhoun County, however, appointed an attorney and an attorney-GAL in 8 of 10 cases last year.. All counties use private attorneys for most or all cases, with only Wood and Morgan using staff attorneys, the West Virginia Legal Services and Public Defender's Office, respectively, in 20 percent of their cases. Morgan reported that the Public Defender is in another county and is appointed only if no private attorneys are available. Kanawha soon will begin to use the Public Defender's Office in all of its cases. Hampshire County had no cases last year but normally would use private attorneys in abuse and neglect proceedings. Only staff attorneys receive any direct administrative support.

Judges appoint an attorney for the child as mandated by § 49-6-2 at least 10 days prior to the adjudication hearing. Judges or court clerks then assign attorneys from a rotating list maintained by each county. In three counties, all attorneys are required to be on the list for court appointments. Appointment continues until court intervention ends. Judges also appoint GALs or attorneys for children in a variety of cases such as juvenile delinquency, custody, criminal, inheritance, insurance, and any time a juvenile is before the court. Rule 17 of West Virginia Rules of Civil Procedure requires the appointment of legal counsel for all infants before the court if they are not otherwise represented.

Attorneys are appointed to provide legal counsel for children. Specific duties of counsel are not outlined by statute or policy, and differences exist among the counties. Three counties reported that the child's desires are represented, four reported that 'best interests" are represented, and one reported that both views are presented. One county commented that its attorneys represent child's desires "to a fault," leaving the child's best interests basically unrepresented. Four counties reported that an attorney-GAL can be appointed additionally, usually in rare cases when the child's best interests strongly conflict with his desires. In these cases, counsel represents desires and GAL represents best interests. Rule XIII gives limited guidance to GALs only, saying a GAL "shall make a full and independent investigation" and "make known to the court his recommendations.'

Fees for private attorneys are approved by the presiding judge according to State guidelines. Private attorneys receive $30/in-court hour and $20/out-of-court hour, to be raised in July 1990 to $60 and $40 respectively. Only one county reported a fee ceiling, which was $1.000. Payment must be equivalent to those received by attorneys appointed in felony cases (§ 49-6-2). Kanawha Public Defenders earn an annual salary in the range of $25,000 to $38,000. Case-related expenses are reimbursed if approved by the judge.

No formal program exists governing abuse and neglect counsel. Attorneys receive no required training, no supervision, and no guidance. Although only attorneys are appointed, no prior experience is required. Attorneys are not immune from liability, and only public defenders are insured by the State as public employees.

Eight counties each have less than 10 attorneys handling only 1 to 2 cases at a time. This is due to the small number of cases petitioned in these counties. Kanawha has 15 private attorneys who take one case at a time and four Public Defenders who soon will be taking all of the cases. Wood reported having 12 private attorneys who regularly accept appointments, usually handling 6 at a time. No counties reported any problems recruiting or retaining attorneys. Most of the attorneys used are white males; only three counties reported an even distribution of males and females. All counties reported a mix of experienced and inexperienced attorneys, the majority of whom practice in solo or small firms.

Suggestions made to improve abuse and neglect representation included increasing fees and emphasizing early intervention and resolution of court action. Several respondents commented that abuse and neglect cases do take priority over other civil cases in West Virginia.

SAMPLED JUIUSDICI'IONS AND CASELOADS

Estimated Number of *Petitions* 1989			
Berkeley	10	Logan	57
Cabell	30	Morgan	10
Calhoun	10	Ohio	9
Grant	2	Roane	11
Hampshire	0	wirt	10
Kanawha	25	Wood	74

WISCONSIN

REQUIREMENTS:	Mandatory attorney-GAL appointment in cases involving termination of parental rights, placement, or abuse restraining orders. GAL appointment in other abuse and neglect cases is discretionary. Children aged 12 and older receive counsel. Children younger than 12 receive attorney-GAL.
AUTHORITY:	WK. STAT. ANN. § 48.235; § 813.122(3)
PROGRAM MODELS:	Private attorneys: all jurisdictions Staff attorneys: Public Defenders in 7 sampled counties Legal Aid in addition to Public Defenders in Milwaukee
APPOINTMENT TIMES:	Eight counties reported that judge appoints attorney at filing of petition. Two counties reported that appointment can occur later. All appointments end when court issues final order according to § 48.235(7) and 151 Wis 2nd p. Li.
TRAINING:	None required
COMPENSATION:	Private attorneys: $60/hour according to Supreme Court Rule 81.02, but recent court decision may change this Staff attorneys: Public Defenders' receive $23,000 to $50.000 annually
CHILDREN SERVED:	50 to 100 percent
IMMUNITY PROM **LIABILITY:**	None
SAMPLED **JURISDICTIONS:**	10 counties
TOTAL **JURISDICTIONS** IN STATE:	72 counties

Wisconsin State Statute § 48.235 allows for the appointment of an attorney for a child before the court. The statute mandates appointment only in cases involving termination of parental rights, placement outside of the home, or child abuse restraining orders. Children aged 15 or older may waive the right to counsel except in the above-mentioned cases. Children under the age of 12 may have an attorney-GAL appointed for them instead of counsel. Despite the judicial discretion permissible, respondents in 8 of the 10 counties sampled reported that. 100 percent of children receive at least one appointed attorney. Price and Shawano respondents reported that because of the judicial discretion allowed by the statute, only 80 and 50 percent, respectively, receive representation.

Children aged 12 and older receive an attorney appointed as counsel to represent their wishes. Attorney-GALs are appointed to children under the age of 12 to represent their best interests. Both counsel and GAL can be appointed to one child, but usually this occurs only in cases involving a handicapped child, sexual abuse, or severe conflict between the child's desires and best interests. In 3 of the 10 sampled counties, Public Defenders represent children either as counsel or GAL, and private attorneys are used only in conflicts of interests or if no Public Defender is available. Three counties appoint Public Defenders as counsel to children aged 12 and older and appoint private attorneys as GALs for younger children. Milwaukee uses Legal Aid staff attorneys also as GALs for the younger children. Marathon, Oconto, and Rusk use private attorneys for all cases. The Shawano Public Defender handles all cases in that county despite the availability of private attorneys. The respondent explained that the county prefers to use the Public Defender's Office, which is funded by the State, rather than private attorneys. who are paid with county funds. Of the six counties using both models, only Jefferson and Price use private attorneys more often than staff attorneys.

Public Defenders and Legal Aid attorneys have administrative support within their offices; however, private attorneys receive no support. Milwaukee has one part-time and three full-time social workers in its Office of the Public Defender. Staff attorneys receive only internal monitoring by their offices, and private attorneys are not supervised or formally monitored at all. Attorneys are not required to have any specific GAL experience or training. All Wisconsin attorneys must, however, complete 30 hours of training every 2 years in order to remain on the Bar.

Attorneys receive no guidelines or description of duties except the descriptions in § 48.235 and § 767.045. The statutory requirement of counsel for children aged 12 and older has resulted in the representation of children's desires. When the same attorneys are appointed as GALs, § 767.045 states that "The guardian ad *litem* shall be an advocate for the best interests of the child...[and] may communicate to the court the wishes of the child." All respondents reported that attorneys do follow these instructions, representing the desires of children aged 12 and older, representing the best interests of younger children, and representing the best interests

of any child if appointed as GAL. Attorneys, however, have no statutory or case law immunity from liability regarding abuse and neglect representation.

Judges appoint counsel or GAL at the filing of the petition in all counties where 100 percent of abuse and neglect cases receive representation. In Price and Shawano, where representation does not always occur, appointment can occur later in the case. According to § 48.235(7) and Supreme Court 151 WIS. 2d p. Li, appointment must end when the court issues its final order. Other cases beside abuse and neglect that receive appointed attorneys include cases involving juvenile delinquency, custody, mental health, and children in need of supervision.

Private attorneys receive $60/hour for court appointments according to Supreme Court Rule 81.02; however, a January 1990 Supreme Court decision regarding GAL fees will result in a new amount. Public Defenders earn an annual salary in the range of $23,000 to 50,000. Legal Aid attorneys earn less because Legal Aid is an independent nonprofit agency. Case-related expenses are reimbursed to all GALs.

Jefferson, Manitowoc, Oconto, Price, and Rusk all have fewer than 10 private attorneys who accept only 1 to 3 court appointments at a time. Because these counties have few private attorneys in practice, it is difficult for them to find another attorney if there is a conflict of interest or if another GAL is needed on the same case. Rusk has only two attorneys available for court appointments; they handled all of the 30 cases last year. Brown, Door, and Marathon have 15 to 25 private attorneys; they each handle 2, 1, and 5 cases, respectively. Shawano has only 1 Public Defender; Jefferson, Manitowoc, and Price each have 3; Brown and Door each have 5; and Milwaukee has 7 Legal Aid attorneys and 17 Public Defenders. Caseloads for staff attorneys generally range from 10 to 20 cases except in Door and Price, where caseloads may only be 1 or 2. Most appointed attorneys in the State are white, male solo practitioners or from small firms, Shawano's only Public Defender is female, and Marathon and Milwaukee respondents reported a mix of female and male attorneys. All counties used more experienced rather than younger attorneys for GAL work. Only the more rural counties reported problems obtaining GALs because of the small number of attorneys available. Although the Public Defender's Office and Legal Aid are independent of the court, no formal GAL program exists for private or staff attorneys.

Respondents commented that the present system in Wisconsin worked well within the limits of staff and funding available. Some suggested that CASA would be a good adjunct to, but not a substitute for, attorneys. Respondents felt strongly that children's legal rights must be protected in the courts by attorneys. One problem noted was the rarity of counsel and GAL both being appointed. Respondents said children aged 12 and older receive counsel to represent their desires, but their best interests frequently are unrepresented. Additional funding would enable courts to appoint two attorneys in these cases.

SAMPLED JURISDICTIONS AND CASELOADS

Estimated Number of *Petitions* in 1989			
Brown	150	Milwaukee	NA
Door	30	Oconto	20
Jefferson	50	Price	15
Manitowoc	80	Rusk	30
Marathon	75	Shawano	20

NA = Not available

WYOMING

REQUIREMENTS:	Requires court to appoint counsel for child in any abuse, or neglect case. May also appoint GAL or attorney may be GAL.
AUTHORITY:	WYO. STAT. ANN. § 14-3-211(a) (1986)
PROGRAM MODELS:	Public Defender: Carbon, Natrona, Uinta Private attorneys: all counties
APPOINTMENT TIMES:	State mandates appointment at filing of petition, to end when court intervention ends
TRAINING:	Set locally; attorneys have no training
COMPENSATION:	Set locally; attorneys receive $45 to $75/hour or $150 to $350/case
CHILDREN SERVED:	100 percent in sampled counties
IMMUNITY FROM LIABILITY:	None
SAMPLED JURISDICTIONS:	9 counties
TOTAL JURISDICTIONS IN STATE:	23 counties

Wyoming uses several combinations of private attorneys and staff attorneys to serve as GALs. Every county uses private attorneys at least some of the time, and six counties-Albany, Campbell, Fremont, Johnson, Sweetwater, and Washakie-use them exclusively. Carbon, Natrona, and Uinta use private attorneys in conjunction with staff attorneys from the Public Defender's Office. Social work help or reports are available in all counties but are only used in about half.

All counties have 100 percent representation of children. Judges decide which cases will receive appointments, and the judge or his clerk select the individual for appointment. In counties that use both Public Defenders and private attorneys, selection is made on the basis of availability. These counties try to rotate between the two models to evenly distribute cases and responsibilities. The State requires that appointment take place when the initial petition is filed and that it end when court intervention ends. In all counties, GALs are available for delinquency and custody cases also.

State law specifies that counsel must be appointed to a child in any abuse or neglect case. A GAL also may be appointed, or the attorney may be the GAL GALs are required to represent the best interests of the child. Respondents varied in their opinions regarding presentation in the case of disagreement between the child and the GAL. Uinta County GALs would present the child's best interests, but another attorney could report the child's wishes. Respondents in other counties said that they would present either the best interests of the child and the child's wishes, or only best interests.

Compensation for the attorneys is set locally. Compensation ranges from $45 to $75/hour, or from $150 to $550/case. Wyoming attorneys feel that this payment is roughly equivalent to that for other indigent work, and they generally are satisfied with these amounts. Training requirements are set locally within the State, but there are no training programs in the counties sampled. Nor is there any experience required prior to serving as a GAL.

The average attorney caseload is 2.6, with a range of 1 to 5. Most counties have no problems retaining attorneys, but scheduling conflicts can be a problem in counties with few attorneys. The ages of attorneys vary greatly, but most are middle aged, white, and male. Almost all are in solo practice or small firms.

There is no immunity from liability, but most attorneys carry their own malpractice insurance. There is no formal monitoring process.

SAMPLED JURISDICTIONS AND CASELOADS

Number of Petitions in 1989			
Albany	12	Natrona	102
Campbell	100	Sweetwater	100
Carbon	15	Uinta	140
Fremont	10	Washakie	so
Johnson	24		

APPENDIX 2
SAMPLED COUNTIES BY STATE

ALABAMA
- Barbour
- Cherokee
- Clebume
- Crenshaw
- Elmore
- Etowah
- Jefferson
- Lee
- Lowndes
- Monroe
- Montgomery'
- Tuscaloosa
- Washington

ALASKA[a]
- Anchorage
- Cordova
- Eagle River[2]
- Fairbanks
- Juneau
- Kenai
- Kodiak
- Nome
- Sitka
- Wrangell

ARIZONA
- Apache
- Cochise
- Coconino
- Gila
- Graham
- Greenlee
- Maricopa
- Navajo[3]
- Pima
- Pinal[4]

ARKANSAS
- Arkansas
- Clark
- Crawford
- Garland
- Logan
- Monroe
- Pike
- Pulaski
- Saline
- Scott
- Sebastian

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[a]district courts sampled
*added as a large city
'included as part of a larger jurisdiction
[3]deleted; no response or no information available
[4]deleted; refused to cooperate
'added as a district court
[6]juvenile court
'added; information was available

CALIFORNIA
- Alameda
- Fresno
- Humboldt
- Kings
- Lake
- Los Angeles'
- Placer
- San Bemadino
- San Diego'
- San Francisco'
- Santa Cruz
- Siskiyou[3]
- Stanislaus[4]

COLORADO
- Alamosa
- Bent
- Delta
- Denver
- Garfield
- Huerfano
- Larimer
- Las Animas
- Montrose
- Otero
- Rio Blanco
- Weld

CONNECTICUT[a]
- Ansonia-Milford[5]
- Danbury[5]
- Fairfield
- Hartford-New Britain
- Lit&field
- Middlesex
- New Haven
- New London
- Rockville[5]
- Stamford-Norwalk[5]
- Tolland
- Waterbury'
- Windham

DELAWARE
- Kent
- New Castle
- Sussex

DISTRICT OF COLUMBIA
- Washington, D.C.

FLORIDA
- Clay
- Dade
- De Sot0
- Duval'
- Glades
- Hendry
- Hillsborough
- Lake
- Polk
- St. Johns
- Sumter

GEORGIA
- Burke
- Chatham
- De Kalb
- Emanuel
- Franklin
- Fulton
- Gordon
- Henry
- Jefferson
- Jenkins
- Richmond
- Stephens

HAWAII
- Hawaii
- Honolulu
- **Kauai**
- Maui

IDAHO
- Ada
- Bingham
- **Bonner**
- Canyon
- Cleanvater
- **Elmore**
- Gem
- **Gooding**
- Idaho
- Payette
- Twin Falls
- Washington

ILLINOIS
- Cook
- **Du** Page
- Hancock
- Kendall
- Logan
- Madison
- Perry
- Schuyler
- Stephenson
- Washington
- Winnebago

INDIANA
- Clay
- Dearborn
- Knox
- Marion
- Parke
- Pulaski
- St. Joseph
- Vanderburgh
- **Vermillion**
- Wabash
- White

IOWA
- Black Hawk
- Bremer
- Buchanan
- Delaware
- Humboldt
- Iowa
- Jones
- Marion
- Pocahontas
- Polk'
- Scott
- Washington
- Webster
- Wright

KANSAS
- Allen
- Atchison
- Brown
- **Coffey**
- **Doniphan**
- Johnson
- Lyon
- Marshall
- Nemaha
- Neosho
- **Osage**
- Saline
- **Sedgwick**

KENTUCKY

Barren
Butler
Davies
Fayette
Grant
Henry
Hopkins
Jefferson
Kenton
Ohio
Owen
Warren

LOUISIANA

Bienville
Claibome
East Baton Rouge
East Feliciana
Iberville[3]
Lafourche
Orleans
Rapides
St. Mary
Tangipahoa
West Feliciana

MAINE

Aroostook
Cumberland
Franklin
Kennebec
Lincoln
Oxford
Somerset
Waldo
York

MARYLAND

Allegheny
Carroll
Dorchester
Harford
Howard
Montgomery
Prince George's
Talbot
Wicomico

MASSACHUSETTS[a]

Bristol[6]
Boston[6]
Brockton
Cambridge
Dedham
Edgartown
Greenfield
Northampton
Pittsfield
Salem

MICHIGAN

Benzie
Branch
Genesee
Ionia
Jackson
Macomb
Manistee
Mecosta
Newaygo
Wayne

MINNESOTA
- Brown
- Crow Wing
- Hennepin
- Jackson
- Kittson
- Marshall
- Morrison
- Murray
- Nobles
- Olmsted
- Ramsey
- Redwood
- Roseau

MISSISSIPPI
- Calhoun
- Clarke
- De Sot 0
- Harrison
- Hinds
- Jasper
- Jones
- Pontotoc
- **Rankin**
- **Smith**
- Wayne

MISSOURI
- **Andrew**
- Boone'
- **Cass**
- Crawford
- Dent
- **Gentry**[4]
- **Holt**
- Jackson
- Jefferson
- Platte
- **St. Louis**
- Shannon[4]
- Texas

MONTANA
- Big Horn
- Blaine
- Carbon
- Cascade
- Chouteau
- Dawson
- Fergus
- **Flathead**
- Judith Basin
- Lincoln
- Powder River
- Prairie
- **Ravalli**
- Rosebud
- Sanders
- **Stillwater**
- Yellowstone

NEBRASKA
- Adams
- Arthur
- **Boyd**
- Cheyenne
- Dakota
- **Deuel**
- Dixon
- Douglas
- Garden
- Grant
- **Hall**[3]
- Holt
- Keith
- Knox
- Lancaster

NEBRASKA (cont.)
- Perkins
- Seward
- Thurston
- York

NEVADA
- Carson
- Churchill
- Clark
- **Douglas**[4]
- Elko
- **Esmeralda**
- Lincoln
- Mineral
- **Nye**
- Pershing
- Storey
- **Washoe**

NEW HAMPSHIRE[a]
- Berlin
- Claremont
- Concord
- Dover
- **Exeter**[5]
- **Goffstown**[5]
- **Keene**
- **Laconia**
- Lebanon
- **Manchester**[5]
- Nashua
- Portsmouth

NEW JERSEY
- Bergen
- Burlington
- Cape **May**[3]
- Essex
- Hunterdon
- **Mercer**
- **Middlesex**[7]
- Monmouth
- Passaic'
- Somerset
- Warren
- Union

NEW MEXICO
- Bemalillo
- **Chaves**
- De **Baca**
- **Doña Ana**
- Grant
- Luna
- Quay
- Roosevelt
- San Juan
- Sante Fe
- Sierra

NEW YORK
- **Cayuga**
- Chautauqua
- **Dutchess**
- Erie'
- **Genesee**
- New York City
- Queens'
- Sullivan[4]
- Ulster
- Wyoming

NORTH ***CAROLINA***
- Avery
- Bertie
- Bunwmbe

NORTH CAROLINA (cont.)
- **Caldwell**
- Durham
- Edgecombe
- Hertford
- Jackson
- Mecklenburg'
- Richmond
- Yancey

NORTH DAKOTA
- **Cass**
- Cavalier
- **Eddy**
- Grand Forks
- Kidder
- **McHenry**
- McLean
- **Mercer**
- Morton
- Nelson
- Oliver
- Pembina
- Pierce
- Ramsey
- Sheridan
- Stark
- Stutsman
- Towner
- Walsh

OHIO
- Allen
- Ashland
- Geauga
- Hamilton
- Licking
- Marion
- Scioto
- Summit
- Van **Wert**

OKLAHOMA
- Alfalfa
- Cleveland
- Comanche
- Cotton
- Grant
- Jefferson
- Logan
- **Mayes**
- Noble
- Oklahoma
- **Tillman**
- Tulsa
- Wagoner

OREGON
- Baker
- **Benton**
- Grant
- Hood River
- Jackson
- Josephine
- Lane
- Multnomah
- Polk
- Union
- **Wallowa**
- **Wasco**

PENNSYLVANIA
- Allegheny
- Armstrong
- Beaver
- Bucks
- **Centre**

PENNSYLVANIA (cont.)
- **Clearfield**
- Indiana
- Lycoming
- Philadelphia'
- Wyoming

RHODE ISLAND'
- Bristol'
- Kent
- Newport
- Washington

SOUTH **CAROLINA**
- Bamberg
- **Barnwell**
- Clarendon
- **Edgefield**
- Florence
- **Horry**
- Laurens
- McCormick
- Orangeburg
- Spartanburg
- Williamsburg

SOUTH DAKOTA
- **Brookings**
- Butte
- **Clay**
- **Codington**
- **Deuel**
- **Hamlin**
- Lawrence
- **Lincoln**
- Meade
- Minnehaha
- Penningtoo
- Union
- **Yankton**
- Ziebach

TENNESSEE
- Carter
- Davidson
- Knox
- Lauderdale
- Marshall
- Montgomery
- Moore
- **Roane**[4]
- Rutherford
- Shelby

TEXAS
- Bexar'
- Brewster
- Culberson
- Dallas
- **Deafsmith**
- Goliad
- Harris'
- Hudspeth
- Hunt
- **Karnes**
- Lamar
- Live Oak
- **Nueces**
- Parmer
- Presidio
- **Reeves**
- **Tarrant**
- Terre11
- Webb

UTAH

Box Elder
Cache
Carbon
Davis
Duchesne
Grand
Salt Lake
Sanpete
Uintah
Utah
Wasatch
Washington
Weber

VERMONT

Caldonia
Chittenden
Franklin
Lamoille
Orange
Orleans
Rutland
Washington
Windsor

VIRGINIA

Arlington
Augusta
Brunswick
Carroll
Fairfax
Floyd
Greensville
Henrico
Manassas[2]
Patrick
Prince William
Russell

WASHINGTON

Clark
Cowlitz
Franklin
Grant
f i g
Kittitas
Pierce
Stevens
Yakima

WEST VIRGINIA

Berkeley
Cabell
Calhoun
Grant
Hampshire
Kanawha
Logan
Morgan
Ohio
Roane
Wirt
Wood

WISCONSIN

Brown
Door
Jefferson
Manitowoc
Marathon
Milwaukee
Oconto
Price
Rusk
Shawano

WYOMING

Albany
Big Horn[3]
Campbell
Carbon
Converse[3]
Fremont
Johnson
Lincoln[3]
Natrona
Sweetwater
Uinta
Washakie

3623.1
Vol. 3 of 3

FINAL REPORT ON THE VALIDATION AND EFFECTIVENESS STUDY OF LEGAL REPRESENTATION THROUGH GUARDIAN AD *LITEM*

APPENDIX B

Data Collection Instruments

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children and Families
Administration on Children, Youth and Families
National Center on Child Abuse and Neglect

OMB No. 0980-0237
EXPIRES 6-30-93

QUESTIONNAIRE #1
ATTORNEY AND VOLUNTEER
(NEW CASES ONLY)

Conducted by:

CSR, INCORPORATED
1400 Eye Street, N.W.
Washington, DC 20005

For:

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children, Youth and Families

I want to assure you that everything we talk about today is completely confidential. Nothing you say will be discussed with any agency or anyone else. What you say will be anonymous. Your name will not be used in any way in reporting the results of the study.

Your participation is entirely voluntary. You are free to answer or not answer any or all of the questions I will be asking. You can end the interview at any time.

GAL ID#:	**Site ID#:**
Subject ID#:	
Interviewer Name:	
Interviewer ID#:	
Completion Date: _____/_____/__93__	

Public reporting burden for this collection of information is estimated to average 1 hour per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to:

Reports Clearance Officer
Administration for Children and Families
Department of Health and Human Services
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

and to:

Office of Management and Budget
Paperwork Reduction Project
OMB Control No. (New Request)
Washington, DC. 20503

GAL NAME: _____
SUBJECT ID#: _____
INTERVIEWER ID#: _____
DATE: ___/___/93

CONTROL INFORMATION

INTERVIEWER: *Attempt to answer these questions prior to the interview. If unable to complete all questions, ask respondent to complete.*

CTL1 Has this case been adjudicated?

☐1 Yes
☐2 No **(STOP INTERVIEW,** THANK RESPONDENT FOR TIME)

CTL2 Has this case had a review hearing?

☐1 Yes (GO TO QUESTIONNAIRE **#4)** ⟶
☐2 No

CTL3 (a) When was the petition first filed? ____/____/____

(b) When was this representative assigned? ____/____/____

(c) **Is** the interviewee the original child's representative?

