

Utah Office of Guardian ad Litem and CASA

Annual Report 2012



“Children are highly vulnerable. They have little or no power to protect or provide for themselves and little influence on so much that is vital to their well-being. Children need others to speak for them, and they need decision makers who put their well-being ahead of selfish adult interests.”

*Elder Dallin H. Oaks (October 2012)
(Former Utah Supreme Court Justice)*



INTRODUCTION

The Office of Guardian ad Litem (GAL), housed in the judicial branch of State government, provides specially trained attorneys to represent the best interests of children and youth who are abused, neglected, and otherwise dependent.

Pursuant to statute, a GAL is appointed to represent each child who is the subject of a petition in the juvenile court alleging abuse or neglect of a child. Many of these clients of the GAL Office are in foster care, but most are safe to remain in their homes while their families engage in services designed to ameliorate the issues that gave rise to state intervention. The Division of Child and Family Services is involved in these juvenile court cases, which make up more than three-fourths of the Office's total state-wide caseload.

Forty GAL attorneys are employed by the GAL Office, in 13 locations from Logan to St. George, and from Tooele to Vernal

At any given time, GAL attorneys represent about 7,000 clients statewide.

(In November, 2012, the statewide client case load was 7,026 children)

In the district court, a GAL may be appointed in cases where there are allegations of abuse or neglect of a child. Most of these are divorce or custody cases, or petitions for a protective order. The GAL Office also manages the Private GAL program, in which trained and qualified private attorneys are appointed to represent children and youth in high conflict divorce and custody cases where abuse or neglect is *not* alleged.

In the 2011 Legislative Session, the Utah State Legislature enacted HB 357 which will end the appointment of the Office of Guardian ad Litem in district court. HB 357 will take effect July 1, 2013.



CRITICAL ISSUES

Attorney Salary Parity

Attorneys in the GAL Office are paid at a rate much lower than other state attorneys. If the GAL Office used the same pay scale currently used in other areas of state government, GAL attorneys would be paid an average of 34% more.

This lack of parity results in high attorney turnover and increased training demands. It negatively affects morale, drains the office pool of experience, and impacts the quality of representation provided.

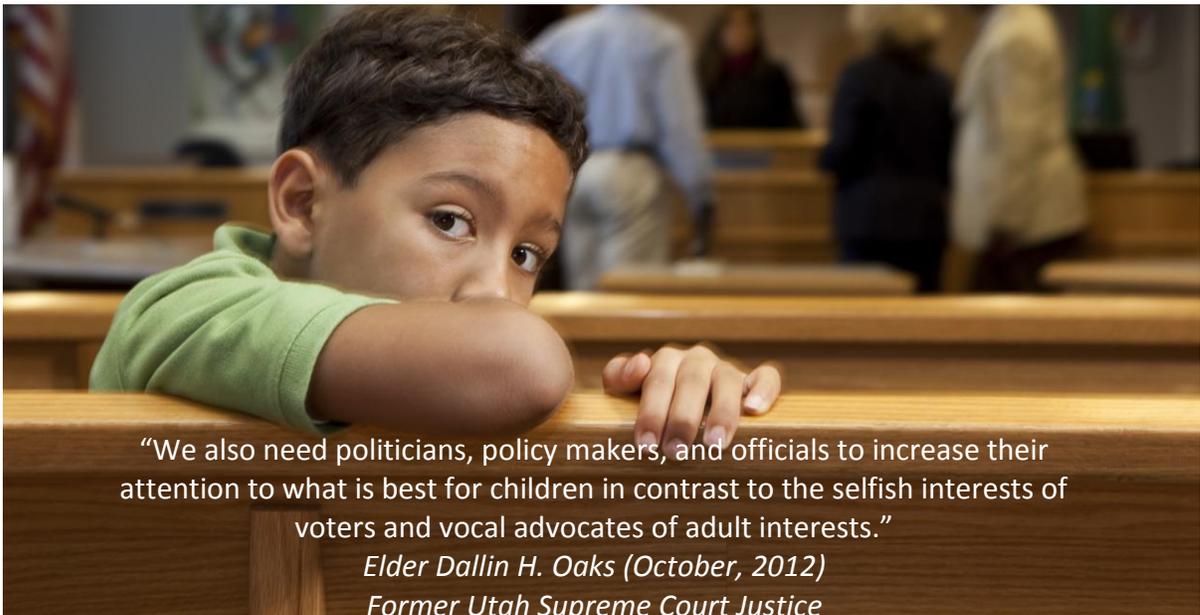
“Primary causes of inadequate legal representation of the parties in child welfare cases are low compensation and excessive case loads.”

