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National Evaluation of the Impact of Guardians Ad Litem in Child Abuse or Neglect Judicial Proceedings

VOLUME I: Executive Summary

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ACKNOWLEDGEMENTS

The report of this study is divided into three volumes. This volume, Volume I, presents an executive summary of study findings and recommendations. Volume II, Study Findings and Recommendations, describes the study in greater detail, presents the results of the data analysis and provides conclusions and recommendations for establishing or improving GAL programs. Volume III, Technical Appendices, discusses the study background in greater detail, describes the study methodology, presents case study vignettes that exemplify GAL activity, and includes supplementary data tables from the analyses. The table of contents for the full report is given as an appendix to this report.

The successful completion of this study required the hard work and the coordinated efforts of many individuals. Federal Project Officer David Fairweather assisted us throughout the study and helped us overcome many obstacles we faced conducting the study. Special thanks go to Mr. Robert Horowitz of the National Legal Resource Center for Child Advocacy and Protection of the American Bar Association who provided guidance at all phases of the study. He helped develop GAL outcome variables, reviewed the interview guides, identified GAL models and study sites and reviewed this report. His review and comments helped improve this report considerably. We are also grateful to Professor Sarah Ramsey of Syracuse University Law School who also assisted in reviewing interview guides and identifying appropriate outcomes.

This study required an intensive field effort to extract the data from case records and conduct the network interviews. Obtaining the records and

setting up these interviews proved to be a challenging task requiring persistence and dedication to the job. Our field staff deserves special recognition for this work, without which this project could not have been completed. Thank you Erin Cecil-Pigo, Anita Schneider, Mardi Stacy, Elizabeth Paley, Jenell McVicker, Pamela Robbins Clark, Betty Hallman, Carissa Crouse and Colleen Kelly. Finally, the CSR word processing staff worked tirelessly to turn handwritten scribble into a readable finished product. To Debbie Willingham and Linda Williams, many thanks.

Larry Condelli
Project Manager

NATIONAL EVALUATION OF THE IMPACT OF
GUARDIANS AD LITEM IN CHILD ABUSE OR
NEGLECT JUDICIAL PROCEEDINGS

EXECUTIVE SUMMARY

Guardians ad litem (GAL) are appointed to represent the best interests of children in abuse or neglect judicial proceedings. GAL representation is required in all states that receive funding under P.L. 93-247, the Child Abuse Prevention and Treatment Act. This study was conducted by CSR, Incorporated and funded by the Evaluation Branch, Administration for Children, Youth and Families on behalf of the National Center on Child Abuse and Neglect to evaluate the impact of GALs in serving children's best interest and to examine GAL activity and responsibilities under different GAL program models.

Overview

The GAL role is filled by either attorneys or trained volunteers. Responsibilities of the GAL include representing the child in court, investigating the case and monitoring case progress. Nationally, there are five major methods of providing GAL representation currently in use.

1. Law School Clinic Model

A law school clinic provides the GAL services using law students who receive course credit for their work. They are usually supervised by an attorney/law school faculty member and may have access to a social worker and perhaps social work interns as resources.

2. Staff Attorney Model

A GAL program is staffed by attorneys and paralegals. They may be assisted by administrative staff, social work students and volunteers.

3. Paid Private Attorney Model

Private attorneys selected from a panel or court appointment list provide the representation. They may or may not receive training and support services are usually not available. They are paid by the courts on an hourly basis, usually with a cap on total hours.

4. Lay Volunteer/Paid Attorney Model (CASA/Attorney Model)

This is a program in which paid attorneys work with lay volunteers to represent children. The volunteers conduct investigations, interview and participate in agency meetings. Attorneys primarily participate in in-court activities. This model is used by Court Appointed Special Advocate (CASA) programs. CASA is a program where trained lay volunteers serve as GALs.

5. Lay Volunteer Model (Unassisted CASA Model)

Lay volunteers serve as the GALs under the supervision of a staff attorney, panel attorneys, or the public defender. Volunteers receive training, conduct all investigations and follow-up and appear in court. This is also a model used by CASA programs.

Data Collection Methodology

The study examined two examples of each of these models in different sites. There were a total of nine counties in six states used as study sites -- Hudson County, New Jersey, Milwaukee, Wisconsin, Waukesha County, Wisconsin, Hamilton County, Ohio, Jefferson County, Kentucky, Richmond, Virginia, Chesterfield County, Virginia, Spokane County, Washington, and King County, Washington -- as we studied two different GAL models at one site. The study used three data sources at each site: (1) interviews with a juvenile court judge, state attorney and GAL program director, who provided information on GAL program structure and operation and their perception of the effectiveness of GALs; (2) information extracted from local child welfare agency records and family court records, which provided quantitative measures of GAL performance and effectiveness, and (3) two "network" interviews, at each site, which provided case studies of GAL activity. Each network consisted of a GAL, caseworker, child and parent or other family member. At some sites we were unable to obtain interviews with all members of the network. A total of 245 case records and 16 case networks were used.