☐1 Yes (GO TO CTLS) ⟶
☐2 No

CTL4 Ask **R** whether she/he has had sufficient experience with this case to answer questions about it.

☐1 Yes
☐2 **No** **(STOP INTERVIEW,** BUT ASK RESPONDENT TO PROVIDE THE NAME OF ANOTHER REPRESENTATIVE WHO COULD PROVIDE THIS INFORMATION:)

_____

CTL5 Are there two (2) representatives on this case?

☐1 **Yes**
☐2 **No**

BACKGROUND INFORMATION ON CHILD'S REPRESENTATIVE

FIRST, WE WOULD LIKE YOU TO-ANSWER A FEW GENERAL QUESTIONS ABOUT YOUR BACKGROUND AND CURRENT WORK.

BA1 Are you an attorney or a lay volunteer?

☐1 Attorney
☐2 Lay volunteer (GO TO Q BA3) ⟶

BA2 If an attorney, how were you recruited to represent children?
(INTERVIEWER: Check as many responses as applicable.)

"Recruited through..."

(a) ☐1 self request to be put on court list

(b) ☐1 court solicited

(c) ☐1 referral from local bar

(d) ☐1 law firm gave my name

(e) ☐1 mandatory, required to register

(f) ☐1 my firm/agency represents children (e.g., contract attorney)

(g) ☐1 other (SPECIFY): _____

_____

BA3 Have you had any previous professional or other experience in the child welfare or child advocacy fields?

☐1 Yes
☐2 No (GO TO Q BA5) ⟶

BA4 How many years experience have you had in the child welfare or child advocacy fields?

_____ Years or [_____ Months]

BA5 Briefly describe the type of experience you have had:

_____

_____

_____

BA6 How many years have you been involved as a child's representative?

_____ Years or [_____ Months]

BA7 Have you ever received any ***specialized training*** to represent children from such places as the State program or agency, court, bar association, or the like?

☐1 **Yes**
☐2 No (GO TO **Q BA10)** ⟶

BA8 How many days total have you had this specialized training?

_____ Days

BA9 Did this training take place before or after you were first appointed to represent children?

Cl, Before
☐2 After
☐3 Both before and after

BA10 What types of topics did you **receive** training in? Please answer whether Yes, No, Don't Know, or Not Applicable to the following general topics.
(INTERVIEWER: *Read the list of responses below and ask **R** to* **answer** ***Yes,*** *No, Don't Know, or Not Applicable.)*

"Received **training** in..."	YES	1 NO	2 D/K	34 N/A
(a) laws and regulations	☐1	☐2	☐3	☐4
(b) courtroom procedures and responsibilities	☐1	☐2	☐3	☐4
(c) understanding child/family dynamics in abuse/neglect situations	☐1	☐2	☐3	☐4
(d) skills in investigation, monitoring, and negotiation	☐1	☐	☐3	☐4
(e) skills in interviewing/communicating with children/families	☐1	☐2	☐3	☐4
(f) identification of community services	☐1	☐2	☐3	☐4
(g) developing service plans such as permanency planning, family preservation	☐1	☐2	☐3	☐4
(h) understanding systems such as court or child welfare system	☐1	☐2	☐3	☐4

(i) other (PLEASE SPECIFY): _____

_____

BA11 Are you supervised in your role as a child's representative?

0, Yes
☐2 No (GOTOQBA13) ⟶

BA12 Who supervises you? **(Interviewer: Check only one.)**

☐1 Judge
☐2 GAL Program Director
☐3 Senior Staff Attorney
☐4 CASA Program Director
☐5 **Other** (PLEASE **SPECIFY**): _____

_____

BA13 DO you receive a formal evaluation Specific to your responsibilities as a child's representative?

- ☐1 Yes
- ☐2 No (GO TO Q BA15) ⟶

BA14 Did you know the criteria to be used in your evaluation at the time of your appointment?

- ☐1 Yes
- ☐2 No

BA15 If an attorney, are you reimbursed for your work?

- ☐1 Yes
- ☐2 No (GO TO Q BA23)
- ☐3 Not an attorney (GO TO Q BA23)

BA16 Are you paid on an hourly, case, or salaried basis?

- ☐1 Hourly
- ☐2 Case
- ☐3 Salary (GO TO Q BAl8) ⟶

BA17 If you are paid hourly or per case how much are you reimbursed per hour or per case?

(a) $_____ per hour
(b) $_____ per case

BA18 If salaried, within what range does your annual salary fall?

- ☐1 < $20,000
- ☐2 $20-29,999
- ☐3 $30-39,999
- ☐4 $40-49,999
- ☐5 $50-59,999
- ☐6 $60-69,999
- ☐7 $70-79,999
- ☐8 $80-89,999
- ☐9 > $90,000

BA19 Is there a ceiling on your reimbursement?

- ☐1 Yes
- ☐2 No (GO TO Q BA21) ⟶

BA20 How much is this ceiling?

$_____

☐3 Don't know

BA21 Estimate how much you have been or will get reimbursed for your work on this case.

$_____

BA22 How are reimbursement procedures determined?

☐1 by the State

☐2 by local law

☐ 3 by local court rule

☐4 by local administrative policy

☐5 by practice only

☐6 other (SPECIFY): _____

☐7 don't know

BA23 Do you have total, partial, or no immunity from liability regarding your work in representing the child?

☐1 Yes, I have partial/good faith immunity

☐2 Yes, I have total/absolute/judicial immunity

☐3 No, I do not have immunity

☐4 Don't know

☐5 Other (PLEASE SPECIFY): _____

_____

BA24 On average, how many hours per week do you spend as a child's representative on child abuse and neglect cases? (INTERVIEWER: ***Note that this includes*** all ***cases.)***

_____ Hours per week

BA25 On average, how many hours per week do you spend on this particular case?

_____ Hours per week

BA26 How many individual children do you currently represent as a GAL?

_____ Children

BA27 How many families does this represent?

_____Families

IN THE NEXT FEW QUESTIONS WE ARE GOING TO ASK YOU ABOUT WHAT YOU DID TO **INVESTIGATE** AND PREPARE FOR THE CASE **FROM THE TIME YOU WERE APPOINTED.**

AI Did you investigate or prepare for the case extensively, **somewhat,** or not at all?

☐1 Not at all (PLEASE SPECIFY THE CIRCUMSTANCE):

_____

(GO TO Q B1) ⟶

☐2 **Extensively**

☐3 **Somewhat**

A2 We would like to know the **types** of written **sources** of information you referred to when investigating or preparing for the case. (INTERVIEWER: Read the ***list*** of *responses below and ask **R** to answer Yes, No, Don't Know, or Not* Applicable.)

"WRITTEN SOURCES INCLUDED.. ."	1 YES	2 NO	3 D/K	4 N/A
(a) police reports	☐1	☐2	☐3	☐4
(b) CPS agency record	☐1	☐2	☐3	☐4
(c) child welfare agency records on the family	☐1	☐2	☐3	☐4
(d) court records (pleadings, petitions)	☐1	☐2	☐3	☐4
(e) third party statements	☐1	☐2	☐3	☐4
(f) medical records	☐1	☐2	☐3	☐4
(g) mental health records	☐1	☐2	☐3	☐4
(h) school records	☐1	☐2	☐3	☐4
(i) correctional center records	☐1	☐2	☐3	☐4
(j) detox center records	☐1	☐2	☐3	☐4

(k) other (PLEASE SPECIN): _____

_____

A3 Next, we would like to know the types contacts you had personally or by phone **when you** investigated or prepared for the case. (INTERVIEWER: ***Read the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"CONTACTS INCLUDED. . ."	1 YES	2 NO	3 D/K	4 N/A
(a) CPS investigator/caseworker	☐1	☐2	☐3	☐4
(b) child(ren)	☐1	☐2	☐3	☐4
(c) siblings	☐1	☐2	☐3	☐4
(d) parents	☐1	☐2	☐3	☐4
(e) other adults	☐1	☐2	☐3	☐4
(f) relatives	☐1	☐2	☐3	☐4
(g) foster parents	☐1	☐2	☐3	☐4
(h) neighbors	☐1	☐2	☐3	☐4
(i) medical personnel	☐1	☐2	☐3	☐4
(j) law enforcement personnel	☐1	☐2	☐3	☐4
(k) education personnel	☐1	☐2	☐3	☐4
(l) State's attorney	☐1	☐2	☐3	☐4
(m) parent's attorney	☐1	☐2	☐3	☐4
(n) court worker (e.g., probation officer)	☐1	☐2	☐3	☐4
(o) other GAL	☐1	☐2	☐3	☐4
(p) prior representative	☐1	☐2	☐3	☐4
(q) mental health personnel	☐1	☐2	☐3	☐4

(r) other (PLEASE SPECIFY): _____

_____

A4 At any time during this investigation or preparation, did you speak with the child without the child's parent(s) being present? ***(If** child is too **young, then check "N/A.")***

- ☐1 ***Yes***
- ☐2 No
- ☐3 D/K
- ☐ I, N/A

A5 At any time during this investigation or preparation, did you ever submit an oral or written report about the case to the court?

- ☐1 Yes
- ☐2 No

A6 At any time during your investigation or preparation, did you assess the child's placement needs?

- ☐1 Yes
- ☐2 No (GO TO Q A8) ⟶

A7 Please identify the types of special activities you did to assess the child's placement needs. (INTERVIEWER: Read ***the list of responses below and ask R to answer Yes, No, Don't Know, or not Applicable.)***

'SPECIAL ACTIVITIES WERE . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) talked with family members or other adults	☐1	☐2	☐3	☐4
(b) talked with child	☐1	☐2	☐3	☐4
(c) met or spoke with the social worker or other professionals	☐1	☐2	☐3	☐4
(d) visited the foster home or shelter	☐1	☐2	☐3	☐4
(e) visited the parent's home	☐1	☐2	☐3	☐4
(f) requested an evaluation of a child	☐1	☐2	☐3	☐4
(g) requested an evaluation of the parents	☐1	☐2	☐3	☐4
(h) observed the interaction between the parent and child	☐1	☐2	☐3	☐4

(i) other (PLEASE SPECIFY): _____

_____

A8 At any time during your investigation or preparation, did you assess the child's or family's needs for services?

☐1 Yes
☐2 No **(GO TO Q A11)** ⟶

A9 At any time during your investigation or preparation, did you undertake any special activities to assess the child's or family's needs for services in any of the following areas? (INTERVIEWER: *Read* ***the list*** *of* ***responses below*** **and** *ask* ***R to*** *answer Yes, No,* ***Don't*** *Know, or* ***Not Applicable.)***

"SPECIAL ACTIVITIES IN AREA OF ..."	1 YES	2 NO	3 D/K	4 N/A
(a) health	☐1	☐2	☐3	☐4
(b) mental health	☐1	☐2	☐3	☐4
(c) housing assistance	☐1	☐2	☐3	☐4
(d) transportation	☐1	☐2	☐3	☐4
(e) child care	☐1	☐2	☐3	☐4
(f) alcohol or drug treatment	☐1	☐2	☐3	☐4
(g) employment	☐1	☐2	☐3	☐4
(h) parenting skills	☐1	☐2	☐3	☐4

(i) other (PLEASE **SPECIFY):** _____

_____

A10 If you undertook any special activities to assess the child's or family's needs for services, what did you do to assess their needs? (INTERVIEWER: Read *the list* of *responses below and ask R to answer Yes, No, Don't Know, or* Nat *Applicable.)*

"SPECIAL ACTIVITIES WERE ..."	1 YES	2 NO	3 D/K	4 N/A
(a) talked with family members or other adults	☐1	☐2	☐3	☐4
(b) talked with child	☐1	☐2	☐3	☐4
(c) met or spoke with the caseworker or other professionals	☐1	02	☐3	☐4
(d) visited the foster home or shelter	☐1	☐2	03	☐4
(e) visited the parent's home	☐1	☐2	☐3	☐4
(f) requested an evaluation of a child	☐1	☐2	03	☐4
(g) requested an evaluation of the parents	☐1	02	☐3	☐4
(h) reviewed the agency record	☐1	☐2	03	☐4

(i) other (PLEASE SPECIFY): _____

_____

A11 At any time during your investigation or preparation, did you assess the child's educational needs?

0, Yes
0, No (GO TO Q B1)
☐4 N/A (GO TO Q B1)

AI2 Please identify the types of special activities you did to assess the child's educational needs. **(INTERVIEWER: Read the *list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"SPECIAL ACTIVITIES WERE . . ."	*1* YES	*2* NO	*3* D/K	4 N/A
(a) talked with the child	☐1	☐2	☐3	☐4
(b) talked with family members	☐1	☐2	☐3	☐4
(c) talked with school personnel	☐1	☐2	☐3	☐4
(d) reviewed school records	☐1	☐2	☐3	☐4
(e) requested educational tests	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

THE NEXT FEW QUESTIONS REFER TO THE LEGAL AND OTHER ACTIVITIES PERTAINING TO THE VARIOUS HEARINGS UP **TO AND INCLUDING THE DISPOSITIONAL HEARING.**

B1 Were you present at some, most, all, or none of the hearings since you were appointed as the child's representative?

☐1 **Some**
☐2 **Most**
☐3 **All**
☐4 **None** (PLEASE SPECIFY WHY NOT:) _____

B2 If you look across all uncontested (non-trial) hearings you attended on this case, which of the following activities did you perform? (INTERVIEWER: ***Read the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"PERFORMED FOLLOWING ACTIVITIES ..."	1 YES	2 NO	3 D/K	4 N/A
(a) familiarized child with the court proceedings	☐1	☐2	☐3	☐4
(b) subpoenaed records	☐1	☐2	☐3	☐4
(c) submitted written reports for the record	☐1	☐2	☐3	☐4
(d) reported orally to court	☐1	☐2	☐3	☐4
(e) presented evidence	☐1	☐2	☐3	☐4
(f) offered a case plan	☐1	☐2	☐3	☐4
(g) filed motions or pleading	☐1	☐2	☐3	☐4
(h) made disagreements with the agency known to court	☐1	☐2	☐3	☐4
(i) made disagreements with the child known to the court	☐1	☐2	☐3	☐4

(j) other (PLEASE SPECIFY): _____

_____

B3 Were you involved in any contested hearing?

☐1 Yes
☐2 No (GO TO Q B5) ⟶

B4 At this hearing, which of the following activities did you perform? **(INTERVIEWER: Read *the* list** *of responses* below *and ask R to answer* ***Yes,*** *No, Don't Know, or* ***Not*** *Applicable.)*

	"PERFORMED FOLLOWING ACTIVITIES . "	1 **YES**	2 NO	3 **D/K**	4 **N/A**
(a)	familiarized child with the **court** process	☐1	☐2	☐3	☐4
(b)	made an opening statement	☐1	☐2	☐3	☐4
(c)	called lay witnesses	☐1	☐2	☐3	☐4
(d)	called expert witnesses	☐1	☐2	☐3	☐4
(e)	cross-examined witnesses	☐1	☐2	☐3	☐4
(f)	subpoenaed records	☐1	☐2	☐3	☐4
(g)	submitted written report into the record	☐1	☐2	☐3	☐4
(h)	presented evidence	☐1	☐2	☐3	☐4
(i)	offered a case plan	☐1	☐2	☐3	☐4
(j)	made or filed motions or pleadings	☐1	☐2	☐3	☐4
(k)	made disagreements with agency known to the court	☐1	☐2	☐3	☐4
(l)	made disagreements with child known to the court	☐1	☐2	☐3	☐4
(m)	made a closing statement	☐1	☐2	☐3	☐4

(n) other **(PLEASE** SPECIFY): _____

_____

B5 At any time before the dispositional hearing took place, did you attempt to negotiate an agreement or stipulation?

0, Yes
☐2 No (GO TO Q B11), ⟶

B6 Did the negotiations **result** in an agreement or stipulation?

- ☐1 **Yes**
- ☐2 **No**

B7 Did these negotiations take place at the time of the preliminary hearing, adjudication, dispositional, or other hearing? **(Interviewer: Check only one.)**

- ☐1 Preliminary hearing
- ☐2 Adjudication or fact finding
- ☐3 Dispositional hearing
- ☐4 Other (PLEASE SPECIFY): _____

_____

B8 We are interested in the issue(s) that was (were) dealt with by the agreement. From the list below, please indicate whether or not this issue was involved. (INTERVIEWER: Read ***the list of responses below and as& R to answer Yes, No, Don't Know, or Not Applicable.)***

"ISSUE INVOLVED WAS. .."	1 YES	2 NO	3 D/K	4 N/A
(a) stipulation of abuse or neglect	☐1	☐2	☐3	☐4
(b) placement	☐1	☐2	☐3	☐4
(c) services or treatment for the child	☐1	☐2	☐3	☐4
(d) services or treatment for the parents	☐1	☐2	☐3	☐4
(e) visitation	☐1	☐2	☐3	☐4
(f) legal guardianship	☐1	☐2	☐3	☐4

(g) other **(PLEASE SPECIN):** _____

_____

B9 Besides yourself, which of the individuals mentioned below were involved in the negotiations? **(INTERVIEWER:** ***Read*** **the** ***list*** of ***responses below and ask R to*** *answer Yes, No, Don't Know, or Not Applicable.)*

'OTHERS INVOLVED WERE. .."	1 YES	2 NO	3 D/K	4 N/A
(a) parents' attorney(s)	☐1	☐2	☐3	☐4
(b) agency's attorney	☐1	☐2	☐3	☐4
(c) child's attorney	☐1	☐2	☐3	☐4
(d) lay volunteer	☐1	☐2	☐3	☐4
(e) caseworker	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

B10 During the negotiations, did you do any of the following activities? **(INTERVIEWER:** *Read the* ***list*** *of* ***responses below*** *and ask* ***R*** *to answer* **Yes,** *No, Don't Know, or Not Applicable.)*

"DID FOLLOWING ACTIVITIES . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) attempted to bring the different parties together	☐1	☐2	☐3	☐4
(b) highlighted the common goals of the parties	☐1	☐2	☐3	☐4
(c) encouraged the parties to negotiate	☐1	☐2	☐3	☐4
(d) suggested options	☐1	☐2	☐3	☐4
(e) drafted a written agreement	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

THE NEXT FEW QUESTIONS REFER TO THE PROCESS OF DETERMINING CASE GOALS FOR THE CHILD, AS WELL AS **THE PLACEMENT OF THE CHILD.**

B11 At any time before the dispositional hearing did you form an opinion about what the most desirable and realistic placement situation would be for the child, given the circumstances of the case and available resources?

☐1 Yes
☐2 No (GOTOQB16) ⟶

B12 In your opinion, what is the most desirable and realistic placement situation for the child? **(Interviewer: Check only one.)**

"BEST PLACEMENT IS ..."

☐1 keep child in home

☐2 continue placement with relatives

☐3 continue placement with non-relatives

☐4 place in foster home with relatives

☐5 place in foster home with non-relatives

Cl, group home

☐7 independent living

☐8 residential treatment facility

☐9 return child to home from placement

Cl,,, other (PLEASE SPECIFY): _____

_____

B13 At any time before the dispositional hearing did you discuss this idea with any other relevant parties to the case?

☐1 Yes
☐2 No (GOTOQB15) ⟶

B14 With which of the following individuals did you discuss this idea? (INTERVIEWER: Read the ***list*** *of responses* ***below*** *and* ***ask R to answer*** **Yes**, ***No,*** *Don't Know, or Not Applicable)*

"DISCUSSED IDEA WITH . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) caseworker or agency's attorney	☐1	☐2	☐3	☐4
(b) parents' attorney(s)	☐1	☐2	☐3	☐4
(c) foster parents	☐1	☐2	☐3	☐4
(d) child	☐1	☐2	☐3	☐4

(e) other (PLEASE **SPECIFY**): _____

_____

B15 At any time up through the dispositional hearing, did you make any recommendations to bring about this type of placement situation?

☐1 **Yes**
☐2 **No**

B16 At any time up through the dispositional hearing, did you make any recommendations regarding services to the child or family?

0, Yes
0, No

B17 At any time up through the dispositional hearing, did you make any recommendations regarding visitation between the child and parents?

☐1 **Yes**
☐2 **No**
☐4 N/A

B18 At any time up through the dispositional hearing, did you disagree with the caseworker about the any of the following issues? (INTERVIEWER: Read the *list* of *responses below and ask R to answer Yes, No, Don't Know, or* ***Not*** *Applicable.)*

"DISAGREED ABOUT. , ."	1 YES	2 NO	3 D/K	4 N/A
(a) child's placement	☐1	☐2	☐3	☐4
(b) provision of **services** to child or parent	☐1	☐2	☐3	☐4
(c) visitation	☐1	☐2	☐3	☐4

(d) other (PLEASE **SPECIFY**): _____

_____

➡ ➡ IF YES CHECKED FOR *ANY* ISSUE, ANSWER **Q B19**— OTHERWISE GO TO **Q B21**.

B19 Given these differences, were they resolved between the parties? Indicate whether All, Some, or None were resolved.

☐1 Yes, all (GOT0 Q 821) ⟶
☐2 Yes, some
☐ 3 No, none

B20 Of these unresolved differences, did you express any of them to the court?

☐1 Yes
☐2 No

B21 If you made recommendations to the court regarding case goals and placement, provision of **services**, and/or visitation, did the court adopt any of these recommendations?

☐1 Yes
☐2 No (GO TO Q 823) ⟶

B22 In which area(s) did the **court** adopt your recommendations?
(INTERVIEWER: *Read the list of responses below and ask **R to** answer Yes, No, Don't Know, or Not **Applicable.)***

"COURT ADOPTED . . ."	1 YES	2 NO	3 D/K	4 **N/A**
(a) case goals and placement	☐1	☐2	☐	J, ☐4
(b) provision of services	☐1	☐2	☐3	☐4
(c) visitation	☐1	☐2	☐3	☐4

B23 At any time up through the dispositional hearing, did you disagree with the child in any way about case goals and placement, the provision of **services,** or visitation between the child and parent(s)?

☐1 Yes
☐2 No (GO TO **Q B25)**
☐3 Not applicable (GO TO **Q B25)**

B24 If you answered yes to the question above, which view(s) did you present to the court? Did you present what the child wanted, what you felt was best for the child, or both views to the court?

☐1 child's wishes only

Cl, my views on **child's best** interests

☐3 both views

B25 At any hearing up through the dispositional hearing, did the child talk in **court** or to the judge?

☐ Yes
☐2 No (GO TO **Q B30)**

B26 Was the child's testimony presented in courtroom, in chambers or in court without spectators or videotaped or over closed-circuit TV. (INTERVIEWER: ***Check as many responses as applicable.)***

(a) ☐1 in courtroom

(b) ☐1 in chambers or in court without spectators

(c) ☐1 videotaped or over closed-circuit TV

(d) ☐1 other (PLEASE SPECIN): _____

_____

B27 Who requested that this be done: GAL, state attorney, parent's attorney, judge, other? (INTERVIEWER: ***Check as many responses as applicable.)***

(a) ☐1 GAL

(b) ☐1 agency's attorney

(c) ☐1 parents' attorney(s)

(d) ☐1 judge

(e) ☐1 other (PLEASE SPECIFY): _____

_____

B28 Did you do anything special to help make it easier and more comfortable for the child to speak in court?

☐1 Yes
☐2 No (GO TO Q B30) ⟶

B29 What types of things did you do to make it easier for the child?
(INTERVIEWER: ***Read the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable)***

'DID THE FOLLOWING TO MAKE IT EASIER FOR CHILD . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) moved to have previous testimony admitted	☐1	☐2	☐3	☐4
(b) moved to have child/parents leave during sensitive testimony	☐1	☐2	☐3	☐4
(c) rearranged courtroom environment	☐1	☐2	☐3	☐4
(d) objected to questioning of child	☐1	☐2	☐3	☐4
(e) prepared the child to testify and explained the process	☐1	☐2	☐3	☐4
(f) other (PLEASE SPECIN) _____				

B30 Looking back over what you have done to advocate for the child's interests in court, would you say that you were successful in expediting the progress of the case through the court system?

☐1 Yes
☐2 No (GO TO Q 832) ⟶

B31 What types of things did you do that you feel helped to expedite the case?
(INTERVIEWER: ***Read the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

'EXPEDITED CASE BY. .."	1 YES	2 NO	3 D/K	4 N/A
(a) opposing delays or continuances that I felt worked against the child's interests	☐1	☐2	☐3	☐4
(b) requesting a court hearing sooner than scheduled	☐1	☐2	☐3	☐4
(c) assisting parties to resolve differences out of court	☐1	☐2	☐3	☐4

(d) other (PLEASE SPECIFY): _____

_____

B32 Looking back over what you have done to advocate for the child's interests inside and outside court, how forceful or assertive would you assess yourself? **(INTERVIEWER: Check only** *one.)* .

