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ACQUISITIONS

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

VOLUME II: Study Findings and Recommendations

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Larry Condelli
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CHAPTER 1

STUDY PURPOSES AND METHODS

The Child Abuse Prevention and Treatment Act (P.L. 93-247, P.L. 100-294) placed the Federal government in a leading role in establishing and supporting service programs for abused children and abusive families. This Act created a grant program for states to develop and maintain child abuse prevention and treatment programs. To receive these funds, states have to meet ten requirements, including:

> ...that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem should be appointed to represent the child (P.L. 100-294, Section 8(b)(6)).

Neither the Act nor its regulations specify who should serve as a guardian ad litem (GAL) or what that person's role or responsibilities should be. Consequently, there is considerable variation among states with regard to the strategy by which this requirement has been met. Local communities are free to use whatever method of GAL representation they wish. The interpretation of the responsibilities of the GAL thus varies within states, communities, judges, and even GALs themselves. There is also little empirical knowledge on what constitutes effective representation and what the duties and responsibilities of the GAL should be or the most effective program model for representaton of the child.

As a first step toward approaching these issues on a national level, the Administration for Children, Youth and Families (ACYF), on behalf of the National Center of Child Abuse and Neglect (NCCAN), contracted with CSR, Incorporated to conduct this study. The two major objectives of the project were to examine GAL activities or process variables under different program

models and to assess GAL _impact_ on furthering children's best interests in abuse or neglect judicial proceedings. The study of GAL processes involved examination of different GAL models on such issues as how the GAL role was defined, when the GAL was appointed, the responsibilities of the GAL at each stage of the case, prerequisites for serving as GAL and training require- ments. To study impact, the study compared different program models on out- come measures representing the best interests of the child. A third goal of the study was to assist ACYF in providing guidance to states and local communities on effective GAL models.

GAL Program Models

The National Center on Child Abuse and Neglect has funded demonstration projects since 1978 to encourage exploration of alternative ways of providing representation to abused and neglected children. In a 1982 review of 16 of these projects, Davidson and Horowitz of the American Bar Association (ABA) identified six categories of GAL program models which are described below.

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. Staff-Supported Private Attorney Panel Model

    A GAL program provides case assignments and support services to
volunteer or paid attorneys. Social workers and volunteer paralegals
conduct investigations and follow up on cases.

5. 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 volun-
teers serve as GALs. It has become increasingly popular in recent
years.

6. 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.

As the Staff-Supported Private Attorney Panel Model is used by few jur-

isdictions, we examined only the five remaining models in the study. The

Private Attorney Model is used by more than 85 percent of the court jurisdic-

tions in the country and is thus the most common GAL model. There are cur-

rently about 280 CASA programs nationally, accounting for about 9 percent of

all court jurisdictions. There are only a small number of staff attorney and

law school GAL programs in operation.

The major purposes of this study were (1) to compare GAL process--

activities, responsibilities and role--among the five models and (2) to

examine GAL impact on furthering the child's best interests by model.

GAL Process: Role and Responsibilities

The study of GAL process entailed investigating what the GAL was expect-

ed to do and the role he/she would play in abuse and neglect proceedings.

Currently there exists some general guidelines on these issues published by

the American Bar Association following a child advocacy policy conference the ABA held in late 1980. According to these guidelines the GAL should investigate the facts of the case, advocate for the child at all hearings and within the social service and legal system, insure the court has before it all relevant facts that affect the child and insure that court orders and services affecting the child are carried out (ABA, 1982). These guidelines and related GAL issues are discussed in greater detail in Volume III.

While these guidelines are widely accepted, there is considerable variation on the specific functions and activities the GAL is required to perform, how and when the GAL is appointed, the duration of the appointment, and the professional background and training of the GAL. A central issue related to the GAL role occurs with children who are capable of communicating their desires and who express wishes the GAL feels are not in the child's best interest. For example, a child might ask to be returned home despite evidence that he or she would be at risk. In such situations it is unclear whether the GAL should argue for what the child wants or for what the GAL believes are the child's best interests. This distinction poses a conflict particularly for attorneys, who customarily argue their client's interests. This conflict is resolved in varying ways by local jurisdictions.

The study examined differences among models on this issue as well as the following key issues: (1) what activities should the GAL perform; (2) what should be the goal of the GAL's work; (3) role and responsibility differences between attorney and volunteer GALs; and (4) independence of the GAL from the court and local child welfare agency. The specific research questions examined in this part of the study included the following:

o What are the responsibilities and duties of the GAL?

o What is the selection process for appointing GALs?

o Who appoints and when is the GAL appointed?

o Does the GAL work alone or in coordination with the child welfare
   agency?

o How much and when is the GAL paid?

o When does the GAL role end?

o How much time does the GAL spend on each phase of the case?

o How active a participant is the GAL in mediation?

o Did the GAL meet with the child prior to hearings?

o How often did the child and GAL meet?

o What is the relationship between the GAL and the child and between
   the GAL and other family members?

o How active is the GAL in judicial proceedings?

o Does the GAL work independently from the child welfare agency to
   determine the family's needs?

o How active is the GAL in follow-up of the case?

GAL Impact on Outcomes: Past Studies

To explore whether GAL activities had an impact on outcomes for the

child, we first had to define what constituted an outcome in the child's

"best interest," then determined which GAL activities might lead to these

outcomes and finally determine how the different role requirements among GAL

models produced these activities and outcomes. There exists very limited

information on these issues, as only four prior studies had examined GAL

impact and none had done so on a national level. These studies showed that

effective guardians spent more time on their cases, investigated their cases

more thoroughly, interacted with more sources when conducting the investiga-

tion, made more recommendations to the court, and monitored case progress

more diligently than less effective guardians. These findings guided the development of outcome measures for the present study. We also drew upon them to make recommendations about GAL programs in Chapter 4. Given the importance of these past efforts to the present study, we present a brief review of this previous research.

One of the first studies of GAL effectiveness was conducted in the state of Florida by order of the state Supreme Court. The state had earlier implemented a statewide volunteer guardian ad litem program similar to the CASA program begun in King County, Washington. The evaluation (Omni Systems, 1981) focused on the need for guardians ad litem, the role and responsibilities of the GAL, and compared alternative approaches for providing representation to abused and neglected children. The study explicitly compared private attorney and public defender models with the volunteer approach the state had recently implemented.