Analysis

The data analysis addressed two issues: (1) What activities do GALs perform under each model and (2) are GALs effective in serving the child's best interests. The interviews with the judges, attorneys, and GAL program directors provided the data on GAL activities, or process variables, and focused on GAL responsibilities and expected role under each model. These respondents also gave their assessment on GAL effectiveness.

The case record data was used to develop 27 measures of GAL effectiveness in serving the child's best interests. The measures included six areas of case activity:

- o Legal activities. These measure reflected GAL activity in court and pretrial mediation including motions, reports and exhibits filed by the GAL, GAL presence at hearings and whether pretrial agreements were reached.
- o Services and placement. We measured the number of services ordered by the court, the percentage of appropriate services ordered (defined as services directly related to case plan requirements), total time child was placed out-of-home, mean time per placement and whether placements were with relatives or siblings.

- o Timing of judicial action. These measures reflected how quickly the court dealt with the case and included (1) total time the case was under court jurisdiction, (2) mean time between all hearings, (3) mean time between court (P.L. 96-272) reviews and (4) time from filing of the initial petition to the first dispositional hearing.
- o Case plan changes. Changes in the case plan reflect case monitoring and adjustment of the plan to respond to family changes. Measures included the number of case plan changes, type of change and mean number of changes per hearing.
- o Case goals. There were three dichotomous measures of changes in case goals: (1) whether the case maintained an initial goal of reunification, (2) whether case goals changed to reunification from another goal, and (3) in cases where the initial goal of reunification could not be maintained, whether the goal changed to adoption or termination of parental rights.
- o Stability of GAL representation. We measured whether the child had the same GAL for the duration of the case and the total number of GALs the child had. We also computed the time from the filing of the initial petition to GAL appointment.

We compared the five models on each measure. The case network data were used to provide further, qualitative data on GAL effectiveness in the areas of post dispositional monitoring, contact with the child and time spent on case, as well as other case dynamics.

**Data Source #1
GAL Process Variables:
Summary of Judge and State Attorney Assessment**

The judges and state attorneys described GAL activities in five areas: (1) role and responsibilities of GALs, (2) selection and appointment of GALs, (3) training and compensation, (4) independence from the juvenile court and child welfare agency and (5) judicial and mediation activity. Their descriptions of GAL process in these areas is summarized in Exhibit 1. Judges and state attorneys also assessed GAL activities and the GAL programs on several dimensions. These assessments included the following:

- o GALs did not often disagree with the child welfare agency. However, they were generally seen as offering a new perspective on the case by presenting different options and a third voice to the proceedings that was perceived as independent and unbiased. Both judges and attorneys considered them to be doing a good job serving the child's best interests.
- o The most frequent area of disagreement between agencies and GALs concerned out-of-home placements for the child and when to return the child home.

EXHIBIT 1

Summary of GAL Process Variable Findings by GAL Models

GAL Process Variable	Private Attorney	Staff Attorney	<u>GAL Model</u> Law Student	CASA/ Attorney	CASA No Attorney
<u>Role and Responsibilities</u>					
Pre-adjudication/Disposition	Investigate thoroughly; contact all parties	Investigate thoroughly; contact all parties	Investigate thoroughly; contact all parties	Investigate thoroughly; contact all parties	Investigate thoroughly; contact all parties
Courtroom Role	Argue best interests; inform of disagreement	Either argue best interest or client-attorney relationship; Inform of disagreement	Client-attorney relationship; inform of disagreement;	Argue best interests; inform of disagreement	Argue best interests; inform of disagreement
Post Dispositional	None	Contact child; limited monitoring	Little or no monitoring or child contact	Frequent monitoring and child contact	Frequent monitoring and child contact
<u>Selection and Appointment</u>					
Appointment	All abuse and neglect cases	All abuse and neglect case	Selected cases at judge's discretion	Cases needing special attention as determined by judge	All abuse and neglect cases
Time of Appointment	At filing of initial petition	At filing of initial petition	Judge's discretion	Judge's discretion	At filing of initial petition
Matching of Cases with GAL	None	None	None	Yes, by GAL coordinator	Yes, by GAL coordinator
Same GAL Serves for Case Duration	Yes, but high turnover	Yes	No	Yes	Yes
<u>Training and Compensation</u>					
Required Training	Little or none	Informal, from other attorneys	Formal; law school course	Training given by CASA program	Training given by CASA program
Monetary Compensation	Hours billed to court; minimal payment, usually with ceiling	Salaried	None	None	None

EXHIBIT 1
(CONTINUED)

	<u>Private Attorney</u>	<u>Staff Attorney</u>	<u>GAL Model Law Student</u>	<u>CASA/ Attorney</u>	<u>CASA No Attorney</u>
<u>Independence from Court and Agency</u>					
Judicial Independence	Funded by court; administratively part of court	Independent from court	Dependent on court for access to cases; administratively independent	Administratively independent but cases appointed only at judge's discretion	Administratively part of court; appointed and funded by court
Child Welfare Agency	Often use agency case information and investigation	Independent but some reliance on agency information	Independent	Independent	Independent
<u>Judicial and Mediation Activity</u>					
Mediation	Good mediator	Good mediator	Good mediator	Good mediator	Good mediator
Activity in Court	Active	Active	Active	Attorney GAL takes lead role	Active with attorney assistance