- ☐1 Very forceful or assertive (GO TO Cl)
- ☐2 Somewhat forceful or assertive (GO TO Cl)
- ☐3 Not forceful or assertive at all

B33 If not forceful, why not? **(INTERVIEWER: Check *all* that** *apply.)*

(a) ☐1 little time to investigate

(b) ☐1 concurred with other party

(c) ☐1 do not view role as one of active participant

(d) ☐1 hearings did not require active role

(e) ☐1 other (PLEASE SPECIN): _____

_____

Cl At any time during this case, did you represent the child in other court actions?

- ☐1 Yes
- ☐2 No (GO TO Q D1) ⟶

c2 In what other type(s) of court actions did you represent the child(m)? (INTERVIEWER: Check ***all that apply.)***

(a) ☐1 criminal abuse of the child(ren) by the parent

(b) ☐1 other criminal case involving the child (either as victim or as perpetrator)

(c) ☐1 custody/visitation

(d) ☐1 delinquency

(e) ☐1 voluntary foster care

(f) ☐1 other (PLEASE SPECIFY): _____

_____

IN THE NEXT FEW QUESTIONS WE ARE GOING TO ASK YOU ABOUT WHAT YOU DID TO MEDIATE BETWEEN THE VARIOUS PARTIES.

IF R ANSWERED "NO" TO QUESTION B5, WHETHER THERE WAS A NEGOTIATED AGREEMENT OR STIPULATION, SKIP TO QUESTION El.

D1 During the negotiations that we talked about earlier, how much would you say you were involved in the negotiations? Would you say you were very involved, moderately involved, minimally involved, or not involved at all? (INTERVIEWER: Check on/y one.)

☐1 Very involved
☐2 Moderately involved
☐3 Minimally involved
☐4 Not involved at all

D2 During these negotiations, how important would you say your contribution was to the outcome of the negotiations? Would you say you were extremely important, moderately important, only somewhat important, or not important at all to the outcome of the negotiations? (INTERVIEWER: *Check* ***only*** *one.)*

- ☐1 Very important
- ☐2 Moderately important
- ☐3 Only somewhat important
- 0, Not important at all

D3 During these negotiations, how effective would you say you were in presenting options and generally advocating for the child's interests? Would you say you were extremely effective, moderately effective, only somewhat effective, or not effective at all to the success of the negotiations? (INTERVIEWER: *Check* ***only*** one.)

- ☐1 Very effective
- 0, Moderately effective
- ☐3 Only somewhat effective
- ☐4 Not effective at all

THE NEXT FEW QUESTIONS INVOLVE YOUR **ACTIVITIES** IN PROVIDING INFORMATION TO VARIOUS PARTIES TO THE CASE AND IN ADVOCATING **FOR SERVICES.**

EI At any time during the case, did you provide information about a resource to either the family, the agency or the court which you feel they were unaware of or did not recommend themselves?

- ☐1 Yes
- ☐2 No (GO TO Q E3) ⟶

E2 **Did** this information involve any of the following aspects of the case? (INTERVIEWER: Read ***the list of responses below and as& R to answer Yes, No, Don't Know, or Not Applicable.)***

'INFO INVOLVED. . ."	1 YES	2 NO	3 D/K	4 N/A
(a) availability of services	☐1	☐2	☐3	☐4
(b) availability of resources (such as a relative or friend)	☐1	☐2	☐3	☐4
(c) change in circumstances of the family or child	☐1	☐2	☐3	☐4
(d) affected the current case plan	☐1	☐2	☐3	☐4
(e) placement options	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

E3 At any time in the case, did you either assist the child or the family directly to obtain any social services or to attempt to make sure that the agency obtained them?

0, Yes
☐ 2 No **(GO TO Q F1)** ⟶

E4 If you assisted in any way, did you do any of the following? (INTERVIEWER: *Read the list of responses **below** and ask **R to** answer Yes, No, **Don't** Know, or Not Applicable.)*

"ASSISTED BY . . ."	1 YES	2 NO	3 **D/K**	4 N/A
(a) giving information about resources to the child or family by phone or in person	☐1	☐2	☐3	☐4
(b) discussing case and directly arranging a referral or services with another agency	☐1	☐2	☐3	☐4
(c) directly escorting client to agency	☐1	☐2	☐3	☐4
(d) contacting the caseworker or other professional to inform them of the need	☐1	☐2	☐3	☐4
(e) contacting case worker or other professional to **followup** on previous plans	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

E5 What types of services did you attempt to obtain or actually obtain for the child or family? **(INTERVIEWER: *Read the list* of *responses below* and *ask R to answer Yes, No, Don't Know, or Not Applicable.)***

	'SERVICES INCLUDED..."	1 YES	2 NO	3 D/K	4 N/A
(a)	psychological therapy/counseling	☐1	☐2	☐3	☐4
(b)	physical health	☐1	☐2	☐3	☐4
(c)	legal matters not related to your GAL activities	☐1	☐2	☐3	☐4
(d)	educational or vocational training	☐1	☐2	☐3	☐4
(e)	housing assistance	☐1	☐2	☐3	☐4
(f)	financial	☐1	☐2	☐3	☐4
(g)	homemaker services	☐1	☐2	☐3	☐4
(h)	child care	☐1	☐2	☐3	☐4
(i)	employment	☐1	☐2	☐3	☐4
(j)	transportation	☐1	☐2	☐3	☐4
(k)	alcohol/drug abuse	☐1	☐2	☐3	☐4
(l)	parenting classes	☐1	☐2	☐3	☐4

(m) other (PLEASE SPECIFY): _____

_____

IN THE NEXT FEW QUESTIONS WE ASK YOU TO ASSESS YOUR OVERALL PERFORMANCE AND EFFECTIVENESS ON THIS CASE.

F1 If you look over the whole case, I would like you to estimate the percentage of the time you-spent dealing with each type of activity.

(a) ___ investigating and collecting information about the case from written materials and relevant sources

(b) ___ legal representation, involving attending hearings, filing motions, plans and exhibits, counseling the client, and other legal matters

(c) ___ negotiating with the various parties in between and prior to hearings in order to discuss issues and options and to arrive at agreements

(d) ___ monitoring and follow-up such as checking on compliance with court orders and voluntary agreements between hearings, following up on agency and court activity, and maintaining regular contacts with the child, family, and foster family

(e) ___ providing information about possible resource persons or support services to other parties and advocating for resources for the child and family

(f) ___ other (PLEASE SPECIFY): _____

___ (NOTE, THEY MUST ADD UP TO 100%)

☐3 Don't Know

F2 How effective would you assess yourself in each of the dimensions listed above? For each dimension assess your effectiveness on a scale of 1 to 3, with 1 being Ineffective, 2 being Somewhat Effective, and 3 being Very Effective.

		1 Ineffective	2 Somewhat Effective	3 Very Effective
(a)	investigation	☐1	☐2	☐3
(b)	legal representation	☐1	☐2	☐3
(c)	negotiation	☐1	☐2	☐3
(d)	monitoring/followup	☐1	☐2	☐3
(e)	resource information and advocacy	☐1	☐2	☐3

F3 Are there any other major types of activities you feel are worth mentioning and assessing?

☐1 Yes
☐2 No (GO TO Q F5) ⟶

F4 If yes, please identify and assess them on the same scale of 1 to 3.

		1 Ineffective	2 Somewhat Effective	3 Very Effective
(a)	_____	☐1	☐2	☐3
(b)	_____	☐1	☐2	☐3
(c)	_____	☐1	☐2	☐3

F5 Overall, how would you assess your relationship with the child? Was it Good, Poor, or Neither Good nor Poor?

☐1 Good
☐2 Poor
☐3 Neither good nor poor

F6 Overall, how weii would you say you were able to coordinate work on the case with the caseworker and child welfare agency? Would you say that you were able to coordinate work very well, somewhat well, or poorly?

☐1 Very well
☐2 Somewhat well
☐3 Poorly

F7 Overall, how well would you say the you were able to share information with the caseworker and child welfare agency? Would you say that you shared information very well, somewhat well, or poorly?

- ☐1 Very well
- ☐2 Somewhat well
- ☐3 Poorly

F8 Was there anything about your relationships with the child, parents, caseworker, volunteer, or other party that prevented you from performing as effectively as you would have liked?

- ☐1 Yes
- ☐2 No **(GO TO Q F10)** ⟶

F9 If you answered yes, please identify the relationship that prevented you from performing as effectively as you would have liked. (INTERVIEWER: Read ***the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

'DID IT INVOLVE COOPERATION WITH THE. .."	1 YES	2 NO	3	4 D/K N/A
(a) child	☐1	☐2	☐3	☐4
(b) parent	☐1	☐2	☐3	☐4
(c) caseworker	☐1	☐2	☐3	☐4
(d) volunteer	☐1	☐2	☐3	☐4
(e) other attorney(s)	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

F10 Was there anything else about the case that prevented you from performing as effectively as you would have liked?

- ☐1 Yes
- ☐2 No (GO TO CONTROL QUESTION AT THE TOP OF PAGE 35) ⟶ ⟶

F11 If you answered yes, please identify whether any of the following prevented you from performing as effectively as you would have liked. (INTERVIEWER: ***Read the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

'DID IT INVOLVE ..."	1 YES	2 NO	3 D/K	4 N/A
(a) limits on your time (such as large caseload, conflicting case demands, etc.)	☐1	☐2	☐3	☐4
(b) limited time in which to prepare case	☐1	☐2	☐3	☐4
(c) inadequate compensation	☐1	☐2	☐3	☐4
(d) limited resources with which to prepare or conduct case	☐1	☐2	☐3	☐4
(e) uncertainty about role in case	☐1	☐2	☐3	☐4
(f) complexity of case	☐1	☐2	☐3	☐4
(g) lack of training about child advocacy	☐1	☐2	☐3	☐4
(h) other (PLEASE SPECIFY): _____				

(INTERVIEWER: ***If inadequate compensation was checked*** **above,** ***answer Q F12 and Q F13.)***

F12 Did the lack of adequate compensation affect the amount of time you were able to spend on the case?

0, Yes
☐2 No

F13 Will the lack of adequate compensation affect your continuing to serve as a child's representative in the future?

0, Yes
0, No

CONTROL CHECK: CONTINUE WITH THE QUESTIONNAIRE ONLY IF THERE WAS BOTH AN ATTORNEY AND ANOTHER ATTORNEY, VOLUNTEER, OR SOCIAL WORKER ON THE CASE.

☐2 **Two representatives, CONTINUE TO G1**
☐1 **One representative, STOP!!**

G1 **At any point during the case, did you have** contact (by phone or face-to-face) **with the volunteer, caseworker, or attorney?**

☐1 **Yes**
☐2 No (GO TO Q **G6)** ⟶

G2 In your contacts, did you discuss any of the following aspects of the case? **(INTERVIEWER: Read *the* list of responses *below*** *and ask **R** to answer Yes, No, Don'f Know, or Not Applicable.)*

		1 YES	2 NO	3 D/K	4 N/A
	'DISCUSSED THE FOLLOWING . . "				
(a)	assessment of the **case**	☐1	☐2	☐3	☐4
(b)	stipulation of abuse or neglect	☐1	☐2	☐3	☐4
(c)	placement	☐1	☐2	☐3	☐4
(d)	services/treatment	☐1	☐2	☐3	☐4
(e)	visitation	☐1	☐2	☐3	☐4
(f)	**legal issues (e.g.,** hearings)	☐1	☐2	☐3	☐4

(g) **other (PLEASE SPECIFY):** _____

_____

G3 Generally, at what points during the case did these contacts take place? (INTERVIEWER: ***Read the list*** **of responses** ***below*** *and* **as& *R* to** *answer* ***Yes, No,*** *Don't Know, of Not Applicable.)*

		1 YES	2 NO	3 D/K	4 N/A
(a)	before or during the adjudication hearing	☐1	☐2	☐3	☐4
(b)	before or during the dispositional hearing	☐1	☐2	☐3	☐4
(c)	during negotiations over a settlement	☐1	☐2	☐3	☐4
(d)	before or during a trial	☐1	☐2	☐3	☐4

G4 If you look over the course of the case, roughly how many times would you say you contacted the attorney/volunteer in person or by phone in an average month?

_____ Times in an average month

G5 If you look at when and how often you had these contacts throughout the case, would you say that they were concentrated around the times of the hearings or were they spread more evenly throughout the case? (INTERVIEWER: ***Check all*** *that apply.)*

(a) ☐1 concentrated at hearings

(b) ☐1 spread more evenly throughout

(c) ☐1 other (PLEASE **SPECIFY):** _____

_____

G6 In the next four questions, I want you to think about your working relationship with your fellow representative. Please answer these questions on a scale of 1 to 5, with 1 being low or poor, 3 being neutral, and 5 being high or good.

		1	2	3	4	5
(a)	How well you shared information and ideas with one another	☐1 poor	☐2	☐3	☐4	☐5 good
(b)	How much you depended on the other for advice and recommendations	☐1 none	☐2	☐3	☐4	☐5 full
(c)	The level of coordination in your working relationship	☐1 none	☐2	☐3	☐4	☐5 full

G7 Are there any aspects of the case on which you disagreed with the attorney/volunteer?

☐1 Yes
☐2 No (STOP!!)

G8 Did the disagreement involve any of the following? (INTERVIEWER: ***Read the list of responses below and ask R to answer Yes or No to each; place the response [Yes, No, Don't Know, or Not Applicable] next to each item.)***

"DISAGREEMENT INVOLVED . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) assessment of the case	☐1	☐2	☐3	☐4
(b) stipulation of abuse or neglect	☐1	☐2	☐3	☐4
(c) placement	☐1	☐2	☐3	☐4
(d) services/treatment	☐1	☐2	☐3	☐4
(e) visitation	☐1	☐2	☐3	☐4
(f) legal issues (e.g., hearings)	☐1	☐2	☐3	☐4

(g) other (PLEASE SPECIFY): _____

_____

IF ALL 'NO," STOP

G9 Given these differences mentioned above, were you able to resolve them? Please indicate whether you resolved all of them, some of them, or none of them.

0, Resolved all
☐2 Resolved some
☐3 Resolved none

STOP, END INTERVIEW

OMB No. 0980-0237
EXPIRES 6-30-93

QUESTIONNAIRE #2
CASEWORKER
(NEW CASES ONLY)

Conducted by:

CSR, INCORPORATED
1400 Eye Street, N.W.
Washington, DC 20005

For:

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children, Youth and Families

I want to assure you that everything we talk about today is completely confidential. Nothing you say will be discussed wlth any agency or anyone else. What you say will be anonymous. Your name will not be used in any way In reporting the results of the study.

Your participation is entirely voluntary. You are free to answer or not answer any or all of the questions I will be asking. You can end the interview at any time.

Caseworker Name:	
Subject ID#:	
Case Record #:	
Interviewer ID#:	
Completion Date:	I I 93

Public reporting burden for this collection of information is estimated to average 1 hour per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to:

Reports Clearance Officer
Administration for Children and Families
Department of Health and Human Services
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

and to:

Office of Management and Budget
Paperwork Reduction Project
OMB Control No. (New Request)
Washington, DC. 20503

CASEWORKER NAME: _____
SUBJECT ID#: _____
INTERVIEWER ID#: _____
DATE: ___ /___/93

CONTROL INFORMATION

INTERVIEWER: *Attempt to answer these questions prior to the interview. If unable to complete all questions, ask respondent to complete.*

CTL1 Has this case been adjudicated?

☐1 Yes
☐2 No (STOP INTERVIEW, THANK RESPONDENT FOR TIME)

CTL2 Has this case had a review hearing?

☐1 Yes (GO TO QUESTIONNAIRE #5) ⟶
☐2 No

CTL3 (a) When was this case opened? ____/____/____

(b) When was the caseworker assigned to case? ____/____/____

(c) Is the interviewee the original caseworker on the case?

Cl, Yes (GO TO CTL5) ⟶
☐2 No

(d) Is there currently more than one caseworker assigned to this case?

☐1 Yes
☐2 No

CTL4 Ask R whether she/he has had sufficient knowledge of the child's representative to answer questions about his or her activities on the case.

0, Yes
☐₂ **No** **(STOP INTERVIEW,** BUT ASK RESPONDENT TO PROVIDE THE NAME OF ANOTHER CASEWORKER WHO COULD PROVIDE THIS INFORMATION:)

_____

CTL5 Are there two (2) representatives on this case?

☐₁ Yes (GO TO QUESTIONNAIRE **#2-B**) ⟶
☐₂ No

BACKGROUND INFORMATION ON THE CASEWORKER

FIRST, WE WOULD LIKE YOU TO ANSWER A FEW GENERAL QUESTIONS ABOUT YOUR BACKGROUND AND CURRENT WORK.

BA1 How many years have you worked as a caseworker in child welfare services?

_____ Years or [_____ Months]

BA2 How large is your current caseload? **(INTERVIEWER: *If* the *R* Is** *not current/y responsible for the case, ask about caseload during time when the R was the* ***responsible*** *caseworker.)*

_____ Cases

BA3 How many other caseworkers have been assigned to this case since it was opened?

_____ Other caseworkers *(If no* ***other*** *caseworkers, enter* ***zero.)***

☐3 Don't know

BA4 On average, how many hours per week do you spend on this particular case?

_____ Hours per week

IN THE NEXT FEW QUESTIONS WE ARE GOING TO ASK YOU ABOUT WHAT THE CHILD'S REPRESENTATIVE **DID TO INVESTIGATE** AND PREPARE FOR THE CASE FROM **THE TIME SHE/HE WAS APPOINTED.**

A1 Did the child's representative investigate or prepare for the case extensively, somewhat, or not at all?

- ☐1 Not at ail (PLEASE SPECIFY): _____
  _____
  (GO TO Q B1) ⟶
- ☐2 Extensively
- ☐3 Somewhat

A2 During the investigation of the case, did you discuss any aspect of the case with the child's representative?

- ☐1 Yes
- ☐2 No (GO TO Q A4) ⟶

A3 Which of the following did you discuss? (INTERVIEWER: ***Read*** the ***list*** of *responses* ***below*** *and ask* ***R*** *to answer Yes, No, Don't Know, or Not Applicable.)*

"DISCUSSED . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) Facts of the case	☐1	☐2	☐3	☐4
(b) assessment of the child	☐1	☐2	☐3	☐4
(c) assessment of the family situation	☐1	☐2	☐3	☐4
(d) agency report (CPS)	☐1	☐2	☐3	☐4
(e) case goal	☐1	☐2	☐3	☐4
(f) permanent placement objectives	☐1	☐2	☐3	☐4
(g) services or treatment	☐1	☐2	☐3	☐4
(h) legal issues	☐1	☐2	☐3	☐4
(i) visitations	☐1	☐2	☐3	☐4

(j) other (PLEASE SPECIFY): _____

A4 At any time during the investigation of the case, did the child's representative assess the child's placement needs?

☐1 Yes
☐2 No (GO TO Q A6) →
☐3 Don't know (GO TO Q A6) →

A5 Please identify to the best of your recollection the types of special activities the child's representative did to assess the child's placement needs.
(INTERVIEWER, Read *the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)*

SPECIAL ACTIVITIES WERE . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) talked with family members or other adults	☐1	☐2	☐3	☐4
(b) talked with child	☐1	☐2	☐3	☐4
(c) met or spoke with the social worker or other professionals	☐1	☐2	☐3	☐4
(d) visited the foster home or shelter	☐1	☐2	☐3	☐4
(e) visited the parent's home	☐1	☐2	☐3	☐4
(f) requested an evaluation of a child	☐1	☐2	☐3	☐4
(g) requested an evaluation of the parents	☐1	☐2	☐3	☐4
(h) observed the interaction between the parent and child	☐1	☐2	☐3	☐4

(i) other (PLEASE SPECIN): _____

A6 At any time during the investigation of the case, did the child's representative assess the child's or family's needs for services?

0, Yes
☐2 No (GO TO Q A8)
0, Don't know (GO TO Q A8)

A7 Please identify to the best Of your recollection the types of special activities the child's representative did to assess the child's or family's needs for services. **(INTERVIEWER, *Read the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

'SPECIAL ACTIVITIES WERE . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) talked with family members or other adults	☐1	☐2	☐3	☐4
(b) talked with child	☐1	☐2	☐3	☐4
(c) met or spoke with the caseworker or other professionals	☐1	☐2	☐3	☐4
(d) visited the foster home or shelter	☐1	☐2	☐3	☐4
(8) requested an evaluation of the child or parents	☐1	☐2	☐3	☐4
(f) reviewed the agency record	☐1	☐2	☐3	☐4

(g) other (PLEASE SPECIFY): _____

_____

A8 At any time during the investigation of the case, did the child's representative assess the child's educational needs?

☐1 Yes
☐2 No (GO TO Q A10)
☐3 Don't know (GO TO Q A10)
☐ 4 N/A (GO TO Q A10)

A9 Please identify to the best of your recollection the types of special activities the child's representative did to assess the child's educational needs. (INTERVIEWER, ***Read the list of responses*** below and *ask **R** to answer Yes, **No, Don't** Know, or Not Applicable.)*

"SPECIAL ACTIVITIES WERE ..."	1 YES	2 NO	3 D/K	4 N/A
(a) talked with the child	☐1	☐2	☐3	☐4
(b) talked with family members	☐1	☐2	☐3	☐4
(c) talked with school personnel	☐1	☐2	☐3	☐4
(d) requested educational tests	☐1	☐2	☐3	☐4

(e) other (PLEASE SPECIFY): _____

_____

A10 At any time did the child's representative undertake any special activities to assess the child's or family's needs for services in any of the following areas? **(INTERVIEWER, Read the list of** *responses below and ask* ***R to*** *answer* ***Yes,*** *No,* ***Don't Know,*** *or* ***Not*** *Applicable.)*

"SPECIAL ACTIVITIES IN AREA OF . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) health	☐1	☐2	☐3	☐4
(b) mental health	☐1	☐2	☐3	☐4
(c) housing assistance	☐1	☐2	☐3	☐4
(d) transportation	☐1	☐2	☐3	☐4
(e) child care	☐1	☐2	☐3	☐4
(f) alcohol or drug treatment	☐1	☐2	☐3	☐4
(g) employment	☐1	☐2	☐3	☐4
(h) parent skills	☐1	☐2	☐3	☐4

(i) other (PLEASE SPECIFY): _____

_____

A11 Overall, how thorough would you say the child's representative was in investigating and preparing for the case? Would you say she he was very thorough, somewhat thorough, or not thorough at all? **(INTERVIEWER: Check** *only one.)*

☐1 Very thorough
☐2 Somewhat thorough
☐3 Not thorough

THE NEXT FEW QUESTIONS REFER TO LEGAL AND OTHER ACTIVITIES PERTAINING TO THE VARIOUS HEARINGS UP TO AND INCLUDING THE DISPOSITIONAL HEARING.

B1 At any time before the dispositional hearing took place, did the child's representative attempt to negotiate an agreement or stipulation?

- ☐1 Yes
- ☐2 No **(GO TO Q B3)**
- ☐3 Don't know (GO TO Q **B3)**

B2 During the negotiations, did the child's representative do any of the following activities? (INTERVIEWER: Read the ***list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"DID FOLLOWING ACTIVITIES . . ."	1 **YES**	*2* **NO**	*3* **D/K**	*4* **N/A**
(a) attempted to bring the different parties together	☐1	☐2	☐3	☐4
(b) highlighted the common goals of the parties	☐1	☐2	☐3	☐4
(c) encouraged the parties to negotiate	☐1	☐2	☐3	☐4
(d) suggested options	☐1	☐2	☐3	☐4
(e) drafted a written agreement	☐1	☐2	☐ 3	☐ 4

(f) other (PLEASE SPECIFY): _____

_____

B3 At any time up through the dispositional hearing, did you disagree with the child's representative about the any of the following issues? (INTERVIEWER: ***Read the list of responses below and ask R to answer Yes, No, Don't Know, of Not Applicable.)***

"DISAGREED ABOUT. .."	1 YES	2 NO	3 D/K	4 N/A
(a) child's placement	☐1	☐2	☐3	☐4
(b) provision of services to child or parent	☐1	☐2	☐3	☐4
(c) visitation	☐1	☐2	☐3	☐4

(d) other (PLEASE SPECIFY): _____

_____

IF **YES** CHECKED FOR *ANY* ISSUE, ANSWER **Q B4**—
OTHERWISE GO TO **Q B5.**

B4 Given these differences, were they resolved between the parties? Please indicate whether all, some, or none of the differences were resolved.

☐1 Yes, all
☐2 Yes, some
☐3 No, none

B5 At any hearing up through the dispositional hearing, did the child talk in court or to the judge?

☐1 Yes
☐2 No (GO TO **Q B7**) ⟶
☐3 Don't know (GO TO **Q B7**) ⟶

B6 Did the child's representative do anything special to help make it easier and more comfortable for the child to speak in court?

☐1 Yes
☐2 No
☐3 Don't know

B7 Looking back over what you know of what the child's representative did to advocate for the child's interests inside and outside court, how forceful or assertive would you say he or she was? (INTERVIEWER: Check ***only*** one.)