Researchers found that trained lay volunteer GALs spent at least twice as many hours per case as private attorneys or public defenders serving as GALs. Volunteers also spent a greater percentage of that time with the child and parents, spent a greater percentage of time providing follow-up and about the same percentage of time in hearings. The volunteer program was estimated to be 37 percent less effective than a state sponsored private attorney system and 49 percent less expensive than the county-sponsored attorney-based system.

A two-year study of the attorney law guardian system in New York State was recently completed by Knitzer and Sobie (1984) for the New York State Bar Association. In 1982, law guardian representation was possible or mandatory in 85,825 cases in New York. This number includes delinquency, abuse and

neglect, and other cases arising in family court. This extension investigation included a mail survey of all known panel attorneys (approximately 2,300 individuals) and intensive on-site studies in fourteen counties. In the counties, a total of 335 case files were reviewed, 199 courtroom observations were made, 84 case specific interviews and 175 interviews of those who work with law guardians were conducted, and 85 transcripts of completed cases were analyzed. In addition, 24 children were interviewed. The results identified serious problems with the law guardian program.

There were no written guidelines regarding recruitment, appointment or recertification of law guardians. Almost 70 percent of the law guardians had no special law guardian screening, orientation or co-counsel experience and 42 percent had had no relevant training in the past two years. The typical law guardian represented fewer than 20 children a year and only a fourth considered themselves specialists in juvenile law. GAL caseloads in the Legal Aid offices studied ranged from 300-800 cases a year. Very few of these offices had social worker support.

In 45 percent of the courtroom observations, representation was evaluated as either seriously inadequate or marginally adequate. In 47 percent of the observations it appeared that the law guardian had done no or minimal preparation, and in 42 percent it was either not possible to tell if the law guardian had met with the child before the court proceeding or it was clear that he/she had not done so. In 65% of the cases for which case-specific interviews were conducted, different law guardians represented the child at different hearings. This was a particular problem in counties where the program was operated by Legal Aid. Appellate actions were "virtually nonexistent" outside of New York City. Thus, there was considered to be

virtually no check on judicial or law guardian errors and statutory issues needing clarification went unresolved.

Kelly and Ramsey (1982) conducted a study of the effect of attorney representation for children in protection hearings in North Carolina. The study selected a statewide random sample of counties and of juvenile court records filed during a 15-month period. Two hundred and ten cases involving 375 children were reviewed. The analysis was designed to determine whether or not the child was removed from the parent, and once removed, whether the child was returned and the length of time away from home. The study found that, for the most part, attorneys for children were not only ineffective but even tended to delay a child's return home substantially. However, attorneys who spent more hours on their cases did expedite return. The study also found that removal was less likely when the attorney and child were racially matched, the attorney had fewer neglect cases, and for younger attorneys. A powerful influence on whether custody was returned was the number of hearings in a case.

Duquette and Ramsey (1986) conducted a study of effective representation of children in child abuse and neglect cases in Michigan. The study evaluated a demonstration of three different kinds of representatives for abused children -- private attorneys, law students and lay volunteers supervised by an attorney. Control cases were drawn from the court caseload prior to the implementation of the demonstration project, all of which had private attorneys as their GALs. Court records and personal interviews with the GALs were the main data sources. The law students were found to conduct more thorough investigations than the attorneys or volunteers, and both law students and volunteers were more likely than attorneys to feel their participation had

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made a difference in the case. However, overall, the researchers found few differences among the three demonstration groups, but found them to be more effective at investigation, to spend more hours per case, to make more recommendations, to obtain more services, and to engage in follow-up actions more often than the control representatives. The analysis showed that demonstration cases were less likely to be made wards of the court and then to be dismissed. For both demonstration and control representatives, higher scores on investigation related to more orders for visitation. Demonstration cases moved through the court process more quickly and were somewhat more likely to remain at home than control cases.

The Duquette and Ramsey study is also note worthy because it relates GAL activities to specific case outcomes. The study found that the amount of pre-dispositional investigation and interaction with others involved in the case related to placement and visitation outcomes. GALs who spent more time on investigation and interacted with more sources were more likely to have the children they represented stay at home and a greater number of visitation orders than GALs who spent less time on investigation activities.

The amount of advocacy on the part of the GAL for the child was related to treatment/assessment outcomes and court processing time. The more recommendations made by the GAL and the more diligently the GAL monitored the case, the more treatment/assessment orders were made by the court and the shorter the court processing time.

GAL Impact on Outcomes: Research Questions

The existing studies suggest that there are problems with GAL representation as it is currently provided, but also suggest that under certain conditions and with proper training, guardians ad litem can effectively serve

the best interests of the child. However, these studies do not tell us the GAL program models that are maximally effective, the key activities of GALs that promote effective outcomes or the types of outcomes GALs can be expected to achieve. For example, they do not tell us the relative advantages and disadvantages of using attorneys and CASA volunteers as GALs in terms of training received, activities performed or outcomes that may result from these activities. This study was a first attempt by ACYF to address some of those important issues on a national level.

The specific research questions for this part of the study were:

o Do GAL models produce a difference in the timing of judicial action?

o Do GAL models produce differences in out-of-home placements?

o Did GAL help child and family receive needed services?

o Does GAL involvement produce mediated outcomes?

o What GAL activities and program models are effective in producing outcomes in the child's best interests?

o What are the differences among models in stability of GAL representation?

o How active are GALs at hearings and in the legal system under different models?

o Does GAL effectiveness vary by type of case?

We used this previous research to help us develop quantitative outcome measures to assess GAL impact on furthering the child's best interests. We also surveyed a group of child advocacy professionals across the country to develop a consensus regarding outcomes in the child's best interests. The results of this survey, described in greater detail in Appendix A, were also used to inform the development of best interest outcomes.

Study Methodology

The study compared the five most commonly used GAL models, as identified by the ABA. With assistance from the ABA we identified cities throughout the country that employed each model and selected two GAL programs for each model. These programs were in: 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. At one site two GAL models were studied. Thus we studied two examples of each model. All programs were well established and were of comparable quality. The methodology chapter in Volume III describes site selection in greater detail.