- Private attorneys were rated the least effective by state attorneys and judges in obtaining services, appropriate placements, expediting court processing and facilitating service delivery. Respondents felt attorney GALs had no effect in these areas. Private attorneys were also faulted for not conducting their own case investigations.
- GALs under models other than the Private Attorney model were considered effective in facilitating service delivery and finding appropriate placements for children. Respondents felt GALs accomplished this by prodding the agency to act and persistently advocating for the child in the long-term.
- Respondents were divided on whether GALs expedited court action. Generally, however, GALs were seen as having no effect in this area, as it was controlled by the court calendar. Law students were considered to impede court action slightly due to their inexperience.
- GAL activity was seen as leading to more services to families under both CASA models and staff attorney models. Under the remaining models, respondents felt GALs could not help provide more services, since they were constrained by the number of services in the community.
- CASAs under both models were generally viewed as having excellent investigation and mediation skills. Respondents also stated CASAs were good at reporting interpersonal aspects of the case, such as parent-child interaction, and at following-up on the case between hearings. They were seen as particularly effective in cases where a quick response was needed, with older children, and where a good mediator was needed. Respondents felt their effectiveness was due to their impartiality and the fact they were responsible for only one or two cases, which enabled them to devote more attention to the case than the agency or other service providers.
- Respondents also felt attorneys under the staff attorney model were good mediators and facilitators and had a good idea of the case dynamics.

Several judge and state attorney respondents noted specific problems with some of the models that interfered with GAL effectiveness. These problems are summarized as follows.

- Private Attorney Model. Respondents agreed that private attorneys needed training on the GAL role and responsibilities. They also felt that lack of adequate financial compensation prevented private attorneys from doing their job effectively, as it limited the amount of time they were willing to devote to cases. Respondents also saw the lack of continuity of representation as a problem. Attorneys were involved in cases only for particular hearings and there was frequent turnover of attorneys, particularly with long-term cases.

- CASA/Attorney Model. The main problem respondents identified for this model was that the local child welfare agency was, at least initially, resistant to the work of the CASAs and there existed a poor relationship between the program and agency. The agency tended to see the CASA as unnecessary and as interfering with their efforts. While we cannot be sure, a possible reason for this resentment was that the programs were established by the courts and imposed on the agency, with little or no input or involvement from the agency. The agency staff apparently perceived this to mean the court did not trust their work and had established the program as a check on them. This idea was reinforced by the fact that the child already had an attorney GAL and the role of the CASA may have been ambiguous to the agency caseworkers. A second criticism of this model was that the CASAs were not trained sufficiently.

A way to prevent these misperceptions is suggested by comparing this model with the unassisted CASA model, which reported little or no problems with their relationship with the child welfare agency. The CASA models involved the agency and Attorney General's office in setting policy and assisting in training of the CASAs. Consequently, the agency understood the purpose of the CASAs' work more clearly, and were involved in helping set policy and training requirements. In addition, the CASA models had ongoing training for CASAs, while the CASA/attorney models did not.

A final criticism of this model was that CASAs sometimes become too emotionally involved in their cases. However, this was not viewed as a serious problem and one that was solvable by closer training and monitoring of CASAs.

- CASA Model. As with the CASA/attorney model, respondents noted that CASAs sometimes became too emotionally involved with their cases, particularly sex abuse cases.
- Law Student Model. Some respondents felt that law students' inexperience was a problem for them in doing their work and sometimes slowed things down.
- Staff Attorney Model. The only problem noted by the judge and state attorney respondents was that the caseloads of the attorneys sometimes were too high, which interfered with their ability to spend sufficient time on the case.

Data Source #2

GAL Impact on Child Best Interests Outcomes: Summary of Case Record Analysis

The case record analysis used data from the court and social service agency case record to quantify 27 outcome measures in the six areas of GAL effectiveness described above. Exhibit 2 lists the measures and indicates the GAL models that performed best or worst on each measure at a

EXHIBIT 2

Summary of GAL Impact on Child's Best Interests Outcome Measures

Child's Best Interest Outcome Measure	GAL Model				
	Private Attorney	Staff Attorney	Law Student	CASA/ Attorney	CASA /No Attorney
<u>Legal Activity</u>					
Percentage of Hearings GAL Attended				—	
Percentage of Hearings Where Motion Filed					
Mean Number of Motions Filed					
Number of Exhibits Entered					
<u>Services and Placement</u>					
Total Number of Services Ordered		++		++	++
Mean Number of Services Ordered per Hearing		++		++	++
Percent Appropriate Services Ordered				++	++
Time Child Placed Out-of-Home					
Total No. out-of-Home Placements					
Mean Time Per Placement					
Percent Placements with Relatives					
Percent Placements with Siblings	—	—			