- ☐1 Very forceful or assertive (GO TO Q CI) →
- ☐2 Somewhat forceful or assertive (GO TO Q C1) →
- ☐3 Not forceful or assertive at all

B8 If not forceful, why do you think he or she was not? (INTERVIEWER: **Check *all that* apply.)**

(a) ☐1 little time to investigate

(b) ☐1 concurred with agency

(c) ☐1 did not view child's representative role as one of being an active participant

(d) ☐ , hearings did not require active role

(e) 0, other (PLEASE SPECIFY): _____

_____

CI Has the child's representative done anything to carry out some aspect of a court order, voluntary agreement, or case plan?

- 0, Yes
- ☐2 No
- 0, D/K
- 0, N/A

IN THE NEXT FEW QUESTIONS WE ARE GOING TO ASK YOU ABOUT WHAT THE CHILD'S REPRESENTATIVE DID TO MEDIATE BETWEEN THE VARIOUS PARTIES.

IF R ANSWERED 'NO" OR"DON'T KNOW" TO QUESTION B1, WHETHER THERE WAS A NEGOTIATED AGREEMENT OR STIPULATION, SKIP TO QUESTION El.

D1 During the negotiations that we talked about earlier, how much would you say the child's representative was involved in the negotiations? Would you say

she he was very involved, moderately involved, minimally involved, or not involved at all. **(INTERVIEWER: Check on/y one.)**

- ☐1 Very involved
- ☐2 Moderately involved
- ☐ , Minimally involved
- ☐4 Not involved at all
- ☐5 Don't know

D2 During these negotiations, how important would you say the child's representative's contribution was to the outcome of the negotiations? Would you say she/he was extremely important, moderately important, only somewhat important, or not important at all to the outcome of the negotiations? **(INTERVIEWER: Check on/y one.)**

- ☐1 Very important
- ☐2 Moderately important
- ☐ 3 Only somewhat important
- ☐ , Not important at all
- ☐5 Don't know

D3 During these negotiations, how effective would you say the child's representative was in presenting options and generally advocating for the child's interests? Would you say she/he was extremely effective, moderately effective, only somewhat effective, or not effective at all to the success of the negotiations. **(INTERVIEWER: Check on/y** *one.)*

- ☐1 Very effective
- ☐2 Moderately effective
- ☐3 Only somewhat effective
- ☐4 Not effective at all
- ☐ 5 Don't know

THE NEXT FEW QUESTIONS INVOLVE THE CHILD'S REPRESENTATIVE'S ACTIVITIES **IN PROVIDING INFORMATION TO VARIOUS PARTIES TO THE CASE AND IN ADVOCATING** FOR SERVICES.

EI At any time during the case, did the child's representative provide information about a resource to either the agency, the court, or the family which you feel you were unaware of or did not recommend yourself?

☐1 Yes
☐2 No (GOT0 Q E4) ⟶

E2 Did this information involve any of the following aspects of the case? **(INTERVIEWER: Read *the list* of responses below *and* ask *R* to answer** *Yes, No, Don't Know, or Not Applicable.)*

'INFO INVOLVED. .."	1 YES	2 NO	3 D/K	4 N/A
(a) availability of **services**	☐1	☐2	☐3	☐4
(b) availability of resources (such as a relative or friend)	☐1	☐	, ☐3	☐4
(c) change in circumstances of the family or child	☐1	☐2	☐3	☐4
(d) case plan	☐1	☐2	☐3	☐4
(e) placement options	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

E3 Did you consider this information useful to help the child or family?

☐1 Yes
☐2 No (PLEASE SPECIFY): _____

_____

_____

E4 At any time during the case, did the child's representative either assist the child or the family to obtain any social services or to attempt to make sure that the agency obtained them?

☐1 Yes
☐2 No (GOT0 QF1) ⟶
☐3 Don't know (GO TO QF1) ⟶

E5 If the child's representative assisted in any way, did she/he do any of the following? **(INTERVIEWER: Read *the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"ASSISTED BY ..."	1 YES	2 NO	3 D/K	4 N/A
(a) giving information about resources to the child or family by phone or in person	☐1	☐	* ☐3	☐4
(b) discussing case and directly arranging a referral or services with another agency	☐1	☐2	☐3	☐4
(c) directly escorting client to agency	☐1	☐2	☐3	☐4
(d) contacting the caseworker or other professional to inform them of the need	☐1	☐	2 ☐3	☐4
(e) contacting caseworker or other professional to **followup** on previous plans.	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

_____

E6 What types of services did the GAL attempt to obtain, or actually obtain, for the child or family. (INTERVIEWER: Read ***the list*** of ***responses below*** and ***ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"SERVICES INCLUDED. .."	1 YES	2 NO	3 D/K	4 N/A
(a) psychological therapy/counseling	☐1	☐2	☐3	☐4
(b) physical health	☐1	☐2	☐3	☐4
(c) legal matters not related to GAL activities	☐1	☐2	☐3	☐4
(d) educational or vocational training	☐1	☐2	☐3	☐4
(e) housing assistance	☐1	☐2	☐3	☐4
(f) financial	☐1	☐2	☐3	☐4
(g) homemaker services	☐1	☐2	☐3	☐4
(h) child care	☐1	☐2	☐3	☐4
(i) employment	☐1	☐2	☐3	☐4
(j) transportation	☐1	☐2	☐3	☐4
(k) alcohol/drug abuse	☐1	☐2	☐3	☐4
(l) parenting classes	☐1	☐2	☐3	☐4

(m) other (PLEASE SPECIFY): _____

_____

IN THE NEXT FEW QUESTIONS WE ASK YOU TO ASSESS THE CHILD'S REPRESENTATIVE'S OVERALL PERFORMANCE AND EFFECTIVENESS ON THIS CASE.

FI I would like you to think about and estimate the percentage of the time you feel a child's representative should spend dealing with the following types of activities, assuming an average case. **(INTERVIEWER: *If R is uncertain about answering this, code as "'Don't Know. ")***

(a) ___ investigating and collecting information about the case from written materials and relevant sources

(b) ___ legal representation, involving attending hearings, filing motions, plans and exhibits, counseling the client, and other legal matters

(c) ___ negotiating with the various parties in between and prior to hearings in order to discuss issues and options and to arrive at agreements

(d) ___ monitoring and follow-up such as checking on compliance with court orders and voluntary agreements between hearings, following up on agency and court activity, and maintaining regular contacts with the child, family, and foster family

(e) ___ providing information about possible resource persons or support services to other parties and advocating for resources for the child and family

(f) ___ other **(PLEASE SPECIFY):**

_____ NOTE, THEY MUST ADD UP TO 100%

OR

☐3 Don't know

F2 If you were to assess the child's representative's activities on this case, how effective-would you say she/he was in each of the dimensions listed above? For each dimension assess his/her effectiveness on a scale of 1 to 3, with 1 being ineffective, 2 being Somewhat Effective, and 3 being Very Effective.

	1 Ineffective	2 Somewhat Effective	3 Very Effective
(a) investigation	☐1	☐2	☐3
(b) legal representation	☐1	☐2	☐3
(c) negotiation	☐1	☐2	☐3
(d) monitoring/followup	☐1	☐2	☐3
(e) resource information and advocacy	☐1	☐2	☐3

F3 Are there any other major types of activities you feel are worth mentioning and assessing?

☐ , Yes
0, No (GO TO Q F5) ⟶

F4 If **yes,** please identify and assess them on the **same** scale of 1 to 3.

	1 Ineffective	2 Somewhat Effective	3 Very Effective
(a) _____	☐1	☐2	☐3
(b) _____	☐1	☐2	☐3
(c) _____	☐1	☐2	☐3

F5 **Overall,** how well would you say the child's representative coordinated work with you **on** the case? Would you say that she/he coordinated work very well, somewhat well, or poorly?

0, very well
☐2 Somewhat well
☐3 Poorly

F6 Overall, how well would you say the child's representative shared information with you and the agency? Would you say that she/he shared information very well, somewhat well, or poorly?

- ☐1 Very well
- ☐2 Somewhat well
- ☐3 Poorly

OMB No. 0980-0237
EXPIRES 6-30-93

QUESTIONNAIRE #2-B
CASEWORKER
(NEW CASES ONLY)
(DUAL REPRESENTATIVES)

Conducted by:

CSR, INCORPORATED
1400 Eye Street, N.W.
Washington, DC 20005

For:

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children, Youth and Families

I want to assure you that everything we talk about today is completely confidential. Nothing you say will be discussed with any agency or anyone else. What you say will be anonymous. Your name will not be used in any way in reporting the results of the study.

Your participation is entirely voluntary. You are free to answer or not answer any or all of fhe questions I will be asking. You can end the interview at any time.

Caseworker Name:	
Subjec ID#:	
Case Record #:	
Interviewer ID#:	
Completion Date:	____/____/ 93

CASEWORKER NAME: _____
SUBJECT ID#: _____
INTERVIEWER ID#: _____
DATE: ___/ _/93_

CONTROL INFORMATION

INTERVIEWER: Attempt to answer these *questions prior to the interview. If unable to complete all questions, ask respondent to complete.*

CTL1 Has this case been adjudicated?

☐1 Yes
☐2 **No** **(STOP INTERVIEW,** THANK RESPONDENT FOR TIME)

CTL2 Has this case had a review hearing?

☐1 Yes (GO TO QUESTIONNAIRE **#5)** ⟶
☐2 No

CTL3 (a) When was this case opened? ____/____/____

(b) When was the caseworker assigned to case? ____/____/____

(c) **Is** the interviewee the original caseworker on the case?

☐1 Yes (GO TO **Q5)** ⟶
☐2 No

(d) Is there currently more than one caseworker assigned to this case?

☐1 **Yes**
☐2 **No**

CTL4 Ask R whether she/he has sufficient knowledge of the child's representative(s) to answer questions about their activities on the case.

☐1 Yes
☐2 **No** **(STOP INTERVIEW,** BUT ASK RESPONDENT TO PROVIDE THE NAME OF ANOTHER CASEWORKER WHO COULD PROVIDE THIS **INFORMATION:)**

_____

CTL5 Are there two (2) representatives for the child on this case?

☐1 Yes
☐2 No (GO TO QUESTIONNAIRE **#2)** ⟶

BACKGROUND INFORMATION ON THE CASEWORKER

FIRST, WE WOULD LIKE YOU TO ANSWER A FEW GENERAL QUESTIONS ABOUT YOUR BACKGROUND AND CURRENT WORK.

BA1 How many years have you worked as a caseworker in child welfare services?

_____ Years or [_____ Months]

BA2 How large is your current caseload? **(INTERVIEWER: *If* the *R is not current/y responsible for the case, ask about caseload during time when the R was the responsible case worker.)***

_____ Cases

BA3 How many other caseworkers have been assigned to this case since it was opened?

_____ Other caseworkers ***(If no other caseworkers, enter zero.)***

☐3 Don't know

BA4 On average, how many hours per week do you spend on this particular case?

_____ Hours per week

IN THE **NEXT FEW QUESTIONS WE ARE GOING TO ASK YOU ABOUT WHAT THE CHILD'S REPRESENTATIVE DID TO INVESTIGATE AND PREPARE FOR THE CASE FROM THE TIME SHE/HE WAS APPOINTED.**

AI Were there are any circumstances where the child's representative(s) did not investigate or prepare for the case?

☐1 Yes (PLEASE SPECIFY):

_____

_____

(GO TO Q B1) ⟶

☐2 No

A2 During the investigation of the case, did you discuss any aspect of the case with either or both of the child's representatives?

☐1 Yes

☐2 **No** **(GO** TO **Q A4)** ⟶

A3 Which of the following did you discuss? (INTERVIEWER: Read ***the list*** of ***responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

'DISCUSSED . . ."	1 YES	2 NO	3 D/K	4 **N/A**
(a) facts of the case	☐1	☐2	☐3	☐4
(b) assessment of the child	☐1	☐2	☐3	☐4
(c) assessment of the family situation	☐1	☐2	☐3	☐4
(d) agency report (CPS)	☐1	☐2	☐3	☐4
(e) case goal	☐1	☐2	☐3	☐4
(f) permanent placement objectives	☐1	☐2	☐3	☐4
(g) services or treatment	☐1	☐2	☐3	☐4
(h) legal issues	☐1	☐2	☐3	☐4
(i) visitations	☐1	☐2	☐3	☐4

(j) other (PLEASE SPECIFY): _____

A4 At any time during the investigation of the case, did the child's representative(s) assess the child's placement needs?

0, Yes
0, No (GO TO Q A6)
0, Don't know (GO TO Q A6)

A5 Please identify to the best of your recollection the types of special activities the child's representative(s) did- to assess the child's placement needs. **(INTERVIEWER:** *Read the* ***list*** *of* ***responses*** *below and ask R to answer Yes,* ***No; Don't*** *Know, or Not* ***Applicable.)***

"SPECIAL ACTIVITIES WERE . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) talked with family members or other adutts	☐1	☐2	☐3	☐4
(b) talked with child	☐1	☐2	☐3	☐4
(c) met or spoke with the social worker or other professionals	☐1	☐2	☐3	☐4
(d) visited the foster home or shetter	☐1	☐2	☐3	☐4
(e) visited the parent's home	☐1	☐2	☐3	☐4
(f) requested an evaluation of a child	☐1	☐2	☐3	☐4
(g) requested an evaluation of the parents	☐1	☐2	☐3	☐4
(h) observed the interaction between the parent and child	☐1	☐2	☐3	☐4

(i) other (PLEASE SPECIFY): _____

A6 At any time during the investigation of the case, did the child's representative(s) assess the child's or family's needs for services?

0, Yes
☐ 2 No (GO TO Q A8)
☐ 3 Don't know (GO TO Q A8)

A7 Please identify to the best of your recollection the types of special activities the child's representative(s) did to assess the child's or family's needs for services. (INTERVIEWER: ***Read the list of fesponses below and ask R to answer*** Yes, No, ***Don't Know, or Not Applicable.)***

"SPECIAL ACTIVITIES WERE . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) talked with family members or other adutts	☐1	☐2	☐3	☐4
(b) talked with child	☐1	☐2	☐3	☐4
(c) met or spoke with the caseworker or other professionals	☐1	☐2	☐3	☐4
(d) visiting the foster home or shelter	☐1	☐2	☐3	☐4
(e) visiting the parent's home	☐1	☐2	☐3	☐4
(f) requesting an evaluation of the child or parents	☐1	☐2	☐3	☐4
(g) reviewing the agency record	☐1	☐2	☐3	☐4

(h) other (PLEASE SPECIFY): _____

A0 At any time during the investigation of the case, did the child's representative(s) assess the child's educational needs?

0, Yes
☐2 No (GO TO Q A10)
Cl, Don't know (GO TO Q A10)
☐4 N/A (GO TO Q A10)

A9 Please identify to the best of your recollection the types of special activities the child's representative(s) did to assess the child's educational needs. **(INTERVIEWER:** ***Read the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"SPECIAL ACTIVITIES WERE ..."	1 YES	2 NO	3 D/K	4 N/A
(a) talked with the child	☐1	☐2	☐3	☐4
(b) talked with family members	☐1	☐2	☐3	☐4
(c) talked with school personnel	☐1	☐2	☐3	☐4
(d) requested educational tests	☐1	☐2	☐3	☐4

(e) other (PLEASE SPECIN): _____

_____

A10 At any time did the child's representative(s) undertake any special activities to assess the child's or family's needs for services in any of the following areas? **(INTERVIEWER:** ***Read the list of responses below and ask R to answer Yea, No, Don't Know, or Not Applicable.)***

SPECIAL ACTIVITIES IN AREA OF ..."	1 YES	2 NO	3 D/K	4 N/A
(a) health	☐1	☐2	☐3	☐4
(b) mental health	☐1	☐2	☐3	☐4
(c) housing assistance	☐1	☐2	☐3	☐4
(d) transportation	☐1	☐2	☐3	☐4
(e) child care	☐1	☐2	☐3	☐4
(f) alcohol or drug treatment	☐1	☐2	☐3	☐4
(g) employment	☐1	☐2	☐3	☐4
(h) parenting skills	☐1	☐2	☐3	☐4

(i) other (PLEASE SPECIFY): _____

_____

A11 Overall, how thorough would you say the child's representative(s) were in investigating and preparing for the case? Would you say they were very thorough, somewhatthorough, or not thorough at all? (INTERVIEWER: ***Check only*** one.)

- ☐1 Very thorough
- ☐2 Somewhat thorough
- ☐3 Not thorough

THE **NEXT FEW QUESTIONS REFER TO LEGAL AND OTHER ACTIVITIES PERTAINING TO THE VARIOUS HEARINGS UP TO AND INCLUDING THE DISPOSITIONAL HEARING.**

B1 Did the child's representative(s) attempt to negotiate an agreement or stipulation?

- ☐1 Yes
- ☐2 No (GO TO Q B3)
- ☐3 Don't know (GO TO Q B3)
- ☐4 N/A (GO TO QB3)

B2 During the negotiations, did the child's representative(s) do any of the following activities? **(INTERVIEWER: Read *the list* of responses below and ask *R* to *answer* Yes, *No,* Don't Know, or Not *Applicable.)***

	'DID FOLLOWING ACTIVITIES ..."	1 YES	2 NO	3 D/K	4 N/A
(a)	attempted to bring the different parties together	☐1	☐2	☐3	☐4
(b)	highlighted the common goals of the parties	☐1	☐2	☐3	☐4
(c)	encouraged the parties to negotiate	☐1	☐2	☐3	☐4
(d)	suggested options	☐1	☐2	☐3	☐4
(e)	drafted a written agreement	☐1	☐2	☐3	☐4
(f)	other (PLEASE SPECIFY): _____				

B3 At any time, did you disagree with the child's representative(s) about the any of the following issues? **(INTERVIEWER: *Read the list of* responses below *and ask R to* answer Yes, *No, Don't* Know, or Not Applicable.)**

	"DISAGREED ABOUT. .."	1 YES	2 NO	3 D/K	4 N/A
(a)	child's placement	☐1	☐2	☐3	☐4
(b)	provision of services to child or parent	☐1	☐2	☐3	☐4
(c)	visitation	☐1	☐2	☐3	☐4
(d)	other (PLEASE SPECIFY): _____				

➡➡ IF YES **CHECKED** FOR ANY ISSUE, ANSWER **Q B4**— OTHERWISE GO TO **Q B5.**

54 Given these differences, were they resolved between the parties? Please indicate whether ail, some, or none of the differences were resolved.

- ☐ , Yes, all
- ☐2 Yes, some
- ☐3 No, none

55 At any hearing did the child talk in court or to the judge?

- 0, Yes
- 0, No (GO TO Q 57)
- 0, Don't know (GO TO Q 57)
- 0, N/A (GO TO Q 57)

56 Did the child's representative(s) do anything special to help make it easier and more comfortable for the child to speak in court?

- 0, Yes
- 0, No
- 0, Don't know

57 Looking back over what you know the child's representative(s) did to advocate for the child's interests inside and outside court, how forceful or assertive would you say they were? (INTERVIEWER: Check ***only one.)***

- ***0,*** **Very** forceful or assertive (GO TO Q C1)
- 0, Somewhat forceful or assertive (GO TO Q C1)
- 0, Not forceful or assertive at **all**

58 If not forceful, why do you think they were not? (INTERVIEWER: ***Check*** al/ ***that apply.)***

(a) ☐1 little time to investigate

(b) ☐1 concurred with agency

(c) ☐1 did not view child's representative role as one of being an active participant

(d) ☐1 **hearings** did not require active role

(e) ☐1 other (PLEASE SPECIFY): _____

_____

IN THE NEXT FEW QUESTIONS, WE **WILL ASK** YOU **ABOUT ANY ACTIVITIES THE CHILD'S REPRESENTATIVE MAY HAVE DONE TO MONITOR THE CASE.**

C1 How frequently would you say the child's representative(s) contacted the child on matters other *than* those dealing with hearings? **(INTERVIEWER: Check** *only one.)*

- ☐1 **Very** frequently
- ☐2 Somewhat frequently
- ☐3 **Infrequently**
- ☐4 Not at all
- ☐5 Don't know

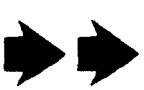
c2 Have you been contacted by the child's representative(s) on matters other *than* those pertaining to a hearing?

- ☐1 Yes
- ☐2 No

c3 Has the child's representative(s) done anything to carry out some aspect of a court order, voluntary agreement, or case plan?

- ☐1 Yes
- ☐2 No
- ☐3 D/K
- ☐4 N/A

IN THE NEXT FEW QUESTIONS WE ARE GOING TO ASK YOU ABOUT WHAT THE CHILD'S REPRESENTATIVE DID TO MEDIATE BETWEEN THE VARIOUS PARTIES.



IF **R** ANSWERED 'NO" OR "DON'T KNOW" TO QUESTION **B1,** WHETHER THERE WAS A NEGOTIATED AGREEMENT OR STIPULATION, SKIP TO QUESTION El.

D1 During the negotiations that we talked about earlier, how much would you say the child's representatives were involved in the negotiations? Would you say they were very involved, moderately involved, minimally involved, or not involved at all? **(INTERVIEWER: *Check only one.)***

- ☐1 Very involved
- ☐2 Moderately involved
- ☐3 Minimally involved
- ☐4 Not involved at all
- ☐5 Don't know

D2 During these negotiations, how important would you say the child's representative's contributions were to the outcome of the negotiations? Would you say they were extremely important, moderately important, only somewhat important, or not important at all to the outcome of the negotiations. **(INTERVIEWER: Check *only one.)***

- ☐1 Very important
- ☐2 Moderately important
- ☐3 Only somewhat important
- ☐4 Not important at all
- ☐5 Don't know

D3 During these negotiations, how effective would you say the child's representative(s) were in presenting options and generally advocating for the child's interests? Would you say they were extremely effective, moderately effective, only somewhat effective, or not effective at all to the success of the negotiations. **(INTERVIEWER: Check *on/y one.)***

- ☐1 Very effective
- ☐2 Moderately effective
- ☐3 Only somewhat effective
- ☐4 Not effective at all
- ☐5 Don't know

THE NEXT FEW QUESTIONS INVOLVE THE CHILD'S REPRESENTATIVE'S ACTIVITIES IN PROVIDING **INFORMATION** TO VARIOUS **PARTIES** TO THE CASE AND IN ADVOCATING FOR SERVICES.

E1 At any time during the case, did the child's representative(s) provide information about a resource to either the agency, the court, or the family which you feel you were unaware of or did not recommend yourself?

☐1 Yes
☐2 No (GO TO Q E4) ⟶

E2 Did this information involve any of the following aspects of the case? (INTERVIEWER: *Read the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)*

"INFO INVOLVED.. ."	1 YES	2 NO	3 D/K	4 N/A
(a) availability of services	☐1	☐2	☐3	☐4
(b) availability of resources (such as a relative)	☐1	☐2	☐3	☐4
(c) adjustment or circumstances in the family or child	☐1	☐2	☐3	☐4
(d) case plan	☐1	☐2	☐3	☐4
(e) placement options	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIN): _____

_____

E3 Did you consider this information useful to help the child or family?

☐1 Yes
☐2 No (PLEASE SPECIFY): _____

_____

_____

E4 At any time during the case, did the child's representative(s) either assist the child or the family to obtain any social or other services or to attempt to make sure that the agency obtained them?

☐1 Yes
☐2 No (GO TO QF1)
☐3 Don't know (GO TO QF1)

E5 If the child's representative(s) assisted in any way, did they do any of the following? **(INTERVIEWER: *Read the list* of *responses below and ask R to* answer Yes, No,** *Don't Know, or Not Applicable.)*

"ASSISTED BY ..."	1 YES	2 NO	3 D/K	4 WA
(a) giving information about resources to the child or family by phone or in person	☐1	☐2	☐3	☐4
(b) discussing case and directly arranging a referral or services with another agency	☐1	☐2	☐3	☐4
(c) directly escorting client to agency	☐1	☐2	☐3	☐4
(d) contacting caseworker or other professional to inform of need	☐1	☐2	☐3	☐
(e) contacting social worker or other professional to followup on previous plans	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

E6 What types of services were involved? From the following list, please indicate those the child's representative(s) helped the child or family to obtain. **(INTERVIEWER: Read the list** *of responses below and ask* ***R*** *to answer Yes,* ***No,*** *Don't Know, or Not Applicable.)*

'SERVICES INCLUDED. .."	1 YES	2 NO	3 D/K	4 N/A
(a) psychological therapy/counseling	☐1	☐2	☐3	☐4
(b) physical health	☐1	☐2	☐3	☐4
(c) legal other than GAL	☐1	☐2	☐3	☐4
(d) educational or vocational training	☐1	☐2	☐3	☐4
(e) housing assistance	☐1	☐2	☐3	☐4
(f) financial	☐1	☐2	☐3	☐4
(g) homemaker	☐1	☐2	☐3	☐4
(h) child care	☐1	☐2	☐3	☐4
(i) employment	☐1	☐2	☐3	☐4
(j) transportation	☐1	☐2	☐3	☐4
(k) alcohol/drug abuse	☐1	☐2	☐3	☐4
(l) parenting classes	☐1	☐2	☐3	☐4

(m) other (PLEASE SPECIFY): _____

_____

IN THE NEXT FEW QUESTIONS WE ASK YOU TO ASSESS THE CHILD'S REPRESENTATIVE'S OVERALL PERFORMANCE AND EFFECTIVENESS ON THIS CASE.