-The U.S. Government in: Adoption 2002: The President’s Initiative on Adoption and Foster Care. Guidelines for Public Policy and State Legislation Governing Permanence for Children, U.S. Dept. of HHS ACF ACYF Children’s Bureau, 1999 at VII-4.

Support Staff

Currently there is only one support staff position in the GAL Office for every two attorneys. This is about half the level of support staff in the Child Protection Division of the Attorney General’s Office.

The lack of support staff means GAL attorneys must spend time performing tasks that could otherwise be completed by secretaries, paralegals, and investigators. Case loads in the GAL Office are about double the maximum set by the U.S. Government and the National Association of Counsel for Children. A cost effective way to address high case loads is to address the deficiency in support staff, thus freeing up time for attorneys to more appropriately represent their clients.



“We also need politicians, policy makers, and officials to increase their attention to what is best for children in contrast to the selfish interests of voters and vocal advocates of adult interests.”

*Elder Dallin H. Oaks (October, 2012)
Former Utah Supreme Court Justice*

COURT APPOINTED SPECIAL ADVOCATE (CASA)

Utah's Court Appointed Special Advocate Program (CASA) is a community-based volunteer program that ensures that the voices of abused and neglected children are heard and that their best interests are served. A CASA advocate serves as the eyes and ears of the Utah Office of Guardian ad Litem and the court by gathering relevant information about the child and the family, and most importantly, getting to know the child – the one about whom all the decisions will be made. CASA advocates spend considerably more time with the child client than any other case party simply as a result of being assigned to only one juvenile court case at a time. The value of CASA is not just the service it renders to children and their families, but the opportunity it provides the community to be involved in the child welfare system and to make a difference.

Last year CASA volunteer advocates donated 28,786 hours, serving hundreds of Utah's children.

This represents a **92%** return on the State dollar investment.

Utah's Friends of CASA A Friend. A Voice. A Hope.

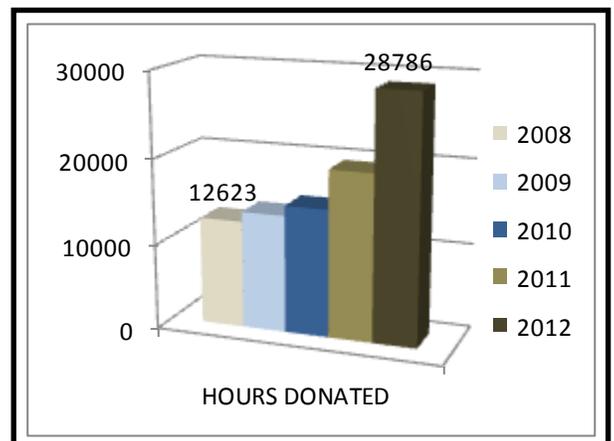


Utah's Friends of CASA is a 501(c)(3), nonprofit organization that invests in the Utah CASA program by providing essential resources, training, and funding. Comprised of a group of interested and concerned community members who support the vision and mission of the Utah CASA Program, Utah's Friends of CASA envisions every child having a permanent home.

Utah's Friends of CASA provides limited funding for the program and volunteers in these key areas:

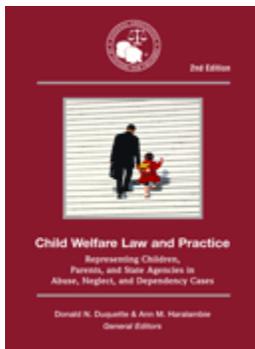
- Volunteer Recruitment
- Training
- Annual Volunteer Appreciation Events
- Statewide Program Advertising
- Volunteer Retention Efforts

Utah's Friends of CASA is led by an all-volunteer Board of Directors and is funded through private donations.



CERTIFICATION AND TRAINING

The Office of Guardian ad Litem continues to implement and improve upon a program of ongoing education and training for the Office attorneys, private attorneys who qualify to represent children in the event of a legal conflict of interest for the GAL Office, private attorneys representing children in high-conflict divorce cases, CASA volunteer advocates, and Office staff. Basic education and training is provided for new attorneys, and the Office provides statewide and regional trainings for attorneys, staff, and CASAs; management training for administrative and management employees; and required Continuing Legal Education credits for the attorneys.



Child Welfare Law Specialists

To be awarded the CWLS credential by the National Association of Counsel for Children an attorney must demonstrate proficiency by satisfying the requirements of good standing, substantial involvement, education, peer review, writing, and substantive knowledge. Specialists must pass a comprehensive child welfare law written examination. Certification is designed to improve outcomes for children and families by improving the quality of legal services delivered.