EXHIBIT 2
(CONTINUED)

	<u>Private Attorney</u>	<u>Staff Attorney</u>	<u>GAL Model Law Student</u>	<u>CASA/ Attorney</u>	<u>CASA /No Attorney</u>
<u>Case Plan Charges</u>					
Had Court Ordered Changes in Case Plan		++			++
Mean Number of Changes per Case					++
Mean No. Hearings Where Changes Made					++
Mean No. Changes per Hearing					
<u>Timing of Judicial Action</u>					
Time to First Dispositional Hearing				—	
Time Between All Hearings		++			++
Time Between Court Reviews		++			++
<u>Time Under Court Jurisdiction</u>					
<u>Case Goals</u>					
Maintained Initial Goal of Reunification		++	—	++	
Percent Changes to Final Goal of Reunification					
Percent Changed from Reunification to Adoption					

EXHIBIT 2
(CONTINUED)

	Private Attorney	Staff Attorney	<u>GAL Model</u> Law Student	CASA/ Attorney	CASA /No Attorney
<u>GAL Stability</u>					
Had Prior GAL			—		
No. Prior GALS			—		
Median Time to GAL Appointment				—	
TOTAL BEST:	0	6	0	4	8
TOTAL WORST:	1	1	3	3	0

LEGEND: ++ = Model was significantly better on this measure compared to all other models.
 — = Model was significantly worse on this measure compared to all other models.
 No entries for a measure indicate no significant difference among models for that measure.

statistically significant level. Findings for each category of outcome measure are described below.

- Legal activity. There were few differences among the models on legal activity. GALs were equally likely to be present at all hearings under all models, except the CASA GALs under the CASA/Attorney model, due to the CASA's more limited role under this model. GALs did not often file written motions to the court, although there was a non-significant tendency for motions to be filed more often under the CASA models. CASAs were more likely to file written reports with the court and written agreements between the agency and parents were more likely to be developed under the law student and CASA models.
- Services and placement. The CASA models, followed by the staff attorney model had more specific orders for treatment and evaluation per hearing entered into the court record and were more likely to have more appropriate services ordered by the agency. Children under the Private Attorney and unassisted CASA model had a greater number of out-of-home placements, but children placed out-of-home under the attorney models were less likely to be placed with siblings than children under the non-attorney models.
- Case plan changes. Court ordered changes in the case plan were most frequent under the unassisted CASA and Staff Attorney models and a greater number of changes were made under the unassisted CASA model.
- Timing of judicial action. The CASA/Attorney model had the longest median times from the filing of the initial petition to the first dispositional hearing. The Staff Attorney and unassisted CASA models had the shortest times between court hearings, while the Private Attorney and Law Student models had court reviews least often. The total time cases were under court supervision varied greatly, but median times were longer under the CASA/Attorney model. However, there were too few closed cases in the analysis to assess this measure definitively. Court review hearings were least frequent under Law Student and Private Attorney models.
- Case goals. Cases under the Staff Attorney and CASA/Attorney models had the highest proportion of cases that maintained their initial case goal of reunification, while the Law Student and Private Attorney cases had the lowest proportion. There were no other differences among models on goal change measures.
- Stability of GAL representation. Under the Law Student model, children were more likely to have more than one GAL and have a higher number of GALs. Changes in GAL were least frequent under the CASA/Attorney model. Under all models except the CASA/Attorney model, the GAL was appointed promptly and there were no differences among models on the median time to appointment. CASAs under the CASA/Attorney model were not appointed uniformly and due to the special nature of the CASA role under this model, were sometimes appointed much later in the case, such as after the first dispositional or review hearing.

Assessment of Models on Case Record Data

Exhibit 2 clearly shows the CASA models produced the greatest number of outcomes in the child's best interests. On the 27 measures, the unassisted CASA model scored highest on eight of them. The CASA/Attorney model was highest on four measures, while doing poorly on three measures. The Staff Attorney model also showed evidence of affecting child's best interest outcomes, scoring high on six measures.

The Law Student model had the least stable GAL representation and scored low on two other GAL measures. Similarly, the Private Attorney model did not score significantly higher than the other models on any outcome measures. The two CASA and the Staff Attorney models presented more evidence of effectiveness than these two models. The CASAs and Staff Attorneys appear superior on all measures where statistical differences were found. In comparisons to these models, Private Attorneys and Law Students are not as effective as GALs in achieving the child's best interests.

The CASA models proved to be the most effective in services and placements. Children under these models had more specific court orders for services and had a higher percentage of appropriate services ordered for their families by the agency. They also were more likely to be placed with siblings when placed out-of-home. More changes in the case plan were also ordered for children in the unassisted CASA model. Cases in both CASA models, particularly the CASA/Attorney model, were also more likely to maintain a goal of reunification. This suggests CASA volunteers are effective in securing appropriate services and placements for children and in monitoring cases.