F1 I would like you to think about and estimate the percentage of the time you feel a child's representative(s) should spend dealing with the following types of activities, assuming an average case. **(INTERVIEWER: *If R* is *uncertain about answering this, code as "Don't Know.')***

(a) ___ Investigating and collecting information about the case from written materials and relevant sources

(b) ___ Legal representation, involving attending hearings, filing motions, plans and exhibits, counseling the client, and other legal matters

(c) ___ Negotiating with the various parties in between and prior to hearings in order to discuss issues and options and to arrive at agreements

(d) ___ Monitoring and follow-up such as checking on compliance with court orders and voluntary agreements between hearings, following up on agency and court activity, and maintaining regular contacts with the child, family, and foster family

(e) ___ Providing information about possible resource persons or support services to other parties and advocating for resources for the child and family

(f) ___ Other (PLEASE SPECIFY): _____

_____

_____ NOTE, THEY MUST ADD UP TO 100%

OR

☐3 Don't know

F2 If you were to assess the child's representative's activities on this case, how effective would you say they were in each of the dimensions listed below? For each dimension assess their effectiveness on a scale of 1 to 3, with 1 being Ineffective, 2 being Somewhat Effective, and 3 being Very Effective.

		1 Ineffective	2 Somewhat Effective	3 Very Effective
(a)	investigation	☐1	☐2	☐3
(b)	legal representation	☐1	☐2	☐3
(c)	negotiation	☐1	☐2	☐3
(d)	monitoring/followup	☐1	☐2	☐3
(e)	resource information and advocacy	☐1	☐2	☐3

F3 Are there any *other* major types of activities you feel are worth mentioning and assessing?

☐1 Yes
☐2 No (GO TO Q F5)

F4 If yes, please identify and assess them on the same scale of 1 to 3.

		1 Ineffective	2 Somewhat Effective	3 Very Effective
(a)	_____	☐1	☐2	☐3
(b)	_____	☐1	☐2	☐3
(c)	_____	☐1	☐2	☐3

F5 Overall, how well would you say the child's representative(s) coordinated work with you on the case? Would you say that they coordinated work very well, somewhat well, or poorly?

☐ Very well
☐2 Somewhat well
☐3 Poorly

F6 Overall, how well would you say the child's representative(s) shared information with you and the agency? Would you say that they shared information very well, somewhat well, or poorly?

- ☐1 Very well
- ☐2 Somewhat well
- ☐3 Poorly

➡➡ IF ONE OF THE CHILD'S REPRESENTATIVES IS NOT AN ATTORNEY, **STOP INTERVIEW.**

F7 Overall, with which of the two child's representatives did you have the most contact with during the case? Would you say you had more contact:

- ☐1 With the attorney
- ☐2 With the volunteer
- ☐3 Same with each
- ☐4 Other _____

F8 Overall, with which of the two child's representatives were you best able to coordinate your work on the case? Would you say you were best able to coordinate:

- ☐1 With the attorney
- ☐2 With the volunteer
- ☐3 Same with each
- ☐4 Other _____

OMB No. 0980-0237
EXPIRES 6-30-92

QUESTIONNAIRE #3
JUDGE

Conducted by:

CSR, INCORPORATED
1400 Eye Street, N.W.
Washington, DC 20005

For:

U.S. DEPARTMENT of HEALTH AND HUMAN SERVICES
Administration for Children, Youth and Families

*I want to assure you that everything we talk about today is completely **confidential.** Nothing you say **will** be discussed with any agency or anyone else. What you say **will be** anonymous. **Your** name **will** not be used in any way in repotting the results of the study.*

*Your **participation** is entirely voluntary. You are free to answer or not answer any or **all** of the questions **I will** be asking. You **can** end the interview at any time.*

Judge Name:	
Interviewer ID#:	
Completion Date:	____/____/__93__

Public reporting burden for this collection of information is estimated to average 1 hour per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to:

Reports Clearance Officer
Administration for Children and Families
Department of Health and Human Services
370 L'Enfant Promenade, S.W.
Washington, DC. 20447

and to:

Office of Management and Budget
Paperwork Reduction Project
OMB Control No. (New Request)
Washington, D.C. 20503

JUDGE NAME: _____
INTERVIEWER ID#: _____
DATE: _ / _ /93_

BACKGROUND INFORMATION ON THE JUDGE

BA1 How many years have you been sitting on a court that hears child abuse and neglect cases?

_____ Years or [____ Months]

BA2 Before you were appointed to the court, did you have any previous professional or other experience in the child welfare or child advocacy fields?

☐1 Yes
☐2 No (GO TO Q BA5)

BA3 Prior to your appointment to the court, how many years experience did you have in the child welfare or child advocacy fields **prior** to your appointment?

_____ Years or [____ Months]

BA4 Briefly describe the type of experience you have had prior to your appointment.

_____
_____
_____
_____

BA5 On average, how many child abuse and neglect cases do you hear each week?

C a s e s

BA6 Does your court require **GALs** to have any ***specialized training*** before they can represent children?

☐1 Yes
☐2 No

A1 In your opinion, how thorough would you consider GALs are in fact finding and case preparation? For each item, please assess whether you consider them to be, on average, very thorough, somewhat thorough, or not thorough at all in terms of their investigation. If you think a particular item is not appropriate for a GAL to be concerned with, please indicate that as well. **(INTERVIEWER:** ***Read the list of responses below and mark appropriate response [Very thorough, somewhat thorough, not thorough at all, or not applicable] next to each item.)***

"THOROUGH IN THEIR ..."	1 Very Thorough	2 Somewhat Thorough	3 Not at all Thorough	4 N/A
(a) fact finding and case preparation	☐1	☐2	☐3	☐4
(b) assessment of placement needs	☐1	☐2	☐3	☐4
(c) assessment of service needs	☐1	☐2	☐3	☐4
(d) assessment of educational needs	☐1	☐2	☐3	☐4
(e) assessment of health/mental health/parenting/alcohol & drug needs	☐1	☐2	☐3	☐4
(f) assessment of housing/ transportation/childcare/ employment needs	☐1	☐2	☐3	☐4

A2 If you were to assess the GALs you come in contact with on the bench, what percent of them would you say are very thorough, somewhat thorough, or not thorough at all in terms of investigating the facts and preparing for a case?

(a) _____ % very thorough
(b) _____ % somewhat thorough
(c) _____ % not thorough at all

_____

(MUST ADD **TO 100 PERCENT)**

A3 In your opinion, how well prepared would you consider GALs are at presenting cases in the courtroom? For each item, please assess whether you consider them to be, on average, very well prepared, somewhat well prepared, or not prepared a! all in terms of their court presentations. **(INTERVIEWER: Read the *list* of responses *below and* mark** *appropriate response [Very well prepared, somewhat well prepared, or not well prepared at all] next to each item.)*

	1 Very Well Prepared	2 Somewhat Prepared	3 Not at all Prepared
'PREPARATION IN TERMS OF. . ."			
(a) oral reports	☐1	☐2	☐3
(b) written reports	☐1	☐2	☐3
(c) evidence presented	☐1	☐2	☐3
(d) calling and/or cross-examining witnesses	☐1	☐2	☐3
(e) filing motions	☐1	☐2	☐3
(f) stipulations and negotiations	☐1	☐2	☐3
(g) court procedures during contested hearings	☐1	☐2	☐3
(h) other (PLEASE SPECIFY):	_____		

A4 If you were to assess the GALs you come in contact with on the bench, what percent of them would you say were very well prepared, somewhat well prepared, or not prepared at all in terms of their court presentations? **(INTERVIEWER: *Mark a figure next to each.)***

(a) _____ % very well prepared
(b) _____ % somewhat well prepared
(c) _____ % not well prepared at all

_____

(MUST ADD TO 100 PERCENT)

B1 If you were to assess the GALs *you* come in contact with on the bench, how useful a role would you say they play in negotiating agreements? Would you say they play a very useful, somewhat useful, or not useful role in negotiating agreements? (CHECK ONLY ONE BOX.)

- ☐1 Very useful
- ☐2 Somewhat useful
- ☐3 Not useful

B2 If you were to assess the GALs you come in contact with on the bench, how frequently would you say that they make recommendations in any of the following areas? Would you say that, on average, they make recommendations very frequently (more than 80%), somewhat frequently (between SO-SO%), about even (40-60%), not too frequently (20-40%), or very infrequently (less than 20%)?

	1 *Very Frequent (>80%)*	2 *Somewhat*	3 *Even*	4 *Not Too*	5 *Very Infrequent (<20%)*
(a) stipulation of abuse and/or neglect	☐1	☐2 ☐3 ☐4		☐	5
(b) placement	☐1	☐2	☐3	☐4	☐5
(c) visitation	☐1	☐2	☐3	☐4	☐5
(d) services to child and/or family	☐1	☐2	☐3	☐4	☐5

B3 If you were to assess overall the cases that come before the bench, how frequently would you say that there is agreement or disagreement between the GALs and the child welfare agency. Would you say that, on average, they are likely to agree very frequently (more than 80%), somewhat frequently (between 60-80%), about even (40-60%), not too frequently (20-40%), or very infrequently (less than 20%)? **(INTERVIEWER: Check *on/y one.)***

1 *Very Frequent Agreement (>80%)*	2 *Somewhat*	3 *Even (40-60%)*	4 *Not Too*	5 *Very Infrequent Agreement (<20%)*
☐1	☐2	☐3	☐4	☐5

B4 How frequently, on average, would you say that recommendations of GALs influence the court. For each of the areas identified above, would you say that, on average, the recommendations influence the court very frequently (more than 80%), somewhat frequently (between 60-80%), about even (40-60%), not too frequently (20-40%), or very infrequently (less than 20%).

	1 *Very Frequent (>80%)*	2 *Somewhat*	3 *Even*	4 *Not Too*	5 *Very infrequent (<20%)*
(a) placement	☐1	☐2	☐3	☐4	☐5
(b) visitation	☐1	☐2	☐3	☐4	☐5
(c) services to child and/or family	☐1	☐2	☐3	☐4	☐5
	(GO TO Q B5)				(GO TO Q B6)

B5 If you mentioned very frequently for any of the items above, please indicate the reason(s) why the recommendations of the GALs have been influential to the court.

_____

_____

_____

B6 If you mentioned not very frequently for any of the items above, please indicate the reason(s) why the recommendations of the GALs have not been influential to the court.

_____

_____

_____

B7 In those cases where the child had to speak before the court, did the GAL generally do anything special to help make it easier and more comfortable for the child to speak in court?

0, Yes
☐2 No

B8 In your opinion, what types of things make it easier for the child to speak in the court?

_____

_____

_____

B9 Looking back over what child GALs have done to advocate for the child's interests in court, would you say that they were successful in expediting the progress of the case through the court system?

- ☐1 Yes
- ☐2 No

B10 If you were to assess the GALs you come in contact with on the bench, how forceful or assertive would you say they are, on average, in advocating for the child's interests inside and outside the court? (INTERVIEWER: ***Check only one.)***

- ☐1 Very forceful or assertive
- ☐2 Somewhat forceful or assertive
- ☐3 Not forceful or assertive at all

CI In your opinion, would you say that the GALs maintain sufficient contact with the child after completion of the dispositional hearing?

- ☐1 Ye
- ☐2 No
- ☐3 Don't know

C2 In your opinion, how diligent would you say that the GALs have been in carrying out some aspect of a court order, voluntary agreement, or case plan? Would you say that they have been very diligent, somewhat diligent, or not diligent at all?

- ☐1 Very diligent
- ☐2 Somewhat diligent
- ☐3 Not diligent at all

D1 If you were to assess the GALs you come in contact with on the bench, how important would you say their contributions were to the outcome of any negotiations which take place inside or outside the court? Would you say they were extremely important, moderately important, only somewhat important, or not important at all to the outcome of the negotiations? (INTERVIEWER: Check *only one.)*

- ☐1 Very important
- ☐2 Moderately important
- ☐3 Only somewhat important
- ☐4 Not important at all
- ☐5 Don't know

D2 If you were to assess the GALs you come in contact with on the bench, how effective would you say the GALS are in presenting options and generally advocating for the child's interests during negotiations inside and outside the court? Would you say they are extremely effective, moderately effective, only somewhat effective, or not effective at all to the success of the negotiations? (INTERVIEWER: Check *on/y one.)*

- ☐1 Very effective
- ☐2 Moderately effective
- ☐3 Only somewhat effective
- ☐4 Not effective at all
- ☐5 Don't know

EI Looking back over your cases, how frequently would you say that the GALS were able to provide information about a resource to the agency, court, or family which you feel they were unaware of or did not recommend themselves? Would you say that it was very frequent, somewhat frequent, not frequent/sometimes, or not at all? (INTERVIEWER: *Check on/y one.)*

- ☐1 Very frequent
- ☐2 Somewhat frequent
- ☐3 *Not* frequent/sometimes
- ☐4 Not at all (GO TO Q E3)
- ☐5 Don't know *(GO* TO Q E3)

E2 **Did** this information involve any of the following aspects of the case?
(INTERVIEWER: ***Read the list*** *of responses* ***below*** *and ask* ***R*** *to* ***answer Yes, No, Don't*** *Know, or Not Applicable.]*

	1 YES	2 NO	3 D/K	4 N/A
"INFO INVOLVED. . ."				
(a) availability of services	☐1	☐2	☐3	☐4
(b) availability of resources (such as a relative)	☐1	☐2	☐3	☐4
(c) adjustment or circumstances of the child or the family	☐1	☐2	☐3	☐4
(d) case plan	☐1	☐2	☐3	☐4
(e) placement options	☐1	☐2	☐3	☐4

(f) Other (PLEASE SPECIFY): _____

_____

F1 How effective would you assess GALs in each of the dimensions listed below? For each dimension assess his or her effectiveness on a scale of 1 to 3, with 1 being Ineffective, 2 being Somewhat Effective, and 3 being Very Effective.

	1 Ineffective	2 Somewhat Effective	3 Very Effective
(a) investigating and collecting information about the case from written materials and relevant sources	☐1	☐2	☐3
(b) legal representation, involving attending hearings, filing motions, plans and exhibits, counseling the client, and other legal matters	☐1	☐2	☐3
(c) negotiating with the various parties in between and prior to hearings in order to discuss issues and options and to arrive at agreements	☐1	☐2	☐3
(d) monitoring and follow-up such as checking on compliance with court orders and voluntary agreements between hearings, following up on agency and court activity, and maintaining regular contacts with the child, family, and foster family	☐1	☐2	☐3
(e) providing information about possible resource persons or support services to other parties and advocating for resources for the child and family	☐1	☐2	☐3

F2 Are there any *other* major types of activities performed by GALs you feel are worth mentioning and assessing?

0, Yes
☐2 No (GO TO Q F4)

F3 If yes, please identify and assess them on the same scale of 1 to 3.

		1 Ineffective	2 Somewhat Effective	3 Very Effective
(a)	_____	☐1	☐2	☐3
(b)	_____	☐1	☐2	☐3
(c)	_____	☐1	☐2	☐3

F4 If you were to assess the **GALs** you come in contact with on the bench, how good would you say their relationships with the children were? Would you say they were generally good, generally poor, or neither good nor poor in general? **(INTERVIEWER: Check on/y one.)**

- ☐1 Generally good
- ☐2 Generally poor
- ☐3 Neither good nor poor
- ☐4 Don't know

F5 Overall, how well would you say that **GALs** have been able to coordinate work on the case with the caseworker and child welfare agency? Would you say that they were able to coordinate work very well, somewhat well, poorly, or not at all. **(INTERVIEWER: Check *only one.)***

- ☐1 Very well
- ☐2 Somewhat well
- ☐3 Poorly
- ☐4 Not at all
- ☐5 Don't know

F6 In your opinion, is there anything about the GAL program that you feel limits the effectiveness of the representatives in advocating for the best interests of the child?

☐1 Yes (PLEASE SPECIFY):

_____

_____

_____

☐2 No
☐3 Don't Know

F7 In your opinion, is there some aspect of the GAL program that should be changed?

☐1 Yes (PLEASE SPECIFY):

_____

_____

_____

☐2 No
☐3 Don't Know

F8 If there are two representatives for the child, do you feel that there are any benefits to having this second representative?

☐1 Yes
☐2 **No STOP INTERVIEW!**
☐3 Don't Know
☐4 Not Applicable

F9 If yes, what benefits would you say there were?

_____

_____

_____

_____

OMB No. 0980-0237
EXPIRES 6-30-93

QUESTIONNAIRE #4
ATTORNEY AND VOLUNTEER
(REVIEW CASES ONLY)

Conducted by:

CSR, INCORPORATED
1400 Eye Street, N.W.
Washington, DC 20005

For:

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children, Youth and Families

I want to assure you that everything we talk about today is completely confidential. Nothing you say will be discussed with any agency or anyone else. What you say will be anonymous. Your name will not be used in any way in reporting the results of the study.

Your participation is entirely voluntary. You are free to answer or not answer any or all of the questions I will be asking. You can end the interview at any time.

GAL Name:	
Subject ID#:	
Case Record #:	
Interviewer ID#:	
Completion Date:	____/____/ 93

Public reporting burden for this collection of information is estimated to average 1 hour per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to:

Reports Clearance Officer
Administration for Children and Families
Department of Health and Human Services
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

and to:

Office of Management and Budget
Paperwork Reduction Project
OMB Control No. (New Request)
Washington, D.C. 20503

GAL NAME: _____
SUBJECT ID#: _____
INTERVIEWER ID#: _____
DATE: ___/___/93

CONTROL INFORMATION

INTERVIEWER: *Attempt to* ***answer*** *these* ***questions prior*** *to the interview.* ***If*** *unable to complete* ***all*** *questions, ask respondent to complete.*

CTL1 Has this casebeen adjudicated?

☐1 Yes
☐2 No **(STOP INTERVIEW,** THANK RESPONDENT FOR TIME)

CTL2 Has this case had a review hearing?

☐1 Yes
☐2 No (GO TO QUESTIONNAIRE **#1)** →

CTL3 (a) When was the petition filed? ____/____/____

(b) When was this representative assigned? ____/____/____

(c) Is the **interviewee** the original child's representative?

☐1 Yes (GO TO **CTL5)** ↓
☐2 No

CTL4 Ask **R** whether she/he has had sufficient experience with this case to answer **questions** about it.

☐1 Yes
☐2 **No** **(STOP INTERVIEW,** BUT ASK RESPONDENT TO PROVIDE THE NAME OF ANOTHER REPRESENTATIVE WHO COULD PROVIDE THIS INFORMATION:)

_____

CTL5 **Is** there another attorney or volunteer representative for this child?

☐1 Yes
☐2 **No**

BACKGROUND INFORMATION ON CHILD'S REPRESENTATIVE

BA1 On average, how many hours per week do you spend on this particular case?

_____ Hours per week

IN THE NEXT FEW QUESTIONS WE ARE GOING TO ASK YOU ABOUT WHAT YOU HAVE DONE TO INVESTIGATE AND PREPARE FOR THE CASE SINCE THE REVIEW HEARING.

AI. Since the review hearing, have you investigated or prepared for the case extensively, somewhat, or not at all.

☐1 Not at all (PLEASE SPECIFY THE CIRCUMSTANCE):

_____

(GO TO QB1) ⟶

☐2 Extensively
☐3 Somewhat

A2 We would like to know the types of written sources of information ***you*** referred to when investigating or preparing for the case since the review hearing. (INTERVIEWER: ***Read* the list *of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"WRITTEN SOURCES INCLUDED.. ."	1 YES	2 NO	3 D/K	4 N/A
(a) police reports	☐1	☐2	☐3	☐4
(b) CPS agency report	☐1	☐2	☐3	04
(c) child welfare agency records on the family	☐1	☐2	☐3	☐4
(d) court records (pleadings, petitions)	☐1	☐2	☐3	☐4
(e) third party statements	☐1	☐2	☐3	☐4
(f) medical records	☐1	☐2	☐3	☐4
(g) mental health records	☐1	☐2	☐3	☐4
(h) school records	☐1	☐2	☐3	☐4
(i) correctional center records	☐1	☐2	☐3	☐4
(j) detox center records	☐1	☐2	☐3	☐4

(k) other (PLEASE SPECIN): _____

_____

A3 Next, we would like to know the types contacts you had personally or by phone when you investigated or prepared for the case since the review hearing. **(INTERVIEWER: Read** *the list of responses below and ask R to* ***answer*** Yes, *No, Don't Know, or Not Applicable.)*

"CONTACTS INCLUDED. . ."	1 **YES**	2 **NO**	3 **D/K**	4 **N/A**
(a) CPS investigator/caseworker	☐1	☐2	☐3	☐4
(b) child(ren)	☐1	☐2	☐3	☐4
(c) siblings	☐1	☐2	☐3	☐4
(d) parents	☐1	☐2	☐3	☐4
(e) other adults	☐1	☐2	☐3	☐4
(f) relatives	☐1	☐2	☐3	☐4
(g) foster parents	☐1	☐2	☐3	☐4
(h) neighbors	☐1	☐2	☐3	☐4
(i) medical personnel	☐1	☐2	☐3	☐4
(j) law enforcement personnel	☐1	☐2	☐3	☐4
(k) education personnel	☐1	☐2	☐3	☐4
(l) State's attorney	☐1	☐2	☐3	☐4
(m) parent's attorney	☐1	☐2	☐3	☐4
(n) court worker (e.g., probation officer)	☐1	☐2	☐3	☐4
(o) other GAL	☐1	☐2	☐3	☐4
(P) prior representative	☐1	☐2	☐3	☐4
(9) mental health personnel	☐1	☐2	☐3	☐4

(r) other (PLEASE SPECIFY): _____

_____

A4 Since the review hearing, did you speak with the child without the child's parent(s) being present? ***(If child is too young, then check "N/A.")***

- ☐1 Yes
- ☐2 No
- ☐3 D/K
- ☐4 N/A

A5 Since the review hearing, did you ever submit an oral or written report about the case to the court?

- ☐1 Yes
- ☐2 No

A6 Since the review hearing, did you assess the child's placement needs?

- ☐1 Yes
- ☐2 NO (GO TO Q A8) ⟶

A7 Please identify the types of special activities you did to assess the child's placement needs. (INTERVIEWER: Read ***the list of responses*** below ***and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"SPECIAL ACTIVITIES WERE ..."	*1* YES	*2* NO	*3* D/K	*4* N/A
(a) talked with family members or other adults	☐1	☐2	☐3	☐4
(b) talked with child	☐1	☐2	☐3	☐4
(c) met or spoke with the social worker or other professionals	☐1	☐2	☐3	☐4
(d) visited the foster home or shelter	☐1	☐2	☐3	☐4
(e) visited the parent's home	☐1	☐2	☐3	☐4
(f) requested an evaluation of a child	☐1	☐2	☐3	☐4
(g) requested an evaluation of the parents	☐1	☐2	☐3	☐4
(h) observed the interaction between the parent and child	☐1	☐2	☐3	☐4

(i) other (PLEASE SPECIFY): _____

A8 Since the review hearing, did you assess the child's or family's needs for services?

☐1 Yes
☐2 No (GO TO Q B1) ⟶

A9 Since the review hearing, did you undertake any special activities to assess the child's or family's needs for services in any of the following areas? (INTERVIEWER: Read ***the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"SPECIAL ACTIVITIES IN AREA OF . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) health	☐1	☐2	☐3	☐4
(b) mental health	☐1	☐2	☐3	☐4
(c) education	☐1	☐2	☐3	☐4
(d) housing assistance	☐1	☐2	☐3	☐4
(e) transportation	☐1	☐2	☐3	☐4
(f) child care	☐1	☐2	☐3	☐4
(g) alcohol or drug treatment	☐1	☐2	☐3	☐4
(h) employment	☐1	☐2	☐3	☐4
(i) parenting skills	☐1	☐2	☐3	☐4

(j) other (PLEASE SPECIFY): _____

_____

A10 If you undertook any special activities to assess the child's or family's needs for services, what did you do to assess their needs? **(INTERVIEWER: Read the *list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

'SPECIAL ACTIVITIES WERE . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) talked with family members or other adults	☐1	☐2	☐3	☐4
(b) talked with child	☐1	☐2	☐3	☐4
(c) met or spoke with the caseworker or other professionals	☐1	☐2	☐3	☐4
(d) visited the foster home or shelter	☐1	☐2	☐3	☐4
(e) visited the parent's home	☐1	☐2	☐3	☐4
(f) requested an evaluation of a child	☐1	☐2	☐3	☐4
(g) requested an evaluation of the parents	☐1	☐2	☐3	☐4
(h) reviewed the school/agency record	☐1	☐2	☐3	☐4

(i) other (PLEASE SPECIN): _____

_____

THE NEXT FEW QUESTIONS REFER TO THE LEGAL AND OTHER ACTIVITIES PERTAINING TO THE VARIOUS HEARINGS UP TO AND INCLUDING THE LATEST HEARING.

B1 Were you present at some, most, all, or none of the hearings since you were appointed as the child's representative?