At each site we studied GAL process variables through interviews with the presiding juvenile court judge, state attorney for the local child welfare agency, and the GAL program coordinator if the program had one. From these respondents we obtained a history of the GAL program, its administrative structure, GAL training and responsibilities, and respondents' perception of GAL effectiveness. We examined GAL impact by extracting information from up to 25 juvenile court and local child welfare agency case records at each site. These cases were recent abuse or neglect cases that had GAL representation and were either closed, or the child was in a stable placement. At least one currently active case was also selected. Information extracted included type of abuse, age, race and sex of child, family services required, case plan requirements, placement history, and court activity. The number and type of cases extracted is shown in Exhibit 1-1.

We also studied GAL impact through examination of two case "networks" -- one open case and one closed -- at each site. These networks consisted

of interviews with the child, child's parent or principal caretaker, the GAL for the child, and the caseworker.* The GAL interview asked detailed questions about the GAL's activities at each phase of the case (predispositional investigation, adjudicatory and dispositional hearings, review hearings), the GAL role in negotiating agreements, arranging services and monitoring the case, and the GAL's relationship with the child, family, and caseworker.

The caseworker interview examined the worker's relationship with the GAL, coordination of activities and areas of disagreement between them. The GALs role in setting case plan requirements, obtaining services, and follow-up case monitoring were obtained, as well as the worker's perception of the GAL's effectiveness and relationship with the child. The child and parent interviews examined the nature of child-GAL contact and the GAL-child and GAL-family relationships.

The number of network respondents for each GAL model and type of case is shown in Exhibit 1-2. Due to problems with obtaining parent cooperation and other difficulties, it was not possible to obtain all eight interviews of the two case networks at each site. These problems, as well as the sampling methodology and study procedures, are described in greater detail in Volume III.

In the next chapter we present the findings from the judge, state attorney and GAL progam coordinator interviews. This chapter describes the GAL process variables for each model. Chapter 3 describes the GAL impact on child outcomes using the case record data. Findings from the case network interviews are then summarized. Chapter 4 presents the conclusions and policy implications of the study.

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*At the site where two GAL models were examined, up to 25 case record extractions and two networks per model were conducted.

Exhibit 1-1

Number and Type of Case Records Extracted by GAL Model

GAL Model

Type of Case	Private Attorney	Staff Attorney	Law Student	CASA/ Attorney	CASA/ No Attorney	Total
Open	36	56	19	29	18	158
Closed	13	15	8	21	30	87
Total	49	71	27	50	48	245

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Exhibit 1-2

Number of Network Interviews
by Case Type and GAL Model

Program Model	GAL		Caseworker		Parent		Child		Total
	Open	Closed	Open	Closed	Open	Closed	Open	Closed	
Private Attorney	2	2	2	2	1	1	1	1	12
Staff Attorney	1	1	2	2	2	2	2	2	14
Law Student	1	1	1	1	0	1	0	1	6
CASA/Attorney	2	2	2	2	1	1	1	1	12
Unassisted CASA	2	2	2	2	2	2	2	1	15
TOTAL	8	8	9	9	6	7	6	6	59

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CHAPTER 2

GAL PROCESS FINDINGS:

TRAINING, COMPENSATION AND PROGRAM STRUCTURE

In this chapter, we present findings from the interviews with juvenile court judges, atate attorneys and GAL program coordinators. The data from these interviews were used to obtain a picture of GAL program structure and GAL process variables for each of the five GAL models. These interviews addressed the study research questions listed on pages 1-4 and 1-5 and include these topics:

- Role and responsibilities of GALs, including required contact with child

- Selection and appointment practices

- Training and compensation

- Independence of the GAL from the court and child welfare agency

- GAL judicial and mediation activities

The interviews also obtained each respondent's perception of GAL effectiveness.

Data on these topics were collected from the respondents through a one hour, in person interview that employed structured, open-ended questions. CSR's senior staff interviewed all respondents. One judge and attorney were interviewed at each of the nine sites. At the one site where two models were examined, the judge and attorney were asked about both GAL models. Sites employing private attorney models did not have formal GAL programs and, therefore, did not have a GAL coordinator. The GAL coordinator at each of

the remaining sites was interviewed for a total of eight respondents (two GAL coordinators were interviewed at the site where we examined 2 GAL models).

Findings for each model are discussed separately by first presenting information on the program structure, and findings from the GAL coordinator interview, judge interview and attorney interview. This chapter concludes with a comparison of the five models on GAL process and a summary of their major differences and similarities.

Private Attorney Model

Sites we visited that use the Private Attorney model did not have formal GAL programs and thus no GAL coordinator or support staff for GALs. Both sites were suburban/rural counties adjacent to medium sized cities. One site had an annual caseload of 200 to 250 abuse or neglect cases where a GAL had been assigned, while the other site had a caseload of about half this. GAL representation was provided by attorneys in private practice who submitted their names to the court as being available to serve as GALs. The juvenile court maintained the list and either the judge or court clerk assigned GALs from the list as their names came up. GALs served at the discretion of the court and submitted time vouchers to the court to be paid. Frequently there was a core group of attorneys who are assigned the bulk of cases. The courts sometimes maintained a GAL list with dozens of attorneys that were used infrequently.

Little or no training was required of attorneys before they were assigned as GALs. One site required that attorneys view a short videotape prepared by the court that described their responsibilities, while the other site had no requirements. Neither court had any specific written guidelines or documents that discussed the GAL role. Attorneys at both sites were paid

by the court following each hearing where they represented the child. How-
ever, at one site attorneys could not receive more than $86 per hearing. At
the second site, attorneys received from $35 to $50 per hour per hearing with
no limit. At both sites, the judge had to approve payment. At the site
where payment was limited to $86, the judge felt that the lack of compensa-
tion prevented GALs from spending sufficient time on the case and made it
difficult for the attorney to adequately represent the child.