The Staff Attorney model also was effective in several key measures, particularly court action. Children under this model had their cases reviewed most frequently by the court and had the shortest times from the filing of the initial petition to the first dispositional hearing. Staff attorney cases also were most likely to maintain their initial goal of reunification, had frequent court ordered changes in their case plan and obtained more services for their child clients. Thus, Staff Attorneys appeared good at moving the case through the courts and are active in the initial phases of the case.

It was difficult to assess the legal activity of the GALs as we had only the juvenile court records to extract data and found only one significant difference. From this review, it appeared the three non-attorney models, especially the CASA models were more likely to utilize formal written methods in dealing with the court, as there were more written motions, reports and stipulated agreements under these models, although differences did not reach statistical significance. However, there was very little legal activity recorded in the records of these cases.

Data Source #3
Summary of Case Network Interviews:
Qualitative Data on GAL Effectiveness

The network interviews addressed the GAL's major activities on the abuse and neglect case. These activities included the case investigation, adjudicatory and dispositional hearings, review hearings, case monitoring and GAL contact with the child and family. We obtained the GAL's account of work done at each of these phases and the perspective of the caseworker, child and parent on this work. In the network cases we focused on five topics related to the GAL's casework:

- o Investigation - the completeness of the investigation and the sources consulted during the investigation
- o Independence of viewpoint - whether the GAL took positions or had a viewpoint different from the child welfare agency
- o Contact with the child - whether the GAL contacted the child before hearings and the frequency of contact
- o Case monitoring - whether the GAL followed the progress of the case through contact with the caseworker, child or parent during times when there was no legal action
- o Resolution of disagreement - when there was disagreement between the GAL and agency or GAL and child, the resolution of the disagreement--did the GAL's viewpoint prevail?

Exhibit 3 summarizes the findings in these areas. It should be noted that there was considerable variation within models on the type of case and on GAL activity in several areas and that the matrix is based on only two to four cases per model. However, we believe these cases reflect typical GAL activity under each model. The following conclusions may be made about GAL work in these areas.

- o Investigation. Under all models, the GAL conducted an investigation of the case. Private attorneys tended to have the least extensive investigation, often relying only on the agency case record or a verbal report from the caseworker. In the other models, the investigation tended to be much more extensive. The CASAs were especially thorough - sometimes investigating a case for a week or more.
- o Independence of viewpoint. The CASAs and law students tended to develop their own assessments of the case. They often made recommendations for services and placements that were different from the agency and they were not afraid to challenge the agency. The staff attorneys also developed an independent assessment of the case, although not as consistently as the CASAs, while the private attorneys were the least likely to have a separate viewpoint.

Exhibit 3-

Qualitative Assessment of GAL
Activity in Five Areas Based on Network Interviews

GAL Model	Investigation	Independence of Viewpoint	Contact With Child	Case Monitoring	Resolution of Disagreement
Private Attorney	Inconsistent Sources Limited	Inconsistent	Little or None	Little or None	GAL
Staff Attorney	Complete	Some Independence	Little or None	Little or None	GAL
Law Student	Complete	Independent	Frequent	Inconsistent	GAL
CASA/Attorney	Complete	Independent	Frequent	Extensive	GAL
Unassisted CASA	Complete	Independent	Frequent	Extensive	GAL

- Contact with child. CASAs under both models clearly had the most contact with children. They met with children several times before hearings and had regular contact with them throughout the case. They often developed close relationships with the children. The law students also had contact with children before hearings although it was not as extensive as the CASA's and sometimes dropped off after hearings. The staff attorneys had limited contact with their child clients. Between hearings there' also tended to be little or no contact with the child. Private attorneys had little or no contact with children. In half of both attorney model cases, the attorneys had never contacted the child, except in the courtroom on the day of the hearing.
- Case Monitoring. The two CASA models had extensive case follow-up. The CASAs contacted the child on a regular basis, often weekly or monthly. Frequent contact was also made with the caseworker and service providers. The CASAs monitored services and placement and tried to implement changes when necessary, without waiting for scheduled reviews. Monitoring in the other models was sporadic but more frequent under the Law Student model. Students apparently followed up on cases to the extent they felt they could continue on the case and be of help to the child. There was little or no monitoring under the two attorney models.
- Resolution of disagreement. The one finding consistent across models was with disagreements. When there was a disagreement between the GAL and agency, GAL and child, or GAL and parent, the GAL's viewpoint was implemented. This occurred without exception in all cases we examined, regardless of with whom the GAL disagreed, the area of disagreement or GAL model. Either the judge accepted the GAL's viewpoint in court or the GAL persuaded the other parties to accept their views out of court. GALs were remarkably influential in the case proceedings. The court appears to view the GAL as an objective observer with little at stake in the proceedings. Thus GAL recommendations weigh heavily in the decisionmaking process under all models.

Conclusion and Recommendations for GAL Programs

Exhibit 4 summarizes the study findings, based on all three data sources, by presenting the advantages and disadvantages of each model. A recommendation for use of the model is also provided in the exhibit. These recommendations for use are based on our assessments of the models, to which we now turn.