☐1 Some
☐2 Most
☐3 All
☐4 None (PLEASE SPECIFY WHY NOT) _____

B2 If you look across all uncontested (non-trial) hearings you attended on this case, which of the following activities did you perform? (INTERVIEWER: ***Read the list of*** *responses below and ask R to answer Yes,* ***No,*** *Don't Know, or* ***Not Applicable.)***

"PERFORMED FOLLOWING ACTIVITIES ..."	1 YES	2 NO	3 D/K	4 N/A
(a) familiarized child with the court proceedings	☐1	☐2	☐3	☐4
(b) subpoenaed records	☐1	☐2	☐3	☐4
(c) submitted written reports for the record	☐1	☐2	☐3	☐4
(d) reported orally to court	☐1	☐2	☐3	☐4
(e) presented evidence	☐1	☐2	☐3	☐4
(f) offered a case plan	☐1	☐2	☐3	☐4
(9) filed motions or pleading	☐1	☐2	☐3	☐4
(h) made disagreements with the agency known to the court	☐1	☐2	☐3	☐4
(i) made disagreements with the child known to the court	☐1	☐2	☐3	☐4

ii) other (PLEASE **SPECIFY):** _____

_____

B3 Were you were involved in any contested hearing?

☐1 Yes
☐2 No (GO TO **Q B5)** ⟶

B4 At this hearing, which of the following activities did you perform? (INTERVIEWER: Read the ***list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"PERFORMED FOLLOWING ACTIVITIES . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) familiarized child with the court process	☐1	☐2	☐3	☐4
(b) made an opening statement	☐1	☐2	☐3	☐4
(c) called lay witnesses	☐1	☐2	☐3	☐4
(d) called expert witnesses	☐1	☐2	☐3	☐4
(e) cross-examined witnesses	☐1	☐2	☐3	☐4
(f) subpoenaed records	☐1	☐2	☐3	☐4
(g) submitted written report into the record	☐1	☐2	☐3	☐4
(h) presented evidence	☐1	☐2	☐3	☐4
(i) offered a case plan	☐1	☐2	☐3	☐4
(j) made or filed motions or pleadings	☐1	☐2	☐3	☐4
(k) made disagreements with agency known to the court	☐1	☐2	☐3	☐4
(l) made disagreements with child known to the court	☐1	☐2	☐3	☐4
(m) made a closing statement	☐1	☐2	☐3	☐4

(n) other (PLEASE SPECIFY): _____

_____

B5 At any time since the dispositional hearing, did you attempt to negotiate an agreement of stipulation?

☐1 Yes
☐2 No (GO TO Q B10) ⟶

B6 Did the negotiations result in an agreement or stipulation?

☐1 Yes
☐2 No

B7 We are interested in the issue(s) that was (were) dealt with by the agreement. From the list below, please indicate whether or not this issue was involved. (INTERVIEWER: ***Read*** the ***list of responses below and ask R to answer*** Yes, No, ***Don't Know, of Not Applicable.)***

"ISSUE INVOLVED WAS.. ."	1 YES	2 NO	3 D/K	4 N/A
(a) stipulation of abuse or neglect	☐1	☐2	☐3	☐4
(b) placement	☐1	☐2	☐3	☐4
(c) services or treatment for the child	☐1	☐2	☐3	☐4
(d) services or treatment for the parents	☐1	☐2	☐3	☐4
(e) visitation	☐1	☐2	☐3	☐4
(f) legal guardianship	☐1	☐2	☐3	☐4

(g) other (PLEASE SPECIN): _____

_____

B8 Besides yourself, which of the individuals mentioned below were involved in the negotiations? (INTERVIEWER: Read the ***list of responses below and ask R Yes, No, Don't Know, or Not Applicable.)***

"OTHERS INVOLVED WERE. . ."	1 YES	2 NO	3 D/K	4 N/A
(a) parents' attorney(s)	☐1	☐2	☐3	☐4
(b) agency's attorney	☐1	☐2	☐3	☐4
(c) child's attorney	☐1	☐2	☐3	☐4
(d) lay volunteer	☐1	☐2	☐3	☐4
(e) caseworker	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

B9 During the negotiations, did you do any of the following activities? (INTERVIEWER: ***Read the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"DID FOLLOWING ACTIVITIES . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) attempted to bring the different parties together	☐1	☐2	☐	3 ☐4
(b) highlighted the common goals of the parties	☐1	☐2	☐3	☐4
(c) encouraged the parties to negotiate	☐1	☐2	☐3	☐4
(d) suggested options	☐1	☐2	☐3	☐4
(e) drafted a written agreement	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

THE NEXT FEW QUESTIONS REFER TO THE PROCESS OF DETERMINING **CASE GOALS FOR THE CHILD, AS WELL AS THE PLACEMENT OF THE CHILD.**

B10 At any time since the review hearing did you form an opinion about what the most desirable andrealistic placement situation would be for the child, given the circumstances of the case and available resources?

☐1 Yes
☐2 No **(GO TO Q B15)** ⟶

B11 In your opinion, what is the most desirable and realistic placement situation for the child? **(INTERVIEWER: Check *only one.*)**

"BEST PLACEMENT IS . . ."

☐1 keep child in home

☐2 continue placement with relatives

☐3 continue placement with non-relatives

Cl, place in foster home with relatives

☐5 place in foster home with non-relatives

☐ 6 group home

☐7 independent living

☐8 residential treatment facility

☐9 return child to home from placement

☐10 other (PLEASE SPECIFY): _____

_____

B12 At any time since the review hearing did you discuss this idea with any other relevant parties to the case?

☐1 Yes
☐2 No **(GO TO Q B14)** ⟶

B13 With which of the following individuals did you discuss this idea? **(INTERVIEWER:** ***Read the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"DISCUSSED IDEA WITH . . ."	1 **YES**	2 NO	3 D/K	4 *N/A*
(a) caseworker or agency's attorney	☐		☐	☐
(b) parents' attorney(s)	☐	☐	☐	☐
(c) foster parents	☐	☐	☐	☐
(d) child	☐	☐	☐	☐

(e) other (PLEASE SPECIFY): _____

_____

B14 At any time since the review hearing, did you make any recommendations to bring about this type of placement situation?

☐ Yes
☐ No

B15 At any time since the review hearing, did you make any recommendations regarding services to the child or family?

☐ Yes
☐ No

B16 At any time since the review hearing, did you make any recommendations regarding visitation between the child and parents?

☐ Yes
☐ No
☐ N/A

B17 At any time up through the dispositional hearing, did you disagree with the caseworker about the any of the following issues? **(INTERVIEWER: *Read the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"DISAGREED ABOUT. .."	1 YES	2 NO	3 D/K	4 N/A
(a) child's placement	☐1	☐2	☐3	☐4
(b) provision Of services to child or parent	☐1	☐2	☐3	☐4
(c) visitation	☐1	☐2	☐3	☐4

(d) other (PLEASE SPECIFY): _____

_____

IF YES CHECKED FOR *ANY* ISSUE, ANSWER Q B18— OTHERWISE GO TO Q B20.

B18 Given these differences, were they resolved between the parties? Indicate whether All, Some, or None were resolved.

☐1 Yes, all (GO TO Q B20) →
☐2 Yes, some
☐3 No, none

B19 Of these unresolved differences, did you express any of them to the court?

☐1 Yes
☐2 No

B20 If you mad8 recommendations to the court regarding case goals and placement, provision of services, and/or visitation, did the court adopt any of these recommendations?

☐1 Yes
☐2 No (GOT0 Q 822) →

B21 In which area(s) did the court adopt your recommendations? (INTERVIEWER: ***Read the list of responses below and ask R to answer Yes, No, Don't Know, of Not Applicable.)***

"COURT ADOPTED. . ."	1 YES	2 NO	3 D/K	4 N/A
(a) case goals and placement	☐1	☐2	☐3	☐4
(b) provision of services	☐1	☐2	☐3	☐4
(c) visitation	☐1	☐2	☐3	☐4

B22 At any time since the review hearing, did you disagree with the child in any way about case goals and placement, the provision of services, or visitation between the child and parent(s)?

☐1 Yes
☐2 No ***(GO*** TO ***Q24)***
☐3 Not applicable (GO TO ***Q24)***

B23 If you answered Yes to the question above, which view(s) did you present to the court? Did you present what the child wanted, what you felt was best for the child, or both views to the court?

☐1 child's wishes only

☐2 my views on child's best interests

☐3 both views

B24 At any time since the review hearing, did the child talk in court or to the judge?

☐1 Yes
☐2 No (GO TO Q 829)

B25 Was the child's testimony presented in courtroom, in chambers or in court without spectators or videotaped or over closed-circuit TV? (INTERVIEWER: ***Check as many responses as applicable.)***

(a) ☐1 in courtroom

(b) ☐1 in chambers or in court without spectators

(c) ☐1 videotaped or over closed-circuit TV

(d) ☐1 other (PLEASE SPECIFY): _____

_____

B26 Who requested that this be done: GAL, state attorney, parent's attorney, judge, other? **(INTERVIEWER: *Check as many responses as applicable.)***

(a) ☐1 GAL

(b) ☐1 agency's attorney

(c) ☐1 parents' attorney(s)

(d) ☐1 judge

(e) ☐1 other (PLEASE SPECIFY): _____

_____

B27 Did you do anything special to help make it easier and more comfortable for the child to speak in court?

☐1 Yes
☐2 No (GO TO Q 829) ⟶

B28 What types of things did you do to make it easier for the child? **(INTERVIEWER: Read the** *list of responses below and ask* ***R*** *to answer Yes, No, Don't Know, or* ***Not*** *Applicable.)*

'DID THE FOLLOWING TO MAKE IT EASIER FOR CHILD ..."	1 YES	2 NO	3 D/K	4 N/A
(a) moved to have previous testimony admitted	☐1	☐2	☐3	☐4
(b) moved to have child/parents leave during sensitive testimony	☐1	☐2	☐3	☐4
(c) rearranged courtroom environment	☐1	02	☐3	☐4
(d) objected to questioning of child	☐1	02	☐3	☐4
(e) prepared the child to testify and explained the process	☐1	☐	* 03	☐4

(f) other (PLEASE **SPECIFY):** _____

_____

B29 Looking back over what you have done to advocate for the child's interests in court, would you say that you were successful in expediting the progress of the case through the court system?

0, Yes
0, No **(GO TO Q B31)** ⟶

B30 What types of things did you do that you feel helped to expedite the case? **(INTERVIEWER:** *Read the* ***list*** *of responses below and ask* ***R*** *to answer Yes, No, Don't Know, or Not Applicable.)*

'EXPEDITED CASE BY. .."	1 YES	2 NO	3 D/K	4 N/A
(a) opposing delays or continuances that I felt worked against the child's interests	☐1	☐	* ☐3	☐4
(b) requesting a court hearing sooner than scheduled	☐1	☐2	☐3	☐4
(c) assisting parties to resolve differences out of court	☐1	0,	03	☐4

(d) other (PLEASE SPECIFY): _____

B31 Looking back over what you have done to advocate for the child's interests inside and outside court, how forceful or assertive would you assess yourself? (INTERVIEWER: Check ***only*** one.)

- ☐1 Very forceful or assertive (GO TO Q Cl)
- ☐2 Somewhat forceful or assertive (GO TO Q Cl)
- Cl, Not forceful or assertive at all

B32 If not forceful, why not? (INTERVIEWER: Check ***all that apply.)***

(a) ☐1 little time to investigate

(b) ☐1 concurred with other party

(c) ☐1 do not view role as one of active participant

(d) ☐1 hearings did not require active role

(e) ☐1 other (PLEASE SPECIFY): _____

_____

IN THE NEXT FEW QUESTIONS, **WE WILL ASK YOU ABOUT ANY ACTIVITIES YOU MAY HAVE DONE TO MONITOR THE CASE.**

Cl Since the review hearing, how frequently would you say you contacted the child on matters other ***than those dealing with hearings?*** (INTERVIEWER: Check *only one.)*

- ☐1 Very frequently
- ☐2 Somewhat frequently
- ☐3 infrequently
- ☐4 Not at all

c2 Since the review hearing, have you contacted any persons or parties on matters ***other than those dealing with hearings?***

- ☐1 ***Yes***
- ☐2 No (GO TO Q C4) ⟶

c3 If you have contacted any persons or parties on matters *other than those* dealing with the hearings, please indicate who you have been in touch with by phone or in person. (INTERVIEWER: Read ***the list of responses below and*** *ask* ***R*** *to* ***answer Yes, No, Don't Know, or Not Applicable.)***

'CONTACTED . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) parents	☐1	☐2	☐3	☐4
(b) other adults in home	☐1	☐2	☐3	☐4
(c) foster parents	☐1	☐2	☐3	☐4
(d) caseworker/foster care worker	☐1	☐2	☐3	☐4
(e) relatives	☐1	☐2	☐3	☐4
(f) CW agency	☐1	☐2	☐3	☐4
(g) parent's attorney	☐1	☐2	☐3	☐4
(h) state's attorney	☐1	☐2	☐3	☐4
(i) medical personnel	☐1	☐2	☐3	☐4
(j) mental health personnel	☐1	☐2	☐3	☐4
(k) educational personnel	☐1	☐2	☐3	☐4
(l) court worker	☐1	☐2	☐3	☐4

(m) other (PLEASE SPECIFY): _____

_____

c4 Since the review hearing, have you done anything to carry out some aspect of a court order, voluntary agreement, or case plan?

0, Yes
0, No

C5 Since the review hearing, have **you felt that a change** was necessary in any of the following areas of the **case?** (INTERVIEWER: Read the ***list of responses*** **below and ask *R*** *to answer Yes, No, Don't Know, or* ***Not Applicable.)***

	1 YES	2 NO	3 D/K	4 N/A
'CHANGES WERE NECESSARY IN . . ."				
(a) placement of the child(ren)	☐1	☐2	☐3	☐4
(b) services for the child(ren)	☐1	☐2	☐3	☐4
(c) services for the parent(s)	☐1	☐2	☐3	☐4
(d) the hearing schedule	☐1	☐2	☐3	☐4

(e) other (PLEASE SPECIFY): _____

_____

IF YES CHECKED FOR ***ANY*** ISSUE, ANSWER Q C6— OTHERWISE GO TO Q C7.

C6 If you felt that changes were necessary in any of the above, did you do any of the following? (INTERVIEWER: ***Check all that apply.)***

(a) Cl, recommended a change to the case plan order

(b) ☐1 filed motion or pleadings to obtain changes

c7 Were any changes made in the case plan as a result of your intervention?

☐1 Yes
☐2 No

C8 If the child was living out of the home after the review hearing, did you do anything to encourage or discourage visits or other contacts between the child and parent(s)?

☐1 Yes
☐2 No
☐4 N/A

C9 **At any** time during this case, did you represent the child in other court actions?

☐1 Yes
☐ , No (GO TO Q D1) ⟶

C10 **In** what other type(s) of court actions did you represent the child(ren)? (INTERVIEWER: Check ***all that*** **apply.)**

(a) ☐1 criminal abuse of the children by the parent

(b) ☐1 other criminal case involving the child (either as victim or perpetrator)

(c) Cl, custody/visitation

(d) ☐1 delinquency

(e) Cl, voluntary foster care

(f) ☐1 other (PLEASE SPECIFY): _____

IN THE NEXT **FEW QUESTIONS WE ARE GOING TO ASK YOU ABOUT WHAT YOU DID TO MEDIATE BETWEEN THE VARIOUS PARTIES.**

➡ ➡ IF R ANSWERED 'NO" TO QUESTION B5, WHETHER THERE WAS A NEGOTIATED AGREEMENT OR STIPULATION, SKIP TO QUESTION El.

D1 During the negotiations that we talked about earlier, how much would you say you were involved in the negotiations? Would you say you were very involved, moderately involved, minimally involved, or not involved at all? (INTERVIEWER: Check ***only*** one.)

☐1 Very involved
☐2 Moderately involved
Cl, Minimally involved
☐4 Not involved at all

D2 During these negotiations, how important would you say your contribution was to the outcome of the negotiations? Would you say you were extremely important, moderately important, only somewhat important, or not important at all to the outcome of the negotiations? (INTERVIEWER: ***Check on/y one.)***

- ☐1 Very important
- ☐2 Moderately important
- ☐3 Only somewhat important
- ☐4 Not important at all

D3 During these negotiations, how effective would you say you were in presenting options and generally advocating for the child's interests? Would you say you were extremely effective, moderately effective, only somewhat effective, or not effective at all to the success of the negotiations? **(INTERVIEWER: *Check only one.)***

- ☐1 Very effective
- ☐2 Moderately effective
- ☐3 Only somewhat effective
- ☐4 Not effective at all

THE NEXT FEW QUESTIONS INVOLVE YOUR ACTIVITIES **IN PROVIDING INFORMATION TO VARIOUS PARTIES TO THE CASE** AND **IN ADVOCATING FOR SERVICES.**

EI Since the review hearing, did you provide information about a resource to either the family, the agency or the court which you feel they were unaware of or did not recommend themselves?

- ☐1 Yes
- ☐2 No (GO TO Q E3) ⟶

E2 Did this information involve any of the following aspects of the case? (INTERVIEWER: ***Read the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"INFO INVOLVED. . ."	1 YES	2 NO	3 D/K	4 N/A
(a) availability of services	☐1	☐2	☐3	☐4
(b) availability of resources (such as a relative or friend)	☐1	☐2	☐3	☐4
(c) change in circumstances of the family or child	☐1	☐2	☐3	☐4
(d) affected the current placement options	☐1	☐2	☐3	☐4

(e) other (PLEASE SPECIFY): _____

_____

E3 Since the review hearing, did you either assist the child or the family directly to obtain any social services or to attempt to make sure that the agency obtained them?

☐1 Yes
☐2 No (GO TO Q F1) ⟶

E4 If you assisted in any way, did you do any of the following? (INTERVIEWER: ***read the*** *list ot responses* ***below*** *and ask t? to answer Yes, No, Don't Know, or Not Applicable.)*

'ASSISTED BY . . ."	1 **YES**	2 NO	3 D/K	4 **N/A**
(a) giving information about resources to the child or family by phone or in person	☐1	☐2	☐3	☐4
(b) discussing case and directly arranging a referral or services with another agency	☐1	☐2	☐3	☐4
(c) directly escorting client to agency	☐1	☐2	☐3	☐4
(d) contacting the caseworker or other professional to inform them of the need	☐1	☐2	☐3	☐4
(e) contacting the caseworker or other professional to **followup** on previous plans	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIN): _____

_____

E5 What types of services did you attempt to obtain, or actually obtain, for the **child or** family? (INTERVIEWER: *Read **the list** of **responses below** and ask t? to **answer Yes,** No, Don't Know, of Not **Applicable.)***

	'SERVICES INCLUDED. . ."	1 YES	2 NO	3 D/K	4 N/A
(a)	psychological therapy/counseling	☐1	☐2	☐3	☐4
(b)	physical heatth	☐1	☐2	☐3	☐4
(c)	legal matters not related to your GAL activities	☐1	☐2	☐3	☐4
(d)	educational or vocational training	☐1	☐2	☐3	☐4
(e)	housing assistance	☐1	☐2	☐3	☐4
(f)	financial	☐1	☐2	☐3	☐4
(g)	homemaker	☐1	☐2	☐3	☐4
(h)	child care	☐1	☐2	☐3	☐4
(i)	employment	☐1	☐2	☐3	☐4
(j)	transportation	☐1	☐2	☐3	☐4
(k)	alco hol/drug abuse	☐1	☐2	☐3	☐4
(l)	parenting classes	☐1	☐2	☐3	☐4

(m) other (PLEASE SPECIFY): _____

_____

IN THE NEXT FEW QUESTIONS WE ASK YOU TO ASSESS YOUR OVERALL PERFORMANCE AND EFFECTIVENESS ON THIS CASE.

F1 If you look over the whole case, I would like you to estimate the percentage of the time you spent dealing with each type of activity.

(a) ___ investigating and collecting information about the case from written materials and relevant sources

(b) ___ legal representation, involving attending hearings, filing motions, plans and exhibits, counseling the client, and other legal matters

(c) ___ negotiating with the various parties in between and prior to hearings in order to discuss issues and options and to arrive at agreements

(d) ___ monitoring and follow-up such as checking on compliance with court orders and voluntary agreements between hearings, following up on agency and court activity, and maintaining regular contacts with the child, family, and foster family

(e) ___ providing information about possible resource persons or support services to other parties and advocating for resources for the child and family

(f) ___ other (PLEASE SPECIFY): _____

_____ (NOTE, THEY MUST ADD UP TO 100%)

☐3 Don't Know

F2 How effective would you assess yourself in each of the dimensions listed above? For each dimension assess your effectiveness on a scale of 1 to 3, with 1 being ineffective, 2 being Somewhat Effective, and 3 being Very Effective.

	1 Ineffective	2 Somewhat Effective	3 Very Effective
(a) investigation	☐1	☐	03
(b) legal representation	☐1	☐2	☐3
(c) negotiation	☐1	☐2	☐3
(d) monitoring/followup	☐1	☐2	☐3
(e) resource information and advocacy	☐1	☐	☐3

F3 Are there any other major types of activities you feel are worth mentioning and assessing?

☐1 Yes
☐2 No (GO TO Q F5) ⟶

F4 If yes, please identify and assess them on the same scale of 1 to 3.

	1 Ineffective	2 Somewhat Effective	3 Very Effective
(a) _____	☐1	☐2	☐3
(b) _____	☐1	☐2	☐3
(c) _____	☐1	☐2	☐3

F5 **Overall,** how would you assess your relationship with the child? Was it Good, Poor, or Neither Good nor Poor?

0, Good
0, Poor
☐ 3 Neither good nor poor

F6 Overall, how well would you say you were able to coordinate work on the case with the caseworker and child welfare agency? Would you say that you were able to coordinate work very well, somewhat well, or poorly?

- ☐1 Very well
- ☐2 Somewhat well
- ☐3 Poorly

F7 Overall, how well would you say the you were able to share information with the caseworker and child welfare agency? Would you say that you shared information very well, somewhat well, or poorly?

- ☐1 Very well
- ☐2 Somewhat well
- ☐3 Poorly

F8 Was there anything about your relationships with the child, parents, caseworker, volunteer, or other party that prevented you from performing as effectively as you would have liked?

- ☐1 Yes
- ☐2 No (GOTOQ F10) ⟶

F9 If you answered yes, please identify the relationship that prevented you from performing as effectively as you would have liked. (INTERVIEWER: Read the ***list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"DID IT INVOLVE COOPERATION WITH THE. .."	1 YES	2 NO	3 D/K	4 N/A
(a) child	☐1	☐2	☐3	☐4
(b) parent	☐1	☐2	☐3	☐4
(c) caseworker	☐1	☐2	☐3	☐4
(d) volunteer	☐1	☐2	☐3	☐4
(e) other attorney(s)	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

F10 Was there anything else about the case that prevented you from performing as effectively as you would have liked?

☐1 Yes
☐2 No (GO TO CONTROL QUESTION AT THE TOP OF PAGE 31)

F11 If you answered yes, please identify whether any of the following prevented you from performing as effectively as you would have liked. (INTERVIEWER: Read ***the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"DID IT INVOLVE ..."	1 YES	2 NO	3 D/K	4 N/A
(a) limits on your time (such as large caseload, conflicting case demands, etc.)	☐1	☐2	☐3	☐4
(b) limited time in which to prepare case	☐1	☐2	☐3	☐4
(c) inadequate compensation	☐1	☐2	☐3	☐4
(d) limited resources with which to prepare or conduct case	☐1	☐2	☐3	☐4
(e) uncertainty about role in case	☐1	☐2	☐3	☐4
(f) complexity of case	☐1	☐2	☐3	☐4
(g) lack of training about child advocacy	☐1	☐2	☐3	☐4

(h) other (PLEASE SPECIFY): _____

_____

(INTERVIEWER: ***If inadequate compensation was checked above, answer Q F12 and Q F13.)***

F12 Did the lack of adequate compensation affect the amount of time you were able to spend on the case?

☐1 Yes
☐2 No

F13 Will the lack of adequate compensation affect your continuing to serve as a child's representative in the future?

☐1 Yes
☐2 No

CONTROL CHECK: CONTINUE WITH THE **QUESTIONNAIRE *ONLY*** IF THERE WAS BOTH AN **ATTORNEY** AND ANOTHER ATTORNEY, VOLUNTEER, OR SOCIAL WORKER ON THE CASE.

☐2 Two representatives, **CONTINUE TO G1** ⟶
☐1 One representative, STOP!!

G1 At any point during the case, did you have contact (by phone or face-to-face) with the volunteer, social worker, or attorney?