The court appointed GALs to virtually all abuse and neglect cases when
the initial petition was filed. Appointment was sometimes delayed for less
serious cases if the judge felt further legal action was unlikely. The same
attorney was expected to remain the GAL for the duration of the case and the
judges stated this usually occurred. At both sites judges stated that the
GAL was to play a role independent from the child welfare agency, to conduct
his/her own investigation, make recommendation to the court and provide some
follow-up to insure orders were carried out. The judges agreed that the GAL
should argue for the child's best interests, even in situations where an
older child expressed wishes the GAL felt were not in the child's best inter-
ests. In such situations the GAL was to present both his/her recommendations
to the court and the child's wishes that were different. This finding was
in accordance with statutory requirements of the two states of the study
sites.

Attorney GALs rarely submitted written reports to the court and both
judges felt the GALs did not often bring a different perspective on the case
than the child welfare agency. They also felt the GAL had little or no
effect on the number of services provided to families, the speed with which
services were provided, or the appropriateness of out-of-home placements.

Judges felt services and placements were determined primarily by the local

child welfare agency and what was available in the community. The GAL had

little or no influence in these areas, according to the judges. The judges

disagreed on whether the attorney GAL helped expedite the case through the

court system, with one judge claiming GALs had no effect, while the other

judge stated GALs had some effect by prodding the child welfare agency.

Judges were asked to assess GAL activity in several areas, including

their role in negotiating settlements. The great majority of abuse and

neglect cases at both sites were resolved through negotiated agreement and

judges agreed the attorney GALs were good negotiators. When there was dis-

agreement between the GAL and agency, the judges frequently gave more weight

to the GAL's position. In making recommendations to the court, GALs fre-

quently or always advocated parent child contact at both sites, but differed

by site in recommending specific services and placements. At one site they

always or frequently made such recommendations, but rarely did at the other

site.

The judges agreed that the GALs were effective in serving the child's

best interests and were helpful to the court, since they were viewed as

unbiased observers that presented objective evidence to the court. Both

judges felt the GALs were very competent in their roles and neither judge

felt the GAL performed a redundant function. Even if the GAL's position was

the same as the agency's, the judges felt this was helpful, as it gave the

judge more confidence in the agency's recommendations. GALs were seen as

equally effective in all types of abuse and neglect cases by one judge, but

the other judge felt they were more effective in cases with severe family

problems.

For improving this method of GAL representation one judge specifically mentioned that more training of attorneys was needed. He felt that trained attorneys had a clearer idea of their role and were more effective. The second judge felt the attorneys should receive more monetary compensation, as the lack of payment was preventing attorneys from playing a more active GAL role. This latter comment was made at the site where GALs were less well compensated.

State Attorneys. At one site an Office of the Corporation Council attorney represented the agency. At the second site, attorneys from the Office of the County Attorney represented the agency. Both attorneys had at least two years experience in abuse and neglect cases, although neither worked full time on such cases. They claimed to have a cooperative relation-ship with GALs and to be in agreement with them in the majority of cases. The attorneys received their information about the case from the child's social worker, who was responsible for conducting case investigations and following up on cases after hearings to insure orders were carried out. One attorney stated that the GAL also relied on the agency's investigation to learn the facts of the case and did not conduct his/her own investigation. At the second site the attorney stated that the GAL did some of his/her own investigation.

The attorneys agreed that the GALs rarely brought a different or new perspective to the case beyond what the attorney presented and that the GALs rarely disagreed with them. However, when there was disagreement, the GAL was active in trying to negotiate an agreement. According to the attorneys, GALs usually made recommendations to the court for specific services for the

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child and for parent-child contact. However, GALs rarely made recommenda-
tions for specific placements. At one site, the attorney noted that GALs
tended to be very active concerning parental support of children, when there
were concurrent criminal charges affecting the child, in cases of abandon-
ment, and in sexual abuse cases.

The attorneys felt the GALs had no effect on the speed with which abuse
cases went through the court system, the speed with which services were
delivered, or the number of services the family obtained, as these decisions
were set by the agency and court calendar. GALs sometimes slowed things down
somewhat since they were another party with which calendars and appointments
had to be coordinated. However, GALs were seen by the attorneys as being
somewhat effective in improving appropriate placements for children. This
was thought to be due to the GALs more objective standpoint that allowed them
to suggest alternatives that the agency may not have considered.

Both attorneys believed GALs were competent in their role and effective
in serving the child's best interest by providing an objective, independent
viewpoint. While the agency had several factors to consider for each case,
the GAL were free to focus solely on the child's best interest. However, the
attorneys felt there was room for improving GAL effectiveness. Specifically,
they mentioned that GALs should do more of their own investigation and meet
with the child and family more consistently. The GALs were thought to be lax
too often in this regard and relied too much on the facts the agency had
uncovered.

Staff Attorney Model

With a Staff Attorney Model, the GAL program is staffed by attorneys
whose job is solely or partly to serve as GALs. They are paid a regular

salary and have access to support staff. The program may have been specifically established to provide GAL representation or may be a branch of the Public Defender's office or part of a legal services agency, such as Legal Aid. At the sites we studied, one program was a part of the Public Defender's office and the other a division of Legal Aid. Both programs had a coordinator, support staff, and social workers who investigated cases. The programs were located in large urban areas. Administratively, they were independent of the juvenile court and received their own funding from public sources. The attorneys who staffed both programs worked solely with abuse and neglect cases.

Two attorneys staffed one site, which had an annual caseload of from 200 to 250. The second program was much larger with five attorneys and an annual caseload set at a ceiling of 1250 cases. Once this ceiling was met, the court would no longer assign cases to the program until the next year, and private attorneys were appointed as GALs for these cases.

Due to the small number of attorneys involved, neither program had a formal training program but relied on informal methods to train new staff. The more experienced attorneys assisted the newer ones, and new attorneys were expected to read applicable laws and be familiar with child abuse and family issues. There was very little turnover among attorneys in either program. When new attorneys were needed, only attorneys with an interest in the area and willing to make a long term committment were considered.

The programs had different philosophies on the GAL role. At one site, GALs were required to maintain an attorney-client relationship with the child and present the child's wishes to the court. The GAL's role was not to advocate for what the GAL believed was the child's best interests. However, if

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there was a disagreement between child and GAL, the GAL was expected to inform the court of the disagreement.