Assessment of GAL Models

The three data sources revealed some very definite, consistent differences among the GAL models. The clearest finding is that the Private Attorney model was the weakest method of providing GAL representation. Private attorneys generally did not develop independent assessments of the case or conduct

EXHIBIT 4
Advantages, Disadvantages and Recommendations
for GAL Models

<u>GAL Models</u>	<u>Advantages</u>	<u>Disadvantages</u>	<u>Recommendation</u>
PRIVATE ATTORNEY	<ul style="list-style-type: none"> ● Excellent legal skills 	<ul style="list-style-type: none"> ● More training required than currently given ● Higher compensation needed than currently given ● Little child contact ● No post dispositional monitoring ● Insufficient time spent case 	<ul style="list-style-type: none"> ● Not recommended
STAFF ATTORNEY	<ul style="list-style-type: none"> ● Excellent legal skills ● Move case quickly through the court ● Obtain services 	<ul style="list-style-type: none"> ● Little child contact ● No post dispositional monitoring 	<ul style="list-style-type: none"> ● Recommended
LAW STUDENT	<ul style="list-style-type: none"> ● Well trained ● Legal skills 	<ul style="list-style-type: none"> ● Unstable representation; Frequent GAL changes ● Inconsistent post dispositional monitoring ● Inexperience 	<ul style="list-style-type: none"> ● Not Recommended

EXHIBIT 4
(CONTINUED)

CASA/ATTORNEY

- Thorough case investigation
 - Highly involved
 - Frequent child contact
 - Post dispositional monitoring
 - Obtain appropriate services
 - Personal involvement can be too high
 - Longer time in initial dispositional phase
 - Careful training needed
 - Highly recommended
-

CASA/NO ATTORNEY

- Thorough case investigation
- Highly involved
- Frequent child contact
- Post dispositional monitoring
- Obtain appropriate services
- More frequent court reviews
- Case plan monitoring
- Personal involvement can be too high
- Longer time in initial dispositional phase
- Careful training needed
- Highly recommended

adequate investigations, frequently did not meet with the child before or after court appearances, did not monitor cases, were not effective in helping the child receive services and did not assist in placement decisions. Thus, this model receives our lowest assessment.

The major reasons for the poor performance of private attorneys appear to be lack of adequate compensation and lack of training. The private attorney GALs were minimally compensated, receiving far less than needed to make a living and often not paid for all hours they devoted to a case. Attorneys who depend on clients for their livelihood cannot devote sufficient time to their cases. Private attorneys were also the only GALs that were allowed to represent child clients with no training in their proper role. The only guidance they received were court instructions or statutes which only described the GAL role in general terms. Without training, many attorneys were not adequately informed about their role.

Law students also did not generally perform well in the GAL role. They often suffered from inexperience both with the legal and child welfare systems, generally did not follow-up on their case after hearings and did not maintain contact with the child. Law student models also do not provide stable representation, since most students remain on the case only during their final year in law school. As a practical matter, the Law Student model could never be widely used as there simply are not enough law schools in the country to meet the demand for the number of GALs needed.

The CASA models clearly excelled as a method of GAL representation. CASAs were highly rated by professional respondents and outshone the other models on the quantitative best interest outcome measure. The network interviews also revealed outstanding performances by the volunteers. The CASA's success appeared to be due to their intimate knowledge of the case. They conducted extensive investigations, monitored the case closely for its duration and developed good relationships with their child clients. CASAs were most effective in ensuring the family was receiving services that would lead to family reunification.

The CASAs persistent monitoring of the case allowed them to identify needed changes and services in the case over time and caused the court and agency to approach the case more dynamically. This is reflected by the frequent court ordered changes in case plans found for the CASA models. Due to these factors - thorough case investigation, independence of viewpoint, monitoring of the case, positive relationships with the child and assistance in securing needed services - we give the CASA models' our highest recommendation.

There appears to be two reasons for the effectiveness of CASA models: personal motivation of the volunteers and low caseloads. CASAs are interested and committed to their work. They spend considerable time on their cases without any monetary compensation and are willing to remain involved over extended periods of time. The reasons they gave for their commitment in the network interviews--interest in children, the desire to improve the "system" and make an impact on a child's life--suggest strong personal motivations.

Unlike GALs under other models, CASAs have very small caseloads - usually only one or two cases. This low caseload also helps their effectiveness as it enables them to devote time to the case and become more involved than attorney GALs, who typically have dozens of cases.

The Staff Attorney model also showed evidence of GAL effectiveness. Staff Attorneys were particularly active early in the case. They were good at moving the case through the court system and helped provide needed services to the family. In comparison to the CASAs however, they were weak in follow-up and in contacting the child. Staff attorneys rarely remained involved in the case after the initial dispositional hearing and did not consistently contact the child. However, on many quantitative measures, such as the services and placement and case goal measures, they performed as well or better than the CASAs. Therefore we can also recommend this model.

Like CASAs, the effectiveness of staff attorneys is likely due to their motivation and commitment to child advocacy. They gave reasons similar to those given by CASAs for performing GAL work. Unlike CASAs, however, they had considerably higher caseloads--up to 250 cases annually at one site compared to an average of two to four cases for CASAs - and this is probably the reason for the attorneys' inability to follow up on cases and maintain more than cursory contact with the child.