☐ , Yes
☐ 2 No (GOT0 Q G6) ⟶

G2 In your contacts, did you discuss any of the following aspects of the case? (INTERVIEWER: Read the ***list of responses below and ask R to answer Yes, No, Don't Know, of Not Applicable.)***

	'DISCUSSED THE FOLLOWING . . ."	1 YES	2 NO	3 D/K	4 N/A
(a)	assessment of the case	☐1	☐2	☐3	☐4
(b)	stipulating abuse or neglect	☐1	☐2	☐3	☐4
(c)	placement	☐1	☐2	☐3	☐4
(d)	services/treatment	☐1	☐2	☐3	☐4
(e)	visitation	☐1	☐2	☐3	☐4
(f)	legal issues (e.g., hearings)	☐1	☐2	☐3	☐4

(g) other (PLEASE SPECIFY): _____

_____

G3 Generally, at what points during the case did these contacts take place? **(INTERVIEWER: Read *the list of responses below and ask R to answer Yes,* No, Don't *Know, or No? Applicable.)***

		1 YES	2 NO	3 D/K	4 N/A
(a)	before or during the adjudication hearing	☐1	☐2	☐3	☐4
(b)	before or during the dispositional hearing	☐1	☐2	☐3	☐4
(c)	during negotiations over a settlement	☐1	☐2	☐3	☐4
(d)	before or during a trial	☐1	☐2	☐3	☐4
(e)	before or during a review hearings	☐1	☐2	☐3	☐4
(f)	between the review hearings	☐1	☐2	☐3	☐4

G4 If you look over the course of the case, roughly how many times would you say you contacted the attorney/volunteer in person or by phone in an average month?

_____ Times in an average month

G5 If you look at when and how often you had these contacts throughout the case, would you say that they were concentrated around the times of the hearings or were they spread more evenly throughout the case? **(INTERVIEWER: *Check all that apply.)***

(a) ☐1 concentrated at hearings

(b) ☐1 spread more evenly throughout

(c) ☐1 other (PLEASE SPECIFY): _____

_____

G6 In the next four questions, I want you to think about your working relationship with your fellow representative. Please answer these questions on a scale of 1 to 5, with 1 being low or poor, 3 being neutral, and 5 being high or good.

		1	2	3	4	5
(a)	How well you shared information and ideas with one another	☐1 poor	☐	*	☐3	☐4 ☐5 good
(b)	How much you depended on the other for advice and recommendations	☐1 none	☐2	☐3	☐4	☐5 full
(c)	The level of coordination in your working relationship	☐1 none	☐2	☐3	☐4	☐5 full

G7 Are there any aspects of the case on which you disagreed with the attorney/volunteer?

☐1 Yes
☐2 No (STOP!!)

G8 Did the disagreement involve any of the following? **(INTERVIEWER: Read the *list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

	"DISAGREEMENT INVOLVED. .."	1 **YES**	2 **NO**	3 **D/K**	4 **N/A**
(a)	assessment of the case	☐1	☐2	☐3	☐4
(b)	stipulation of abuse or neglect	☐1	☐2	☐3	☐4
(c)	placement	☐1	☐2	☐3	☐4
(d)	services/treatment	☐1	☐2	☐3	☐4
(e)	visitation	☐1	☐2	☐3	☐4
(f)	legal issues (e.g., hearings)	☐1	☐2	☐3	☐4

(g) other (PLEASE SPECIFY): _____

_____

[IF AU 'NO," **STOP]**

G9 Given these differences mentioned above, were you able to resolve them? Please indicate whether you resolved all of them, some of them, or none of them.

- ☐1 Resolved all
- ☐2 Resolved some
- ☐3 Resolved none

STOP, END INTERVIEW

OMB No. 0980-0237
EXPIRES 6-30-93

QUESTIONNAIRE #5
CASEWORKER
(REVIEW CASES ONLY)

Conducted by:

CSR, INCORPORATED
1400 Eye Street, N.W.
Washington, DC 20005

For:

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children, Youth and Families

I want to assure you that everything we talk about today is completely confidential. Nothing you say will be discussed with any agency or anyone else. What you say will be anonymous. Your name will not be used in any way in reporting the results of the study.

Your participation is entirely voluntary. You are free to answer or not answer any or all of the questions I will be asking. You can end the interview at any time.

Caseworker Name:
Subject ID#:
Case Record #:
Interviewer ID#:
Completion Date: _____/_____/__93__

Public reporting burden for this collection of information is estimated to average 1 hour per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to:

Reports Clearance Officer
Administration for Children and Families
Department of Health and Human Services
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

and to:

Office of Management and Budget
Paperwork Reduction Project
OMB Control No. (New Request)
Washington, D.C. 20503

CASEWORKER NAME: _____
SUBJECT ID#: _____
INTERVIEWER ID#: _____
DATE: ___/___/93

CONTROL INFORMATION

INTERVIEWER: *Attempt to* ***answer these questions prior*** *to* ***the interview. If unable*** *to* ***complete all questions,*** *ask respondent to* ***complete.***

CTL1 Has this case been adjudicated?

☐1 Yes
☐2 **No** **(STOP INTERVIEW,** THANK RESPONDENT FOR TIME)

CTL2 Has this case had a review hearing?

☐1 Yes
☐2 No (GO TO QUESTIONNAIRE **#2)** ⟶

CTL3 (a) When was this case opened? _____

(b) When was the caseworker assigned to case? ____/____/____

(c) Is the interviewee the original caseworker on the case?

☐1 Yes (GO TO **CTL5)** ⟶
☐2 No

(d) **Is** there currently more than one caseworker assigned to this case?

☐1 Yes
☐2 **No**

CTL4 Ask **R** whether she/he has sufficient knowledge of the child's representative to answer questions about his or her activities on the case.

☐1 Yes
☐2 **No** **(STOP INTERVIEW,** BUT ASK RESPONDENT TO PROVIDE THE NAME OF **ANOTHER** CASEWORKER WHO COULD PROVIDE THIS INFORMATION):

_____

CTL5 Are there two (2) representatives for the child on this case?

☐1 Yes (GO TO QUESTIONNAIRE **#5-B)** ⟶
☐2 No

BACKGROUND INFORMATION ON THE CASEWORKER

FIRST, WE WOULD LJKE YOU TO ANSWER A FEW GENERAL QUESTIONS ABOUT YOUR BACKGROUND MD CURRENT WORK.

BA1 **How** many years have you worked as a caseworker in child welfare services?

_____ Years or [_____ Months]

BA2 How large is your current caseload? **(INTERVIEWER:** ***If the R is not currently responsible for the case, ask about caseload during time when the R was the responsible caseworker.)***

_____ Cases

BA3 How many other caseworkers have been assigned to this case since it was opened?

_____ Other caseworkers ***(If no other caseworkers, enter zero.)***

☐3 Don't know

BA4 On average, how many hours per week do you spend on this particular case?

_____ Hours per week

IN **THE NEXT FEW QUESTIONS WE ARE GOING TO ASK YOU ABOUT WHAT THE CHILD'S REPRESENTATIVE DID TO INVESTIGATE AND PREPARE FOR THE CASE SINCE THE DISPOSITIONAL** HEARING.

A1 Since the review hearing, did the GAL investigate or prepare for the case extensively, somewhat, or not at all?

☐1 Not at all (PLEASE SPECIFY):

_____

_____

(GO TO Q B1) ⟶

☐2 Extensively
☐3 Somewhat

A2 Since the dispositional hearing, did you discuss any aspect of the case with the child's representative?

☐1 Yes
☐2 No (GO TO Q A4) ⟶

A3 Which of the following did you discuss? (INTERVIEWER: Read the ***list*** of ***responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

'DISCUSSED . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) facts of the case	☐1	☐2	☐3	☐4
(b) assessment of the child	☐1	☐2	☐3	☐4
(c) assessment of the family situation	☐1	☐2	☐3	☐4
(d) agency report (CPS)	☐1	☐2	☐3	☐4
(e) case goal	☐1	☐2	☐3	☐4
(f) placement objectives	☐1	☐2	☐3	☐4
(g) services or treatment	☐1	☐2	☐3	☐4
(h) legal issues	☐1	☐2	☐3	☐4
(i) visitations	☐1	☐2	☐3	☐4

(j) other (PLEASE SPECIFY): _____

_____

A4 Since the review hearing, did the child's representative assess the child's placement needs?

☐1 Yes
☐2 No (GO TO Q A6) ⟶
0, Don't know (GO TO Q A6) ⟶

A5 Please identify to the best of your recollection the types of special activities the child's representative did to assess the child's placement needs. (INTERVIEWER: *Read* the *list* of *responses* below **and** *ask R to answer Yes, No, Don't Know, or Not Applicable.)*

'SPECIAL ACTIVITIES WERE . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) talked with family members or other adults	☐1	☐2	☐3	☐4
(b) talked with child	☐1	☐2	☐3	☐4
(c) met or spoke with the social worker or other professionals	☐1	☐2	☐3	☐4
(d) visited the foster home or shelter	☐1	☐2	☐3	☐4
(e) visited the parent's home	☐1	☐2	☐3	☐4
(f) requested an evaluation of a child	☐1	☐2	☐3	☐4
(g) requested an evaluation of the parents	☐1	☐2	☐3	☐4
(h) observed the interaction between the parent and child	☐1	☐2	☐3	☐4

(i) other (PLEASE SPECIN): _____

_____

A6 Since the review hearing, did the child's representative assess the child's or family's needs for services?

0, Yes
0, No (GO TO Q A8) ⟶
0, Don't know (GO TO Q A8) ⟶

A7 Please identify to the best of your recollection the types of special activities the child's representative did to assess the child's or family's needs for services. (INTERVIEWER: Read ***the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"SPECIAL ACTIVITIES WERE ..."	1 YES	2 NO	3 D/K	4 N/A
(a) talked with family members or other adutts	☐1	☐2	☐3	☐4
(b) talked with child	☐1	☐2	☐3	☐4
(c) met or spoke with the caseworker or other professionals	☐1	☐2	☐3	☐4
(d) visited the foster home or shelter	☐1	☐2	☐3	☐4
(e) visited the parent's home	☐1	☐2	☐3	☐4
(f) requested an evaluation of the child or parents	☐1	☐2	☐3	☐4
(g) reviewed the agency record	☐1	☐2	☐3	☐4

(h) other (PLEASE SPECIFY): _____

_____

A8 Since the review hearing, did the child's representative **assess** the child's educational needs?

0, Yes
0, No (GO TO Q A10) ⟶
☐3 Don't know (GO TO Q A10) -
0, N/A (GO TO Q A10) -

A9 Please identify to the best of your recollection the types of special activities the child's representative did to assess the child's educational needs. (INTERVIEWER: Read ***the list of responses below and as& R to answer Yes, No, Don't Know, or Not Applicable.)***

"SPECIAL ACTIVITIES WERE ..."	1 YES	2 NO	3 D/K	4 N/A
(a) talked with the child	☐1	☐2	☐3	☐4
(b) talked with family members	☐1	☐2	☐3	☐4
(c) talked with school personnel	☐1	☐2	☐3	☐4
(d) requested educational tests	☐1	☐2	☐3	☐4

(e) other (PLEASE SPECIN): _____

_____

A10 Since the review hearing, did the child's representative undertake any special activities to assess the child's or family's needs for services in any of the following areas? (INTERVIEWER: ***Read the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

'SPECIAL ACTIVITIES IN AREA OF ..."	1 YES	2 NO	3 D/K	4 N/A
(a) health	☐1	☐2	☐3	☐4
(b) mental health	☐1	☐2	☐3	☐4
(c) housing assistance	☐1	☐2	☐3	☐4
(d) transportation	☐1	☐2	☐3	☐4
(e) child care	☐1	☐2	☐3	☐4
(f) alcohol or drug treatment	☐1	☐2	☐3	☐4
(g) employment	☐1	☐2	☐3	☐4
(h) parenting skills	☐1	☐2	☐3	☐4

(i) other (PLEASE SPECIFY): _____

_____

A11 Overall, how thorough would you say the child's representative was in investigating and preparing for the case since the review hearing? Would you say she/he was verythorough, somewhat thorough, or not thorough at all? **(INTERVIEWER: Check** *on/y one.)*

- ☐1 Very thorough
- ☐2 Somewhat thorough
- ☐3 Not thorough

THE NEXT FEW QUESTIONS REFER TO LEGAL MD OTHER ACTIVITIES PERTAINING TO THE VARIOUS HEARINGS.

B1 At any time since the review hearing, did the child's representative attempt to negotiate an agreement or stipulation?

- ☐1 Yes
- ☐2 No (GO TO Q B3) →
- ☐3 Don't know (GO TO Q B3) →

B2 During the negotiations, did the child's representative do any of the following activities? **(INTERVIEWER: Read** ***the list*** *of* ***responses below*** *and ask* ***R to*** *answer Yes, No, Don't Know, or Not Applicable.)*

"DID FOLLOWING ACTIVITIES ..."	1 YES	2 NO	3 D/K	4 N/A
(a) attempted to bring the different parties together	☐1	☐2	☐3	☐4
(b) highlighted the common goals of the parties	☐1	☐2	☐3	☐4
(c) encouraged the parties to negotiate	☐1	☐2	☐3	☐4
(d) suggested options	☐1	☐2	☐3	☐4
(e) drafted a written agreement	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

B3 At any time since the review hearing, did you disagree with the child's representative about the any of the following issues? (INTERVIEWER: ***Read the list*** *of responses below and ask R to answer Yes, No, Don't Know,* ***or*** *Not* ***Applicable.)***

"DISAGREED ABOUT. . ."	1 YES	2 NO	3 D/K	4 N/A
(a) child's placement	☐1	☐2	☐3	☐4
(b) provision of services to child or parent	☐1	☐2	☐3	☐4
(c) visitation	☐1	☐2	☐3	☐4

(d) other (PLEASE **SPECIFY**): _____

_____

IF YES CHECKED FOR ANY ISSUE, ANSWER **Q B4**—
OTHERWISE GO TO **Q B5.**

B4 Given these differences, were they resolved between the parties? Please indicate whether all, some, or none of the differences were resolved.

☐1 Yes, all
☐2 Yes, some
☐3 No, none

B5 At any hearing since the review hearing, did the child talk in court or to the judge?

☐1 Yes
☐2 No (GO TO **Q B7**) ⟶
☐3 Don't know (GO TO **Q B7**) ⟶

B6 Did the child's representative do anything special to help make it easier and **more** comfortable for the child to speak in court?

☐1 Yes
☐2 No
☐3 Don't know

B7 Looking back over what you know of what the child's representative did to advocate for the child's interests inside and outside court, how forceful or assertive would you say he or she was? **(INTERVIEWER: Check *only* one.)**

- ☐1 Very forceful or assertive (GO TO Q C1)
- ☐2 Somewhat forceful or assertive (GO TO Q C1)
- ☐3 Not forceful or assertive at all

B8 If not forceful, why do you think he or she was not? **(INTERVIEWER: Check** all ***that apply.)***

(a) ☐1 little time to investigate

(b) ☐1 concurred with agency

(c) ☐1 did not view child's representative role as one of being an active participant

(d) ☐1 hearings did not require active role

(e) ☐1 other (PLEASE **SPECIFY**): _____

_____

IN THE NEXT FEW **QUESTIONS,** WE **WILL** ASK YOU ABOUT ANY ***ACTIVITIES*** THE CHILD'S REPRESENTATIVE MAY HAVE DONE TO MONITOR THE CARE SINCE **THE** REVIEW HEARING.

C1 Since the review hearing, how frequently would you say the child's representative contacted the child on matters ***other than those*** dealing with hearings? **(INTERVIEWER: *Check only one.)***

- ☐1 **Very** frequently
- ☐2 Somewhat frequently
- ☐3 Infrequently
- ☐4 Not at all
- ☐5 Don't know

c2 Since the review hearing, have you been contacted by the child's representative on matters other than those pertaining to a hearing?

☐1 Yes
☐2 No

c3 Since the review hearing, has the child's representative done anything to carry out some aspect of a court order, voluntary agreement, or case plan?

☐1 Yes
☐2 No
☐3 Don't know

C4 Since the review hearing, were any changes made in any of the following areas as a result of the intervention of the child's representative? (INTERVIEWER: ***Read the list of responses below and ask R fo answer Yes, No, Don't Know, or Not Applicable.)***

"CHANGES WERE MADE IN.. ."	1 YES	2 NO	3 D/K	4 N/A
(a) placement of the child(ren)	☐1	☐2	☐3	☐4
(b) services for the child(ren)	☐1	☐2	☐3	☐4
(c) services for the parent(s)	☐1	☐2	☐3	☐4
(d) the hearing schedule	☐1	☐2	☐3	☐4

(e) other (PLEASE SPECIN): _____

_____

C5 If the child was living out of the home after the review hearing, did the child's representative do anything to encourage or discourage visits or other contacts between the child and parent(s)?

☐1 Yes
☐2 No
0, Don't know

IN THE NEXT FEW QUESTIONS WE ARE GOING TO ASK YOU ABOUT WHAT THE CHILD'S REPRESENTATIVE DID TO MEDIATE BETWEEN THE VARIOUS PARTIES.

IF R ANSWERED 'NO" OR 'DON'T KNOW TO QUESTION B1, WHETHER THERE WAS A NEGOTIATED AGREEMENT OR STIPULATION SINCE THE REVIEW HEARING, SKIP TO QUESTION El.

D1 During the negotiations that we talked about earlier, how much would you say the child's representative was involved in the negotiations? Would you say she/he was very involved, moderately involved, minimally involved, or not involved at all. **(INTERVIEWER: Check *only* one.)**

- ☐1 Very involved
- ☐2 Moderately involved
- ☐3 Minimally involved
- ☐4 Not involved at all
- ☐5 Don't know

D2 During these negotiations, how important would you say the child's representative's contribution was to the outcome of the negotiations? Would you say she/he was extremely important, moderately important, only somewhat important, or not important at all to the outcome of the negotiations? (INTERVIEWER: ***Check*** on/y one.)

- ☐1 Very important
- ☐2 Moderately important
- ☐3 Only somewhat important
- ☐4 Not important at all
- ☐5 Don't know

D3 During these negotiations, how effective would you say the child's representative was in presenting options and generally advocating for the child's interests? Would you say she/he was extremely effective, moderately effective, only somewhat effective, or not effective at all to the success of the negotiations? (INTERVIEWER: Check on/y one.)

- ☐1 Very effective
- ☐2 Moderately effective
- ☐3 Only somewhat effective
- ☐4 Not effective at all
- ☐5 Don't know

THE NEXT FEW QUESTIONS INVOLVE THE CHILD'S REPRESENTATIVE'S ACTIVITIES IN PROVIDING INFORMATION TO VARIOUS PARTIES TO THE CASE AND IN ADVOCATING FOR SERVICES.

EI At any time since the review hearing, did the child's representative provide information about a resource to either the agency, the court, or the family which you feel you were unaware of or did not recommend yourself?

☐1 Yes
☐2 No **(GO** TO Q E4) ⟶

E2 Did this information involve any of the following aspects of the case?
(INTERVIEWER: ***Read the list of responses below and ask R to answer Yes, No, Don't Know, of Not Applicable.)***

"INFO INVOLVED. . ."	1 YES	2 NO	3 D/K	4 N/A
(a) availability of services	☐1	☐2	☐3	☐4
(b) availability of resources (such as a relative or friend)	☐1	☐2	☐3	☐4
(c) change in circumstances of the family or child	☐1	☐2	☐3	☐4
(d) case plan	☐1	☐2	☐3	☐4
(e) placement options	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

E3 Did you consider this information useful to help the child or family?

☐1 Yes
☐2 No (PLEASE SPECIFY): _____

_____

_____

E4 At any time since the review hearing, did the child's representative either assist the child or the family to obtain any social services or to attempt to make sure that the agency obtained them?

- ☐1 Yes
- ☐2 No (GOT0 QF1) ➡
- ☐3 Don't know (GO TO QF1)

E5 If the child's representative assisted in any way, did she/he do any of the following? (INTERVIEWER: Read *the **list** of responses **below** and ask **R** to answer Yes, No, Don't Know, or Not Applicable.)*

"ASSISTED BY . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) giving information about resources to the child or family by phone or in person	☐1	☐2	☐3	☐4
(b) discussing case and directly arranging a referral or services with another agency	☐1	☐2	☐3	☐4
(c) directly escorting client to agency	☐1	☐2	☐3	☐4
(d) contacting social worker or other professional to inform of need	☐1	☐2	☐3	☐4
(e) contacting social worker or other professional to followup on previous plans	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

E6 What types of services did the GAL attempt to obtain, or actually obtain, for the child or family? **(INTERVIEWER: Read *the* list of responses below and ask *R to answer Yes, No, Don't Know, of Not Applicable.)***

	"SERVICES INCLUDED. .."	1 YES	2 NO	3 D/K	4 N/A
(a)	psychological therapy/counseling	☐1	☐2	☐3	☐4
(b)	physical health	☐1	☐2	☐3	☐4
(c)	legal matters not related to GAL activities	☐1	☐2	☐3	☐4
(d)	educational or vocational training	☐1	☐2	☐3	☐4
(e)	housing assistance	☐1	☐2	☐3	☐4
(f)	financial	☐1	☐2	☐3	☐4
(g)	homemaker	☐1	☐2	☐3	☐4
(h)	child care	☐1	☐2	☐3	☐4
(i)	employment	☐1	☐2	☐3	☐4
(j)	transportation	☐1	☐2	☐3	☐4
(k)	alcohol/drug abuse	☐1	☐2	☐3	☐4
(l)	parenting classes	☐1	☐2	☐3	☐4

(m) other (PLEASE SPECIFY): _____

_____

IN THE NEXT FEW QUESTIONS WE ASK YOU TO ASSESS THE CHILD'S REPRESENTATIVE'S OVERALL PERFORMANCE AND **EFFECTIVENESS** ON THIS CASE

FI I would like you to think about and estimate the percentage of the time you feel a child's representative should spend dealing with the following types of activities, assuming an average case. **(INTERVIEWER: If *R* is** *uncertain about answering this, code as* ***"Don't*** *Know.* ***")***

(a) ___ investigating and collecting information about the case from written materials and relevant sources

(b) ___ legal representation, involving attending hearings, filing motions, plans and exhibits, counseling the client, and other legal matters

(c) ___ negotiating with the various parties in between and prior to hearings in order to discuss issues and options and to arrive at agreements

(d) ___ monitoring and follow-up such as checking on compliance with court orders and voluntary agreements between hearings, following up on agency and court activity, and maintaining regular contacts with the child, family, and foster family

(e) ___ providing information about possible resource persons or support services to other parties and advocating for resources for the child and family

(f) ___ other (PLEASE SPECIN): _____

_____

_____ (NOTE, THEY MUST ADD UP TO 100%)

OR

☐3 Don't know

F2 If you were to assess the child's representative's activities on this case, how effective would you say she/he was in each of the dimensions listed above? For each dimension assess his/her effectiveness on a scale of 1 to 3, with 1 being Ineffective, 2 being Somewhat Effective, and 3 being Very Effective.

		1 Ineffective	2 Somewhat Effective	3 Very Effective
(a)	investigation	☐1	☐2	☐3
(b)	legal representation	☐1	☐2	☐3
(c)	negotiation	☐1	☐2	☐3
(d)	monitoring/followup	☐1	☐2	☐3
(e)	resource information and advocacy	☐1	☐2	☐3

F3 Are there any other major types of activities you feel are worth mentioning and assessing?

☐1 Yes
☐2 No (GO TO Q F5) ⟶

F4 If yes, please identify and assess them on the same scale of 1 to 3.

		1 Ineffective	2 Somewhat Effective	3 Very Effective
(a)	_____	☐1	☐2	☐3
(b)	_____	☐1	☐2	☐3
(c)	_____	☐1	☐2	☐3

F5 Overall, how well would you say the child's representative coordinated work with you on the case? Would you say that she/he coordinated work very well, somewhat well, or poorly?

0, Very well
0, Somewhat well
0, Poorly

F6 Overall, how well would you say the child's representative shared information with you and the agency? Wouid you say that she/he shared information very well, somewhat well, or poorly?

- ☐1 Very well
- ☐2 Somewhat well
- ☐3 Poorly

OMB No. 0980-0237
EXPIRES 6-30-93

QUESTIONNAIRE #5-B
CASEWORKER
(REVIEW CASES ONLY)
(DUAL REPRESENTATIVES)

Conducted by:

CSR, INCORPORATED
1400 Eye Street, N.W.
Washington, DC 20005

For:

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children, Youth and Families

I want to assure you that everything we talk about today is compiefeiy confidential Nothing you say will be discussed with any agency or anyone else. What you say will be anonymous. Your name wiil not be used in any way in reporting the results of the study.

Your participation is entirely voluntary. You are free to answer or not answer any or all of the questions i wiii be asking. You can end the interview at any time.

Caseworker Name:	
Subject ID#:	
Case Record #:	
Interviewer ID#:	
Completion Date:	____/____/ 93

CASEWORKER NAME: _____
SUBJECT ID#: _____
INTERVIEWER ID#: _____
DATE: _ I _ /93_

CONTROL INFORMATION

INTERVIEWER: Attempt ***to answer these questions prior to the interview. If unable to complete all questions, ask respondent to complete.***

CTL1 Has this case been adjudicated?

☐1 Yes
☐2 No **(STOP INTERVIEW,** THANK RESPONDENT FOR TIME)

CTL2 Has this case had a review hearing?

☐1 Yes
☐2 No (GO TO QUESTIONNAIRE **#2)** ⟶

CTL3 (a) When was this case opened? ____/____/____

(b) When was the caseworker assigned to case? ____/____/____

(c) Is the interviewee the original caseworker on the case?