In contrast, at the second site the GAL's role was to be an advocate for the child's best interests, even in situations where the child disagreed (although the judge was to be told of the disagreement). However, this latter site was unique in that GALs were assigned only to children under age 12. Older children were assigned a public defender who maintained an attorney-client relationship with the child and who was not considered a GAL.

At both sites the GAL was appointed upon commencement of legal action and was expected to serve for the duration of the case. Duties included conducting a complete investigation, speaking wth the child, family and important others, and monitoring the case to ensure orders were carried out. GALs were also expected to conduct a new investigation prior to review hearings. GALs generally did not file written reports to the court.

Judges. The judges at both sites expressed satisfaction with the GAL program, rating the GALs highly competent. They felt the GALs frequently brought a new perspective to the case and served a helpful, non-redundant role. GALs were seen as objective and able to give a more balanced view of the case. One judge stated they were most helpful when the agency and parents had adversarial viewpoints and the judge could turn to the GAL for a more objective assessment. In both of the states where we examined this model, GALs were statutorily required to represent the child's best interests.

The judges were uniformly positive on the GAL's ability to expedite court handling of the case, obtain more services for the family more quickly, and obtain more appropriate placements for the child. According to the

judges, this was because the GALs tended to facilitate things by prodding the child welfare agency to keep things moving. They served as an oversight to the agency and prevented the agency from letting a case linger in the system. Their independent status allowed them to view things more objectively and present different alternatives to the court on placement and services, beyond what the agency recommended, the judges claimed.

Judges stated that GALs were active during hearings, frequently or always making recommendations for placement, services, and parent-child contact. However, they did not often disagree with the child welfare agency, and virtually all cases were resolved by agreements or stipulations at both sites. Judges thought the GAL played an important role in helping reach agreements. One judge felt the GALs were more effective with litigated cases, but otherwise judges did not think GAL effectiveness varied by type of case.

Both judges felt the GALs contributed significantly to serving the child's best interests. They felt GALs were strong advocates, kept the court well informed of the child's needs and had a unique, independent perspective on the case that gave them an influential role with the court. Neither judge offered any recommendation for improving the GAL program, stating the program was highly effective as it currently operated.

Attorneys. The state attorneys interviewed were part of the county District Attorney or state Attorney General's office and represented the state's interest in the case. They presented the agency's plan for the case to the juvenile court. Both attorneys had considerable experience in working with abuse and neglect cases and spent the majority or all of their working hours on such cases. They claimed to have a cooperative relationship with GALs and

there was rarely significant disagreement between them and the GALs. The attorney received their information about the case from the agency social worker, who conducted case investigations and monitored the case.

The attorneys differed by site on how useful and active they felt the GAL to be. At one site, the attorney stated the GAL rarely brought a new perspective to the case, agreeing with the agency in the majority of cases, and not making different recommendations. When there was disagreement, the GAL usually tried to negotiate a stipulated agreement, but rarely took the initiative in mediation. At the second site, the attorney was much more positive regarding the GAL's activity. This attorney felt the GAL frequently brought a new perspective to the case and was a key participant in negotiating agreements between the agency and family. However, the GAL agreed with the agency's recommendations in the majority of cases. At both sites, GALs usually made recommendations for specific services and parent-child contact, according to attorneys. At one site, GAL also made frequent recommendations for specific out-of-home placements.

The attorneys at both sites agreed that the GALs improved the speed with which services are delivered and the appropriateness of out-of-home placements. This was due to their ability to pressure the social worker to keep the case moving and their ability to uncover specific placement opportunities (such as family members the worker may not have known about). At one site, the attorney felt the GAL was also able to help the family get more services by learning more about family needs and keeping pressure on the social worker. At this site, the attorney also felt GAL involvement somewhat lengthened the court processing time for the case. The GAL brought new

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information and was another party that had to be considered, thereby length-
ening the time the agency had to spend investigating and preparing its case,
according to this attorney. At the second site, the attorney felt the GAL
had no effect on the speed of court action or number of services provided.
These issues were determined by the court calendar and services available in
the community and the attorney felt the GAL could not have a significant
impact on them.

At both sites, attorneys felt the GAL were highly competent and contrib-
uted to serving the child's best interests. The GAL's effectiveness was due
to their ability to focus only on the child's needs and their ability to make
these needs known to the court. Neither attorney offered any opinion on ways
to improve this method of GAL representation.

Law School Clinic Model

In the law school clinic model, third year law students serve as GALs
as part of their course work. Students enroll in a year-long course and are
assigned cases by the court under the supervision of an attorney. The law
school programs we examined were in large urban areas and the schools were
part of a public university system. The schools were independent from the
court system and received no funds from the court. At one site, the students
were supervised by an in-house attorney who also taught the course, while at
the second site, the Public Defender's office supervised the students.
Supervisory attorneys attended all hearings with the student. The students
had no support staff or other assistance with cases. There were no special
requirements to enroll in the course other than to be a third year law stu-
dent, and those that applied were generally admitted. Most students took the

course due to an interest in child's issues and to get court experience.
They received no monetary compensation.

The programs were comparable in size, with one program having 10 students per year and the other eight students. Students had a caseload of from four to six cases during the year, although at one program only two of these cases were abuse and neglect cases. The supervisory attorney assigned cases to students following referral of the case by the court.

The students received extensive training in child advocacy issues while serving as GALs through a weekly classroom component to the course. Before being assigned cases, students attended one or two class sessions where procedures and requirements were discussed. At one school, students then had to observe hearings before cases would be assigned to them. After being assigned cases, the class continued to meet weekly for at least a semester to discuss cases and issues such as investigation, interviewing witnesses and criminal law.

Students served as GALs only for the hearings that occurred during the course year, although the students could remain on the case after the course ended if they wished. However, this did not typically happen, as most students would graduate and leave the area after completing the course. A new law student GAL was assigned to replace the graduating student in such situations to provide some continuity in representation.

In both programs, the students were considered the attorney for the child and an attorney-client relationship was to be maintained. For older children, the student GAL was to represent the child's expressed views to the court. If there was disagreement on major issues between the GAL and child on what the child's best wishes were, the GAL was to present both views to

the court, where the judge would decide the appropriate course of action. The laws of the states where the law students operated did not specify whether the GAL should act in the child's best interests or as an attorney.