Recommendations for GAL Programs

One of the goals of the study was to develop practical guidelines for local communities to use for establishing or improving a GAL program. These guidelines were also to be used by ACYF to help set Federal policy.

In the great majority of jurisdictions, the choice of GAL models will be between an attorney model or a CASA model. The Law Student model is clearly impractical for widespread use and would not normally be considered other than for pedagogical reasons. Consequently, the choice is likely to be between using attorneys or volunteers.

Using attorneys. As we discussed, the Private Attorney model, as currently implemented, is an ineffective method of providing GAL representation. If the Private Attorney model is to be used the following two changes must be made.

- Adequate compensation must be provided. This means that attorneys must be paid for all hours worked and they must be paid commensurate to what a private attorney needs to make a living. A recent study, Report of the Governor's/Massachusetts Bar Association Commission on the Unmet Legal Needs of Children recommends an hourly rate of \$60 plus expenses. This nearly doubles the current maximum rate paid to private attorneys in most jurisdictions.
- Private Attorneys must receive training. Law school does little to prepare attorneys for the GAL role. Before being assigned cases, attorneys should receive training in areas such as family dynamics,

causes of child abuse in neglect, interviewing children, the social service system, mediation skills and the specific responsibilities of the GAL. These responsibilities should include contacting the child, independently investigating the case and maintaining post dispositional contact with the child. The training period need not be lengthy--a few days is likely to be sufficient. There should also be a continuing education requirement such as by requiring attendance at annual or biannual seminars in specific topics or a refresher course. It may also be advisable to have a brief internship period, where the new attorney is given a few cases under the direction of a more experienced GAL.

Attorneys may also be used as GALs with a Staff Attorney model. Staff attorneys performed better than private attorneys in this study. They are hired specifically to perform this work full time or nearly full time and, are better compensated and trained than private attorneys. They are paid salaries commensurate to that of public defenders and were informally trained by the other GAL attorneys. The chief drawback to the use of staff attorneys is the high caseloads that are likely to result if there are an insufficient number of attorneys. Caseloads in the hundreds are not uncommon in large metropolitan areas and this prevents the attorneys from spending sufficient time on their cases, meeting their child clients and following-up on cases. If this model is to be used, a sufficient number of attorneys should be hired so that caseloads remain manageable.

Using CASAs. Compared to attorneys, the CASA models were clearly superior. CASA volunteers are excellent investigators and mediators, remain involved in the case and fought for what they thought was best for the program. Several factors should be considered when using CASAs. Since they are not professional they must be carefully trained. Fortunately, due to the large number of CASA programs in operation, there are already several training programs and manuals in use. Topics covered in training are similar to those recommended above for private attorneys. Most training for CASAs lasts from two days to a week. Many programs also have continuing training requirements of one or two seminars or short courses on selected topics per year.

Several of our interview respondents noted that a drawback of using CASAs was that they sometimes became too involved in their cases. This problem can be avoided through careful training and monitoring of CASAs when they first begin to take cases. Volunteers need to be educated regarding this danger and taught to recognize situations likely to lead to personal involvement. An internship period where the volunteer takes cases under close supervision by a more experienced CASA or the program coordinator will also help to avoid this problem.

A third problem with using the CASA model is that it is sometimes difficult to recruit volunteers. Especially if the program is in a large urban area, a large pool of volunteers is needed. As the success of CASAs appears to be related to the small caseloads CASAs carry, the need for a large number of volunteers is especially important. A final factor to be

considered is that CASAs sometimes slowed the court processing time. The CASA cases took longer to reach the initial dispositional hearing phase than cases under other models. This may be a consequence of the more thorough but time consuming case investigations CASAs usually conducted.

The role of the GAL. One of the most important considerations in deciding between attorneys and CASAs is the role the GAL is expected to play. Attorneys are generally expected to perform legal work but are not expected to do social work or case monitoring. The reverse role is expected of CASAs, who are not litigators but do the social work aspects better. This study illustrated this distinction. Staff attorneys were good moving the case through the court and in the initial phases of the case. CASAs had excellent social work skills. Consequently, if GALs with strong social work skills are desired, a CASA model would be the method of choice. A desire for a GAL strong in legal skills argues for a Staff Attorney approach. There is no need to be limited to this dichotomy, however. Attorneys can be taught social work skills and CASAs can work with attorneys, as they in fact do under all CASA models. Indeed, this broader view of the GAL role may be a better way to conceptualize the role.

In general practice, it is probably necessary for the GAL to be able to provide both legal and social services to children on a case specific basis. The issue becomes one of identifying which set of services the child needs and how to balance the two roles either between two separate GALs or within the same GAL. This is a question for future research.