In the three years that CWLS certification has been available in Utah, 36 attorneys in the Office of Guardian ad Litem have earned the right to hold themselves out as Child Welfare Law Specialists. Turnover has resulted in 6 of those attorneys moving on to new opportunities. Currently 30 GAL attorneys, or 73% of the work force, are CWLS certified.

2010

Laina Arras
Roger Baron
Brent Bartholomew
Craig Bunnell
Sherene Dillon
Kristin Fadel
Karen Greene
Michael Jorgensen
Sharon Kishner
Tracy Mills
John Moody
Jeffrey Noland
Kelly Peterson
Martha Pierce
Felipe Rivera
Rick Smith
Karla Staheli
Mandie Torgerson

2011

Virginia Blanchard
Sterling Corbett
Patricia Abreu Fenimore
Dixie Jackson
Connie Mower
Brent Newton
Jennifer Spangenberg
Cheri Stringham
William Middleton
Hollie Petersen
Cas White

2012

Michael Forsberg
Brian Hart
Amy Mitchell
Cristie Roach
Stacey Snyder
McKay Stirland
Britani Thomas

New “VOICE” Case Management System



A 2008 legislative audit of the Office of Guardian ad Litem found that the existing case management system was inadequate, and recommended changes. As a result, the GAL Office worked closely with programmers within the Courts to create a web-based case management system designed specifically for GAL use. The new system, “Voice”, was deployed and GAL employees because using the database in April 2012.

When Voice went live, 46,877 cases were converted from a previous database reflecting GAL appointments since 1994. Of these cases 1,037,299 GAL activities were converted from all juvenile court case appointments. Within two weeks of the deployment of Voice, 4,564 activities were entered for current clients and just over 400 documents were created and uploaded.

What can Voice do?

- Automated Work Flow
- CASA Volunteer Access
- Case Management
- Case Coverage
- Critical Messages / Prompts
- District Court Database Interface
- Document / Pleading Generation
- Document Storage
- Digital Signature
- Electronic Filing
- Judicial Calendars
- Juvenile Court Database Interface
- Management Tools to Track Cases
- Performance Measures
- Reporting
- Task List Generation
- Track Volunteer Activity
- Track Volunteer Training hours



GAL OVERSIGHT COMMITTEE

The Guardian ad Litem Oversight Committee was formed in 2005 in response to a legislative audit report recommendation. The Committee provides direct oversight to the GAL Office, with responsibilities including policy development and other duties set out in Rule 4-906 of the Utah Code of Judicial Administration. The Committee has functioned for more than seven years now, and has actively and effectively provided oversight to the GAL Office. In 2009 the legislature amended section 78A-6-901 of the Utah Code to vest the Oversight Committee with authority to directly supervise the Office. Among other things, the Oversight Committee works with the Director in developing and monitoring Office policy, ensuring compliance with statutes, and ensuring the independent and professional representation of children.

The members of the Oversight Committee are:

Honorable Regnal Garff
Judge of the Utah Court of Appeals (retired)

Douglas Goldsmith, Ph.D.
Executive Director, The Children's Center

Louise T. Knauer, J.D.
Family Lawyer in Private Practice

Merrill F. Nelson, J.D., Acting Chair
Partner, Salt Lake City Law Firm of Kirton & McConkie

John Pearce, J.D.
Counsel to Governor Herbert

Robert Steele, J.D.
Office of the Federal Public Defender
(Former Attorney Guardian ad Litem)

Jini Roby, J.D., M.S.W.
Professor, BYU School of Social Work

What is the GAL and CASA About?

Our Vision is to be the leaders in child advocacy, and to provide the highest level of legal representation to children and their best interests.

Our Mission is to preserve and strengthen families whenever possible, and when it is not, to achieve permanency for children in a timely manner. We work collaboratively to meet children's needs for safety, stability, nurturance and love. As public servants, we are respectful and courteous toward those we encounter. Our lawyers strive to represent children with proficiency and diligence. We are accountable, ethical and professional as individuals and as a system.

Our Duty is "to stand in the shoes of the child and to weigh the factors as the child would weigh them if his judgment were mature and he was not of tender years."

J.W.F. v. Schoolcraft, 763 P.2d 1217, at 1220 and 1221 (Utah Ct. App 1988).



Help
an abused or
neglected child.

 **CASA**
Court Appointed Special Advocates
FOR CHILDREN

UTAH OFFICE OF GUARDIAN
AD LITEM AND CASA

Volunteer today at UtahCASA.org



None should resist the plea that we unite to increase our concern for the welfare and future of our children – the rising generation.”

*Elder Dallin H. Oaks (October, 2012)
Former Utah Supreme Court Justice*