The student GAL's duties at both sites were to conduct a complete investigation of the case by reviewing all written records and contacting all important people involved. The GAL was required to meet with the child and foster parents and visit the parental home. They were expected to make recommendations on services, placement and visitation to the court. In one site, the students were to continue monitoring the case until the course ended to ensure orders were carried out. However at the second site, followup was not required and the student's role ended after the hearing. The GALs usually did not file written reports with the court.

Judges. At both sites, judges stated the student GALs were highly competent and effective in presenting the child's viewpoint to the court. They felt the student frequently presented a new, nonredundant perspective that was useful to the court. The activities of the student GALs resulted in more services to the family, improved the speed with which services were delivered and resulted in more appropriate placements, in the judges' opinion. The judges felt this effectiveness was due to the GAL's ability to look more closely at the case than the agency could and to discover family needs and alternative services and placements more systematically. The GALs were able to present these alternatives to the court and make the judges more aware of different options available for the family.

However, the judges felt the GAL activities did not expedite the court handling of the case. One judge felt the students slowed things down since they were being instructed as the case progressed and needed more time to do

the work than a more experienced GAL. The other judge stated the student

GALs had no effect on speed of court action as this was controlled by the

court calendar which the GAL could not affect.

Student GALs usually made specific recommendations regarding placement,

services and parent-child contact. Students only rarely disagreed with the

child welfare agency, however. Most cases at both courts were resolved by

negotiated agreements and the students were active in helping develop the

agreement, according to the judges.

Judges also felt that the students contributed significantly to serving

the child's best interests. One judge felt they were effective because they

had genuine concerns for the child and kept the court informed of the child's

needs. The second judge gave two reasons for the student GAL's effective-

ness: (1) they had time to spend on the case and did not need to worry about

financial compensation and (2), they had an external incentive to do well on

the case, that is to get a good grade in the course. Their instructor was

also at the hearing to observe them, which put additional pressure on them

to perform well. These factors, along with the students' real concern about

child welfare, made them effective representatives.

To improve student GAL effectiveness, the judges felt that the students

needed more courtroom experience and needed to spend more time in a court

setting. One judge suggested the students could have an office at the court

to get them more accustomed to the court environment and make them feel more

a part of it.

Attorneys. The attorneys at the law clinic sites represented the child

welfare agency at hearings. At one site, this job was held by a private

attorney under contract to the city. At the second site, the attorney from

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the state Attorney General's office represented the agency. Both had more than 15 years experience in this position and worked at least half time on abuse and neglect cases. The attorneys relied on the caseworker to conduct investigations and make recommendations for the case, which the attorney then presented to the court. The attorneys also depended on the caseworker to do case follow-up to ensure court orders were carried out.

The attorneys were decidedly less positive about the work of the law students than the judges. They felt the student GALs rarely brought a new perspective to the case beyond what the agency presented. The attorneys reported the students had never disagreed with them on major issues and that consequently they had never had to develop a negotiated agreement for student GAL cases. In the attorneys' experience, the student GALs did not often make specific requests for services or placement for the child, or make specific recommendations for parent-child contact. The students rarely submitted written reports to the court, but when they did, they were perceived as helpful by one attorney.

The attorneys agreed that the student GALs had no effect on the number of services provided to the family, as this was controlled by the limited number of available services in the community. One attorney claimed the students were sometimes unrealistic in the services they recommended, as they asked for services that were not available. The attorneys were divided on whether the student GALs improved appropriate placements for children, increased the speed in which services were delivered and expedited court handling of the case. At one site, the attorney felt the student GALS had no effect on appropriate placements and speed of service delivery, since these factors were controlled more by what was available. This attorney also felt

that involvement of the student GALs slowed down court action since the GAL was inexperienced and was learning as the case progressed. This delayed court processing.

The second attorney felt the student GALs had no effect on court processing time since the court backlog controlled hearing dates. This same attorney however, felt the GALs improved the speed of service delivery to families and improved the appropriateness of placements. GALs accomplished this by persistent contact with the caseworker to ensure court orders were being carried out and by being able to investigate the case more fully to uncover the child's needs and placement options within the family.

Both attorneys characterized the student GALs as "fairly competent" and thought they contributed to serving the child's best interests. The GALs made the child's stated preferences known to the court, were protective of the child and could present a viewpoint different from the child welfare agency. The attorneys felt the student GALs performed their work well but were, understandably, somewhat inexperienced. One attorney reported that the students were often shocked at the type of living arrangements and abusive situations they found and consequently were sometimes timid about doing some aspects of their work.

CASA/Attorney Model

In a CASA/Attorney model, both a lay volunteer (CASA) and attorney represent the child's interests. The attorney may be formally appointed as the GAL and the CASA appointed as a special advocate who is a fact finder and monitor for the case. Or, both the CASA and attorney may be appointed as GALs. In both situations, the attorney is responsible for the legal aspects

of the case and the CASA volunteer is responsible for investigating, monitor-
ing and social work on behalf of the child.

At one study site located in a small city, both attorney and CASA were
appointed jointly as GALs. At the second site, a large urban area, an attor-
ney was first appointed as GAL. After adjudication of the case, a CASA was
appointed for cases the court felt would need close monitoring. The attorney
remained on the case formally as GAL and continued to perform the legal work
while the CASA monitored progress, remained in contact with the child and
conducted social work as needed on the child's behalf.

The programs at both sites were administratively independent from the
juvenile court, although one program received about 10 percent of its budget
from court funds. One program had an annual caseload of 55 families and had
15 CASA volunteers who each were assigned one case at a time. The second
program was somewhat larger with 25 volunteers, an annual caseload of 175
families and two cases per volunteer. CASAs were extensively trained in one
program, receiving 30 hours of instruction over a six week period. CASAs
received 18 hours of training in the second program, including three hours
of court observation and three hours of supervised field work. Training at
both sites covered permanency planning, overviews of the court and social
service systems, child abuse and neglect legal issues, interviewing skills
and roles and responsibilities of volunteers. Written training materials
describing the CASA role and responsibilities were also distributed. There
were no continuing training requirements in either program, although one site
had bimonthly seminars available to CASAs. The programs maintained brief
banks and had newsletters that kept CASAs up to date on changes and important
cases. CASAs received no pay and minimal, if any, compensation for expenses.