TABLE OF CONTENTS FOR FULL REPORT

TABLE OF CONTENTS FOR FULL REPORT

VOLUME I: EXECUTIVE SUMMARY

Page

VOLUME II: STUDY FINDINGS AND RECOMMENDATIONS

CHAPTER 1: STUDY PURPOSES AND METHODS

GAL Program Models	1-2
GAL Process: Role and Responsibilities	1-3
GAL Impact on Outcomes: Past Studies	1-5
GAL Impact on Outcomes: Research Questions	1-9
Study Methodology	1-11
References	1-15

CHAPTER 2: GAL PROCESS FINDINGS:
TRAINING, COMPENSATION AND PROGRAM STRUCTURE

Private Attorney Model	2-2
Staff Attorney Model	2-6
Law School Clinic Model	2-11
CASA/Attorney Model	2-16
Unassisted CASA Model	2-23
SUMMARY OF GAL PROCESS VARIABLES, PROGRAM STRUCTURE AND JUDGE/ATTORNEY ASSESSMENT	
Assessment of GAL Activities	2-33
Problems with the Models	2-38
	2-39

CHAPTER 3: GAL IMPACT: QUANTITATIVE ANALYSIS AND
NETWORK INTERVIEWS

Measures Used in the Case Record Analysis	3-2
Legal Activities	3-3
Services and Placement	3-3
Timing of Judicial Action	3-4
Case Goals	3-5
Stability of GAL Representation	3-5
DESCRIPTION OF THE CASE RECORD SAMPLE	3-5
GAL MODELS AND LEGAL ACTIVITY AT HEARINGS	3-6

TABLE OF CONTENTS FOR FULL REPORT
(continued)

	<u>Page</u>
CHAPTER 3 (continued)	
GAL MODELS AND SERVICES AND PLACEMENT	3-12
CASE PLAN CHANGES BY GAL MODEL	3-18
TIMING OF JUDICIAL ACTION AND GAL MODELS	3-21
CASE GOALS AND GAL MODELS	3-26
GAL MODELS AND THE STABILITY OF GAL REPRESENTATION	3-29
CASE RECORD ANALYSIS: SUMMARY AND CONCLUSIONS	3-31
Assessment of Models on Case Record Data	3-35
NETWORK INTERVIEWS	3-37
SUMMARY OF FINDINGS: NETWORK INTERVIEWS	3-38

CHAPTER 4: SUMMARY AND RECOMMENDATIONS

SUMMARY OF FINDINGS FOR GAL MODELS	4-1
Private Attorney Model	4-1
Staff Attorney Model	4-2
Law Student Model	4-3
CASA/Attorney and Unassisted CASA Model	4-4
ASSESSMENT OF GAL MODELS	4-6
ATTORNEYS OR CASAs: SOME PRACTICAL GUIDANCE	4-12
Using Attorneys	4-12
Using CASAs	4-13
SUGGESTIONS FOR FUTURE RESEARCH	4-17

VOLUME III: TECHNICAL APPENDICES

APPENDIX A: STUDY BACKGROUND	A-1
The GAL Role and GAL Representation	A-3
Study Purposes	A-10
APPENDIX B: METHODOLOGY OF THE STUDY	B-1

TABLE OF CONTENTS FOR FULL REPORT
(continued)

	<u>Page</u>
APPENDIX C: NETWORK INTERVIEWS	C-1
Private Attorney Model	C-2
Staff Attorney Model	C-16
Law Student Model	C-26
CASA/Attorney Model	C-33
Unassisted CASA Model	C-45
APPENDIX D: SUPPLEMENTARY TABLES	D-1

LIST OF EXHIBITS AND FIGURES

	<u>Page</u>
EXHIBITS	
Exhibit 1-1: Number and Type of Case Records Extracted by GAL Model	1-13
Exhibit 1-2: Number of Network Interviews by Case Type and GAL Model	1-14
Exhibit 2-1: Summary of GAL Process Variables Findings by GAL Models	2-34
Exhibit 3-1: Demographics of Case Record Sample by GAL Model . . .	3-7
Exhibit 3-2: GAL Activity at Hearings by Model	3-11
Exhibit 3-3: Court Ordered Services and Match of Services and Requirements by Model	3-14
Exhibit 3-4: Timing of Judicial Actions and GAL Models	3-23
Exhibit 3-5: Number of Prior GALs and Time to Appoint GAL, by Model	3-30
Exhibit 3-6: Summary of GAL Impact on Child's Best Interests Outcome Measures	3-32
Exhibit 3-7: Qualitative Assessment of GAL Activity in Five Areas Based on Network Interviews	3-39
Exhibit 4-1: Advantages, Disadvantages and Recommendations for GAL Models	4-7
FIGURES	
Figure 3-1: Sex, Ethnicity and Type of Maltreatment for Total Case Record Sample	3-8
Figure 3-2: Percent of All Appropriate Services Ordered by GAL Model	3-16
Figure 3-3: Percent of Cases with Court Ordered Changes by GAL Model	3-20
Figure 3-4: Mean Months Between Court Reviews by GAL Model . . .	3-25
Figure 3-5: Percent of Cases that Maintained Initial Case Goal of Reunification by GAL Model	3-28