☐1 Yes (GO TO CTL5) ⟶
☐2 No

(d) Is there currently more than one caseworker assigned to this case?

☐1 **Yes**
☐2 **No**

CTL4 Ask R whether she/he has sufficient knowledge of the child's representatives to answer questions about their activities on the case.

☐1 Yes
☐2 **No** **(STOP INTERVIEW,** BUT ASK RESPONDENT TO PROVIDE THE NAME OF ANOTHER CASEWORKER WHO COULD PROVIDE THIS **INFORMATION)**:

_____

CTL5 Are there two (2) representatives for the child on this case?

☐1 Yes
☐2 No (GO TO QUESTIONNAIRE **#5)** ⟶

BACKGROUND INFORMATION ON THE CASEWORKER

FIRST, WE WOULD LIKE YOU TO ANSWER A FEW GENERAL QUESTIONS ABOUT YOUR BACKGROUND AND CURRENT WORK.

BA1 How many years have you worked as a caseworker in child welfare services?

_____ Years or [_____ Months]

BA2 How large is your current caseload? (INTERVIEWER: *If* the *R* is not *currently responsible for the case, ask about caseload during time when the R was the responsible caseworker.)*

_____ Cases

BA3 How many other caseworkers have been assigned to this case since it was opened?

_____ Other caseworkers *(If no other caseworkers, enter zero.)*

☐3 Don't know

BA4 On average, how many hours per week do you spend on this particular case?

_____ Hours per week

IN **THE NEXT FEW QUESTIONS WE ARE GOING TO ASK YOU ABOUT WHAT THE CHILD'S REPRESENTATIVE DID TO INVESTIGATE MD PREPARE FOR THE CASE SINCE THE DISPOSITIONAL HEARING.**

A1 Since the review hearing, were there are any circumstances where the child's representative(s) did not investigate or prepare for the case?

☐1 Yes (PLEASE SPECIFY):

_____

_____

(GO TO Q B1) ⟶

☐2 No

A2 Since the review hearing, did you discuss any aspect of the case with either or both of the child's representatives?

☐1 Yes
☐2 No (GO TO Q A4) ⟶

A3 Which of the following did you discuss? **(INTERVIEWER: Read the *list* of *responses below and ask R to answer Yes, No, Don't Know, or* Nor *Applicable.)***

"DISCUSSED ..."	1 YES	2 NO	3 D/K	4 N/A
(a) facts of the case	☐1	☐2	☐3	☐4
(b) assessment of the child	☐1	☐2	☐3	☐4
(c) assessment of the family situation	☐1	☐2	☐3	☐4
(d) agency report (CPS)	☐1	☐2	☐3	☐4
(e) case goal	☐1	☐2	☐3	☐4
(f) permanent placement objectives	☐1	☐2	☐3	☐4
(g) services or treatment	☐1	☐2	☐3	☐4
(h) legal issues	☐1	☐2	☐3	☐4
(i) visitations	☐1	☐2	☐3	☐4

(j) other (PLEASE SPECIFY): _____

_____

A4 Since the review hearing, did the child's representative(s) assess the child's placement needs.

- ☐1 Yes
- ☐2 No (GO TO Q A6)
- ☐3 Don't know (GO TO Q A6)

A5 Please identify to the best of your recollection the types of special activities the child's representative(s) did to assess the child's placement needs. **(INTERVIEWER: Read the list of responses *below* and ask *R* to answer *Yes, No, Don't Know, or Not Applicable.)***

'SPECIAL ACTIVITIES WERE ..."	1 YES	2 NO	3 D/K	4 N/A
(a) talked with family members or other adults	☐1	☐2	☐3	☐4
(b) talked with child	☐1	☐2	☐3	☐4
(c) met or spoke with the social worker or other professionals	☐1	☐2	☐3	☐4
(d) visited the foster home or shelter	☐1	☐2	☐3	☐4
(e) visited the parent's home	☐1	☐2	☐3	☐4
(f) requested an evaluation of a child	☐1	☐2	☐3	☐4
(g) requested an evaluation of the parents	☐1	☐2	☐3	☐4
(h) observed the interaction between the parent and child	☐1	☐2	☐3	☐4

(i) other (PLEASE SPECIFY): _____

_____

A6 Since the review hearing, did the child's representative(s) assess the child's or family's needs for services?

- 0, Yes
- ☐ 2 No (GO TO Q A8)
- 0, Don't know (GO TO Q A8)

A7 Please identify to the best of your recollection the types of special activities the child's representative(s) did to assess the child's or family's needs for services. (INTERVIEWER: Read the *list* of responses below and *as& R to answer Yes, No, Don't Know, or Not Applicable.)*

"SPECIAL ACTIVITIES WERE . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) talked with family members or other adults	☐1	☐2	☐3	☐4
(b) talked with child	☐1	☐2	☐3	☐4
(c) met or spoke with the caseworker or other professionals	☐1	☐2	☐3	☐4
(d) visiting the foster home or shelter	☐1	☐2	☐3	☐4
(e) visiting the parent's home	☐1	☐2	☐3	☐4
(f) requesting an evaluation of the child or parents	☐1	☐2	☐3	☐4
(g) reviewing the agency record	☐1	☐2	☐3	☐4

(h) other (PLEASE SPECIN): _____

_____

A8 Since the review hearing, did the child's representative(s) assess the child's educational needs?

0, Yes
0, No (GO TO Q A10)
0, Don't know (GO TO Q A10)
0, N/A (GO TO Q A10)

A9 Please identify to the best of your recollection the types of special activities the child's representative(s) did to assess the child's educational needs. (INTERVIEWER: Read the ***list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

'SPECIAL ACTIVITIES WERE . . ."	1 **YES**	2 **NO**	3 **D/K**	4 **N/A**
(a) talked with the child	☐1	☐2	☐3	☐4
(b) talked with family members	☐1	☐2	☐3	☐4
(c) talked with school personnel	☐1	☐2	☐3	☐4
(d) requested educational tests	☐1	☐2	☐3	☐4

(e) other (PLEASE SPECIFY): _____

_____

A10 Since the review hearing, did the child's representative(s) undertake any special activities to assess the child's or family's needs for services in any of the following areas? **(INTERVIEWER: Read the *list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"SPECIAL ACTIVITIES IN AREA OF . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) health	☐1	☐2	☐3	☐4
(b) mental health	☐1	☐2	☐3	☐4
(c) housing assistance	☐1	☐2	☐3	☐4
(d) transportation	☐1	☐2	☐3	☐4
(e) child care	☐1	☐2	☐3	☐4
(f) alcohol or drug treatment	☐1	☐2	☐3	☐4
(g) employment	☐1	☐2	☐3	☐4
(h) parenting skills	☐1	☐2	☐3	☐4

(i) other (PLEASE SPECIFY): _____

_____

A11 Overall, how thorough would you say the child's representative(s) were in investigating and preparing for the case since the review hearing? Would you say they were very thorough, somewhat thorough, or not thorough at all? **(INTERVIEWER: Check *only one.)***

☐1 Very thorough
☐2 Somewhat thorough
☐3 Not thorough

THE NEXT FEW QUESTIONS REFER TO LEGAL AND OTHER ACTIVITIES PERTAINING TO THE VARIOUS HEARINGS

B1 Since the review hearing, did the child's representative(s) attempt to negotiate an agreement or stipulation?

- ☐1 Yes
- 0, No (GO TO Q B3)
- 0, Don't know (GO TO Q B3)
- 0, N/A (GO TO Q B3)

B2 During the negotiations, did the child's representative(s) do any of the following activities? (INTERVIEWER: *Read the list of responses below and ask R to answer Yes, No, Don't Know, of Not Applicable.)*

'DID FOLLOWING ACTIVITIES . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) attempted to bring the different parties together	0,	☐2	0,	☐4
(b) highlighted the common goals of the parties	☐1	0,	0,	0,
(c) encouraged the parties to negotiate	☐1	☐2	☐3	☐4
(d) suggested options	☐1	☐2	☐3	☐4
(8) drafted a written agreement	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

B3 At any time since the review hearing, did you disagree with the child's representative(s) about the any of the following issues? (INTERVIEWER: Read ***the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"DISAGREED ABOUT. . ."	1 YES	2 NO	3 D/K	4 N/A
(a) child's placement	☐1	☐2	☐3	☐4
(b) provision of services to child or parent	☐1	☐2	☐3	☐4
(c) visitation	☐1	☐2	☐3	☐4

(d) other (PLEASE SPECIFY): _____

_____

IF YES CHECKED FOR *ANY* ISSUE, ANSWER **Q B4**— OTHERWISE GO TO **Q B5.**

B4 Given these differences, were they resolved between the parties? Please indicate whether all, some, or none of the differences were resolved.

0, Yes, all
0, Yes, some
0, No, none

B5 At any hearing since the review hearing, did the child talk in court or to the judge?

0, Yes
0, No **(GO TO Q B7)**
0, Don't know **(GO TO Q B7)**
☐4 **N/A** (GO TO **Q B7**)

B6 Did the child's representative(s) do anything special to help make it easier and more comfortable for the child to speak in court?

0, Yes
0, No
0, Don't know

B7 Looking back over what you know the child's representative(s) did to advocate for the child's interests inside and outside court, how forceful or assertive would you say they were? **(INTERVIEWER: Check *only* one.)**

- ☐1 Very forceful or assertive (GO TO Q C1)
- ☐2 Somewhat forceful or assertive (GO TO Q C1)
- ☐3 Not forceful or assertive at all

B8 If not forceful, why do you think they were not? **(INTERVIEWER: Check *all* that apply.)**

(a) ☐1 little time to investigate

(b) ☐1 concurred with agency

(c) ☐1 did not view child's representative [either attorney or volunteer] role as one of being an active participant

(d) ☐1 hearings did not require active role

(e) ☐1 other (PLEASE SPECIFY): _____

_____

IN THE NEXT FEW QUESTIONS, WE WILL ASK YOU ABOUT ANY ACTIVITIES THE CHILD'S REPRESENTATIVE MAY HAVE BONE TO MONITOR THE CASE SINCE THE DISPOSITIONAL HEARING

C1 Since the review hearing, how frequently would you say the child's representative(s) contacted the child on matters *other than those* dealing with hearings? **(INTERVIEWER:** *Check **only** one.)*

- ☐1 **Very** frequently
- ☐2 Somewhat frequently
- ☐3 Infrequently
- ☐4 Not at all
- ☐5 don't know

c2 Since the review hearing, have you been contacted by the child's representative(s) on any matters *other than those* dealing with hearings?

☐1 Yes
☐2 No

c3 Since the review hearing, has the child's representative(s) done anything to carry out some aspect of a court order, voluntary agreement, or case plan?

☐1 Yes
☐2 No
☐3 Don't know

c4 Since the review hearing, were any changes made in any of the following areas as a result of the intervention of the child's representative(s)? (INTERVIEWER: ***Read the list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

"CHANGES WERE MADE IN..."	1 YES	2 NO	3 D/K	4 N/A
(a) placement of the child(ren)	☐1	☐2	☐3	☐4
(b) services for the child(ren)	☐1	☐2	☐3	☐4
(c) services for the parent(s)	☐1	☐2	☐3	☐4
(d) the hearing schedule	☐1	☐2	☐3	☐4

(e) other (PLEASE SPECIFY): _____

_____

c5 If the child was living out of the home after the review hearing, did the child's representative(s) do anything to encourage or discourage visits or other contacts between the child and parent(s)?

☐1 Yes
☐2 No
☐3 Don't know

IN THE **NEXT** FEW **QUESTIONS** WE ARE GOING TO ASK YOU ABOUT **WHAT THE** CHILD'S REPRESENTATIVE DID TO MEDIATE BETWEEN THE VARIOUS **PARTIES.**

IF **R** ANSWERED "NO" OR "DON'T KNOW TO QUESTION **B1**, WHETHER THERE WAS A NEGOTIATED AGREEMENT OR STIPULATION SINCE THE DISPOSITIONAL HEARING, SKIP TO QUESTION EI.

D1 During the negotiations that we talked about earlier, how much would you say the child's representatives were involved in the negotiations? Would you say they were very involved, moderately involved, minimally involved, or not involved at all? (INTERVIEWER: Check ***only*** one.)

- ☐1 Very involved
- ☐2 Moderately involved
- ☐3 Minimally involved
- ☐4 Not involved at all
- ☐5 Don't know

D2 During these negotiations, how important would you say the child's representative's contributions were to the outcome of the negotiations? Would you say they were extremely important, moderately important, only somewhat important, or not important at all to the outcome of the negotiations? (INTERVIEWER: *Check **only** one.)*

- 0, Very important
- 0, Moderately important
- 0, Only somewhat important
- *0,* Not important at all
- 0, Don't know

D3 During these negotiations, how effective would you say the child's representatives were in presenting options and generally advocating for the child's interests? Would you say they were extremely effective, moderately effective, only somewhat effective, or not effective at all to the success of the negotiations? (INTERVIEWER: *Check on/y one.)*

- ☐1 Very effective
- ☐2 Moderately effective
- ☐ 3 Only somewhat effective
- 0, Not effective at all
- 0, Don't know

THE NEXT FEW QUESTIONS INVOLVE THE CHILD'S REPRESENTATIVE'S ACTIVITIES IN PROVIDING INFORMATION TO VARIOUS PARTIES TO THE CASE AND IN ADVOCATING FOR SERVICES.

El At any time since the review hearing, did the child's representative(s) provide information about a resource to either the agency, the court, or the family which you feel you were unaware of or did not recommend yourself?

☐1 Yes
☐2 **No (GO TO Q E4)** ⟶

E2 Did this information involve any of the following aspects of the case? **(INTERVIEWER:** ***Read the list of responses below and ask R to answer*** Yes, ***No, Don't Know, or Not Applicable.)***

	'INFO INVOLVED. . ."	1 YES	2 **NO**	3 **D/K**	4 **N/A**
(a)	availability of services	☐1	☐2	☐3	☐4
(b)	availability of resources (such as a relative)	☐1	☐2	☐3	☐4
(c)	adjustment or circumstances in the family or child	☐1	☐2	☐3	☐4
(d)	case plan	☐1	☐2	☐3	☐4
(e)	placement options	☐1	☐2	☐3	☐4

(f) other **(PLEASE** SPECIN): _____

_____

E3 Did you consider this information useful to help the child or family?

☐1 Yes
☐2 No (PLEASE SPECIFY): _____

_____

E4 At any time since the review hearing, did the child's representative(s) either assist the child or the family to obtain any social or other services or to attempt to make sure that the agency obtained them?

☐1 Yes
☐2 **No** (GO TO **QF1)**
☐3 Don't know (GO TO **QF1)**

E5 If the child's representative(s) assisted in any way, did either or both do any of the following? (INTERVIEWER: ***Read*** the ***list of responses below and ask R to answer Yes, No, Don't Know, or Not Applicable.)***

'ASSISTED BY . . ."	1 YES	2 NO	3 D/K	4 N/A
(a) giving information about resources to the child or family by phone or in person	☐1	☐2	☐3	☐4
(b) discussing case and directly arranging a referral or services with another agency	☐1	☐2	☐3	☐4
(c) directly escorting client to agency	☐1	☐2	☐3	☐4
(d) contacting caseworker or other professional to inform of need	☐1	☐2	☐3	☐4
(e) contacting caseworker or other professional to followup on previous plans	☐1	☐2	☐3	☐4

(f) other (PLEASE SPECIFY): _____

_____

E6 What types of services were involved? From the following list, please indicate those the child's representative(s) helped the child or family to obtain. (INTERVIEWER: *Read the **list** of responses below and ask **R to** answer Yes, No, Don't Know, or Not Applicable.)*

	"SERVICES INCLUDED. .."	1 YES	2 NO	3 D/K	4 N/A
(a)	psychological therapy/counseling	☐1	☐2	☐3	☐4
(b)	physical heatth	☐1	☐2	☐3	☐4
(c)	legal matters not related to GAL activities	☐1	☐2	☐3	☐4
(d)	educational or vocational training	☐1	☐2	☐3	☐4
(e)	housing assistance	☐1	☐2	☐3	☐4
(f)	financial	☐1	☐2	☐3	☐4
(g)	homemaker services	☐1	☐2	☐3	☐4
(h)	child care	☐1	☐2	☐3	☐4
(i)	employment	☐1	☐2	☐3	☐4
(j)	transportation	☐1	☐2	☐3	☐4
(k)	alcohol/drug abuse	☐1	☐2	☐3	☐4
(l)	parenting classes	☐1	☐2	☐3	☐4

(m) other (PLEASE SPECIFY): _____

_____

IN THE NEXT FEW QUESTIONS WE ASK YOU TO ASSESS THE CHILD'S REPRESENTATIVE'S OVERALL PERFORMANCE AND EFFECTIVENESS ON THIS CASE

F1 I would like you to think about and estimate the percentage of the time you feel a child's representative(s) should spend dealing with the following types of activities, assuming an average case. (INTERVIEWER: ***If R** is **uncertain about answering this, code as 'Don't Know. ")***

(a) ___ investigating and collecting information about the case from written materials and relevant sources

(b) ___ legal representation, involving attending hearings, filing motions, plans and exhibits, counseling the client, and other legal matters

(c) ___ negotiating with the various parties in between and prior to hearings in order to discuss issues and options and to arrive at agreements

(d) ___ monitoring and follow-up such as checking on compliance with court orders and voluntary agreements between hearings, following up on agency and court activity, and maintaining regular contacts with the child, family, and foster family

(e) ___ providing information about possible resource persons or support services to other parties and advocating for resources for the child and family

(f) ___ other (PLEASE SPECIFY): _____

_____

_____ (NOTE, THEY MUST ADD UP TO 100%)

OR

☐3 Don't know

F2 If you were to assess the child's representative's activities on this case, how effective would you say they were in each of the dimensions listed below? For each dimension assess their effectiveness on a scale of 1 to 3, with 1 being Ineffective, 2 being Somewhat Effective, and 3 being Very Effective.

	1 Ineffective	2 Somewhat Effective	3 Very Effective
(a) investigation	☐1	☐2	☐3
(b) legal representation	☐1	☐2	☐3
(c) negotiation	☐1	☐2	☐3
(d) monitoring/followup	☐1	☐2	☐3
(e) resource information and advocacy	☐1	☐2	☐3

F3 Are there any other major types of activities you feel are worth mentioning and assessing?

☐1 Yes
☐ 2 No (GO TO QF5) ⟶

F4 If yes, please identify and assess them on the same scale of 1 to 3.

		1 Ineffective	2 Somewhat Effective	3 Very Effective
(a)	_____	☐1	☐2	☐3
(b)	_____	☐1	☐2	☐3
(c)	_____	☐1	☐2	☐3

F5 Overall, how well would you say the child's representative(s) coordinated work with you on the case? Would you say that they coordinated work very well, somewhat well, or poorly?

☐1 Very well
☐2 Somewhat well
0, Poorly

F6 Overall, how well would you say the child's representative(s) shared information with you and the agency? Would you say that they shared information very well, somewhat well, or poorly?

- ☐1 **Very** well
- ☐2 Somewhat well
- ☐3 Poorly

IF ONE OF THE CHILD'S **REPRESENTATIVES** IS NOT AN ATTORNEY, **STOP INTERVIEW.**

F7 Overall, with which of the two child's representatives did you have the most contact with during the case? Would you say you had more contact:

- ☐1 With the attorney
- ☐2 With the volunteer
- ☐3 Same with each
- ☐4 Other _____

F8 Overall, with which of the two child's representatives were you best able to coordinate your work on the case? **Would you say you** were best able to coordinate:

- ☐1 With the attorney
- ☐2 With the volunteer
- ☐3 Same with each
- ☐4 Other _____

CASE RECORD EXTRACTION FORM

VALIDATION AND EFFECTIVENESS STUDY
OF LEGAL REPRESENTATION THROUGH
GUARDIAN AD LITEM

Conducted by:

CSR, INCORPORATED
1400 Eye St, N.W.
suite 600
Washington, D.C. 20005

for the:

U.S. DEPARTMENT
OF HEALTH AND HUMAN SERVICES
Administration for Children and Families
Washington, D.C. 20201

CONTROL INFORMATION	
GAL ID#	_ _ _ _
SUBJECT ID#	_ _ _ _ _
SITE	_____
Child/Family Name:	_____
or Case Record Number:	_____
Caseworker Name:	_____
Reviewer Name:	_____
or Reviewer ID#:	- - -
Review Date:	/ _____/1993

NOTE: When selecting the child on which to obtain data, use the following selection method:

(1) use the **named child listed in the petition, if only one** name is listed

OR

(2) if more than one child is listed, randomly select one child from those listed in the petition.

SUBJECT ID#: _ _ _ _ _	REVIEWER NAME: _____	DATE: _____/_/93

			Cannot Determine
1	**Date of Birth**	___/___/___	☐
2	Gender	☐ lMale ☐ Female	☐
3	**Race/Ethnicity**	☐ American Indian/Alaskan Native ☐ Asian or Pacific **Islander** ☐ Black, not of Hispanic origin ☐ Hispanic ☐ **White** ☐ **Multiracial**	☐
4	Date Initial Petition Filed	___/___/___	☐
5	Number of Children Identified in the Case Record	(fill *in number)*	☐
6	Were the allegations contested in court?	☐ Yes ☐ No	☐
7	Was the **child** placed in any of the following? ***(NOTE: We are trying to determine whether the child islwas damaged and placed in a facility, over and above one associated with ordinary care.)***	Hospital ☐ Yes ☐ No Residential ☐ Yes Cl No **Treatment** Facility ***Other*** ☐ ***Yes*** ☐ ***No*** **Institution** ***(e.g.,*** emergency foster care)	☐ ☐ ☐
8	Is/was there a criminal case associated with this case against the caretaker?	☐ Yes ☐ No	☐
9	Type of abuse/neglect sustained (Check ***all that apply***)	☐ Physical abuse ☐ Sexual abuse ☐ Neglect	☐

(NOTE: For questions 10 and 11, use the ***following*** codes ***for the type of placement:***

TYPE OF PLACEMENT	PLACEMENT WITH SIBLINGS
1 — Original home with a custodial parent 2 — Other home, with a non-custodial parent 3 — Foster home, with a relative 4 — Foster home, with a non-relative 5 — Group home/Shelter 6 — Hospital/Institution/Facility 7 — Independent living 8 — Preadoptive home 9 — Adoptive home 00 — Cannot determine	*(NOTE: Complete only if siblings indicated in question #6.)* 1 — NO 2 — YES, with all 3 — YES, but not with all 00 — Cannot determine

10. In what type of setting is the child currently placed? ___

When did s/he enter this placement? ___/___/___

11. List in chronological or&r the placement history of the child. (Start *from the first placement and list all placements up to the current placement.)*

Start Date	End Date	Placement Type	Placed with Siblings
___/___/___	___/___/___	___	___
___/___/___	___/___/___	___	___
___/___/___	___/___/___	___	___
___/___/___	A / -	___	___
___/___/___	___/___/___	___	___
___/___/___	___/___/___	___	___
___/___/___	___/___/___	___	___
___/___/___	___/___/___	___	___
/ A -	/ / - -	-	-

12. Do any of the following evaluations and/or records appear in the case record? ***(Check only those that are present.)***

Type	Evaluations	Records
. School/educational	☐	☐
. Medical/physical. health	☐	☐
. Mental health	☐	☐
. Alcohol or other drug	☐	☐
. Police		☐
. Child protective services		☐
. Foster care		☐

(NOTE: For questions 14 and 15 use the following codes to indicate the disposition or placement goal for the child.)

Goal Codes
1 — Remain home - no services or monitoring
2 — Remain home - with services and/or monitoring
3 — Return home - no services or monitoring
4 — Return home - with services and/or monitoring
5 — Long-term foster care
6 — Emancipation
7 — Guardianship
8 — Termination of parental rights
9 — Adoption
10 — Other: _____
00 — Cannot determine

13. According to the agency case plan, what was the original case goal regarding final disposition or placement of the child? ___

14. If there have been any changes in the case goal since the original case plan, please indicate below. *(NOTE: If there was a goal change, indicate the new goal(s), the date(s) the goal(s) was changed, and the reason for the change.)*

☐ — If no change in case goal, check here.

Goal	Date of Goal Change	Reason for Change
___	___/___/___	_____
___	___/___/___	_____
___	___/___/___	_____
___	___/___/___	_____

15. Have any of the following services been recommended by either the agency or the court for the child/parent(s) and have these services been provided?

Service	Recommended or ordered by agency or court			Actually received		
• Family counseling	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?
• Inhome family preservation	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?
• Parenting classes	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?
• Medical/health	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?
• Alcohol/other drug treatment	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?
• Homemaker	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?
• Child care	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?
• Employment	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?
• Financial assistance	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?
• Legal assistance	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?
• Housing assistance	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?
• Transportation	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?
• Legal assistance	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?
• Educational	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?
• Vocational	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?
• Other: _____	☐ Yes	☐ No	☐ ?	☐ Yes	☐ No	☐ ?