The CASA coordinators at both sites reported that the local child wel-

fare agency initially reacted negatively to the program. The programs were

begun by the juvenile court at both locations and the agencies perceived the

CASAs as being established to "check up" on the agency. At one site these

negative reactions have subsided and the program now enjoys a good relation-

ship with the agency. At the second site, the CASA program and agency con-

tinue to have a poor relationship.

To recruit volunteers, the programs used a variety of techniques includ-

ing newspaper advertisements, public service announcements, speaking to com-

munity groups and word-of-mouth. They experienced some difficulty in obtain-

ing new volunteers. Program directors felt the reluctance to volunteer was

due to the large time commitment involved and emotionality of the issue. One

program experienced a turnover problem, with volunteers remaining a year or

less in the program. The volunteer pool was stable at the other program,

with CASAs remaining for two or more years. Volunteers in both programs were

mostly middle or upper class women in their forties and about 80% white.

When selecting new volunteers, both programs relied on a face-to-face

interview as an important screening device. They also checked the appli-

cant's references and conducted a criminal check. Inappropriate applicants

were also screened out during the training period. Both programs, however,

rarely rejected a volunteer.

The juvenile court judge appointed CASAs, usually during the disposi-

tional phase of the case. CASAs were not appointed for all abuse and neglect

cases at one site, but only when the judge felt the case needed special

attention and monitoring. Attorney GALs were appointed for all cases,

however. The same CASA served until the child was in a stable living

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arrangement or until the court dismissed them. Dismissal of the CASAs could occur if the court felt the CASA could do nothing further for the child. The CASA program coordinators usually tried to match cases to individual volunteers. Matching was based on background and abilities of the CASA, life experience, and race and sex, where possible.

The role of CASAs at both programs was to be an advocate for the child's best interests, as required by statute in one state. In the second study state, the law did not specify the GAL's role. At both sites, if there was disagreement with an older child on major issues, the CASA was to inform the GAL attorney and the court and let the judge resolve the difference. At one program the CASA coordinator stated that the attorney GAL would probably defer to an older child's wishes but would still present both positions to the court.

CASAs were expected to prepare written reports prior to hearings. These reports described the results of the CASA's investigation, sources of information, current status of the case and recommendations for placement and services. The judge sometimes requested specific information about the case from the CASA that was to be addressed in the report (e.g., placement options). Judges at both sites stated they found the CASA reports to be very useful. The reports provided good case summaries and presented both the agency and CASA's positions on the case. The judges considered the reports independent assessments of the child's situation and often uncovered resources that were not considered or were overlooked by the agency. This assisted the judges in making decisions on cases.

Judges. The judges highly regarded the work of the CASAS, rating them as very competent and found them very helpful. Their value was their ability

to provide a perspective on the case that was independent of the child welfare agency or the family. CASAs were able to provide assessments of the family situation and take action to help obtain needed services. The CASAs were also a stable presence for the child in the court process. There was frequent turnover of caseworkers and judges dealing with the child, but the same CASA served throughout the case.

The judges agreed the CASAs expedited both court handling of the case and the time to service delivery. They accomplished this by identifying options the agency did not consider and by finding service providers. The judges also felt the assignment of a CASA usually made the child welfare agency work faster on a case and prevented the case from lingering in the court system by not letting the court forget about the child.

Judges also uniformly believed the CASAs were able to obtain more services for families and more appropriate out-of-home placements for children. Again, they felt this was due to the CASA's ability to uncover services, family members, and placement options the agency did not consider. One judge believed that a big factor in the CASA's effectiveness was due to the CASA having only one or two cases to work on, while the caseworker had many cases.

The judges observed that CASAs almost always made specific requests for services, placement and child-parent contact. These recommendations tended to disagree with the child welfare agencies in about one third of cases at one site. While most cases were resolved by negotiated agreement, the CASA did not have a big role in negotiations, as this was done primarily by the attorney GAL. Both judges agreed that all legal matters should be handled by the attorney GAL and not the CASA.

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CASAs contributed significantly to serving the child's best interests in both judges' opinions. They had the time to devote to exploring all case possibilities, including needed services and available placements. They were also able to get things done as quickly as possible for the child. One judge noted that CASAs were able to "cut through red tape" and obtain needed resources. The judges offered no suggestions for improving this model of GAL representation, although at one site, the program's high turnover was specifically cited as a problem.

Attorneys. The attorneys interviewed for the study were County Attorneys and represented the agency at abuse and neglect hearings. The family social worker conducted case investigation, monitoring and follow-up and made recommendations for the case, which the attorney then presented to the court. The attorneys had three to six years experience working on child abuse and neglect cases and worked more than half time on such cases. They characterized their relationship with the CASAs as cooperative but independent, as the CASAs performed their work with little or no assistance from the agency.

While both attorneys agreed that the CASAs often brought a new and different perspective to the case, they differed on their assessment of CASA activities. At one site, the attorney felt the CASAs lacked sufficient training in social work. Consequently, the attorney felt the CASA's investigations and contacts were not in depth and that reports to the court were not helpful. The reports often expressed the CASA's views rather than the child's interests, presented only part of the story and were sometimes misleading to the court, according to this respondent.

The attorney believed that partly as a result of this problem, the agency and CASA frequently disagreed on aspects of the case, particularly

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relevant services needed and placement issues. The attorney felt the CASA involvement reduced the appropriateness of placements, as the CASA was not qualified to identify placements appropriate for the child or know what was available. The attorney considered the CASAs not sufficiently competent in their work and that they were less effective on cases where there was ambiguity on the appropriate course of action. The attorney also felt that on occasion, the CASAs involvement could result in negative outcomes for the child. The attorney identified a particular case where this occurred, in the attorney's opinion. In this case, the child was returned home too soon, according to the attorney, and was subsequently placed again in foster care after a short time. However, this respondent also identified a case where the CASA's involvement was beneficial for the child and rated the CASAs considerably higher in other areas.

At the second site, the attorney was uniformly positive about the CASA's involvement. This attorney found the CASA's investigation and written reports on the case to be very useful and felt they presented a different, unbiased perspective. The attorney stated that CASAs rarely disagreed with the agency on important aspects of the case but were active in trying to negotiate agreements. Placement decisions were the most common area of disagreement. However, the attorney felt the CASAs improved the appropriateness of placements by providing good information to the court on placement issues. The attorney rated the CASAs very competent and did not feel their involvement ever produced negative outcomes for the child.

Attorneys at both sites felt CASAs were effective in helping obtain more services to families and improving the speed in which services were delivered. This was because the CASA was able to identify and facilitate service

delivery as part of their role and because the CASA served as "watchdog" of the agency to ensure services were received. Since CASAs had only one or two cases, they were able to devote more time to identifying family needs and locating service providers. They acted as a catalyst to get the family involved, according to one attorney.

The attorneys differed on whether CASAs expedited court handling of cases. One attorney thought CASAs slowed court handling since their reports and other information they provided had to be evaluated by the court in addition to the agency recommendation. The other attorney felt CASAs sometimes expedited court handling since they provided the necessary information the court needed to make a decision that was sometimes missing from other sources.

The attorneys agreed that the CASAs contributed to serving the child's best interests. They contributed another perspective to the proceedings and provided a fresh, common sense approach. One attorney remarked that CASAs kept the agency honest by challenging it.

Unassisted CASA Model

In the lay volunteer or CASA model, a trained volunteer is appointed as the guardian ad litem and is a full party to legal proceedings. The CASA usually has access to an attorney that is employed by the program to assist him or her on legal aspects of the case. The attorney may sometimes appear in court with the CASA, but usually does so only with cases where there is a complex legal issue or with non-routine cases where litigation experience is needed. The attorney appears as counsel for the CASA, however, and not for the child.

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The two such programs we examined were both in large urban areas and were large CASA programs. One program had about 130 CASA volunteers, an annual caseload of about 450 cases and an average of three active cases per volunteer. The second program was even larger with 400 CASAs, an annual caseload of 1,700 and an average of two cases per volunteer. Both programs were administratively part of the juvenile court and received virtually all of their funding through the court's budget. CASAs were not paid at either site, but at one site they received compensation for travel expenses.

CASAs at both sites received from 12 to 18 hours of training initially, as well as ongoing inservice training. At one site, volunteers received a one-day training and then were assigned a case. The volunteer worked on the case closely supervised by more experienced program staff. The volunteer then attended a half-day follow-up training which reviewed procedures and provided supplemental training. Thereafter the volunteer attended ongoing training one evening per month. Specialized training and annual workshops were also offered which the volunteer could optionally attend.

At the second site, volunteers were given two and a half days of training and one day of inservice training per month. Topics covered during training at both sites included an overview of the social/legal system and child abuse and neglect issues, investigation procedures, interviewing, report writing and giving testimony. At both sites, attorneys from the district attorney and public defender's office, as well as social workers from the child welfare agency, assisted in training volunteers.

Both CASA coordinators reported they had a very good relationship with the child welfare agency. At one site, administrators from the agency were on the program's advisory board and the coordinator had good relationships

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with agency supervisors. While both coordinators noted some negative reactions from individual social workers, they felt the great majority of workers view them as "part of the team."

The programs had a very stable pool of volunteers and very little turnover. One program reported that volunteers stayed with the program an average of three to four years and the average was two to three years at the second program. Volunteers at both sites were over 80 percent women, and were most often between the ages of 35 to 50. However, the programs reported having considerable variation on age and social class.

New volunteers were recruited through public speaking by the GAL coordinator, working with community service groups, advertisement, public service announcements and word-of-mouth. At one program, the coordinator reported they focused their recruitment drives on specific target populations, such as age groups, ethnic groups or areas of the county so that the program had a representative mix of the community. Both program coordinators reported having some difficulty obtaining a sufficient number of volunteers, which they attributed primarily to the demands of the job. The programs must also compete with the many other service groups in the area for the same pool of volunteers. Both programs being quite large, also need many volunteers to function.

To select volunteers, both programs relied on an extensive screening process consisting of an in-depth interview before training and observation of the applicant's progress during training. Personal references were also checked. The programs required applicants to be interested in children, experienced in dealing with them, be emotionally mature, objective and be tolerant of differing life styles. At one program, volunteers must agree to

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remain in the program at least one year; the other program required a commitment to remain on a case until court action was completed.

The juvenile court judge assigned CASAs to abuse and neglect cases when the initial petition was filed and CASAs remained on the case for its duration. The program coordinator tried to match cases with individual CASAs by expertise, training, background and race, if possible. One program also tried to match cases geographically so that CASA and child lived reasonably close to each other. However, matching was only possible to a limited extent due to lack of information about the case and lack of a corresponding match between type of case and type of CASA available.

CASAs were required to work for the child's best interests. If there was a disagreement with a child on what was best, the CASA was to inform the court. For older children, the judge would decide if the disagreement was serious enough to warrant an attorney. If so, the CASA might be dismissed and a public defender would be appointed for the child.

CASAs were required to conduct a complete investigation of the case by reviewing all pertinent written documents, talk with all parties, including the child, and make concrete recommendations. After disposition, the CASA was to check on the case periodically to ensure orders were being carried out and services were received and was required to talk to the parent and child at least twice before each six month review hearing.

Judges. CASAs were expected to file written reports with the court prior to dispositional and review hearings at one site but at the second site, CASAs filed reports only at contested hearings. Judges were in agreement that the reports were very useful to them in making decisions. They expressed highly favorable opinions about the quality of the reports, noting

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they provided very pragmatic information about the pros and cons of alternatives. The reports gave additional information beyond what was provided by the social worker and succinctly summarized the important issues, according to the judges.

One judge further noted that the reports were helpful since they provided a third opinion that focused exclusively on the child. This judge remarked that the social worker's recommendations were sometimes colored by bureaucratic procedures and institutional concerns. In contrast, the CASA, as an outsider from the system, reported on the child's needs more objectively, in this judge's experience. This third opinion offered by the CASA was very important, particularly in difficult or contested cases.

At both sites, the CASA program had been started by the court and the court was a major supporter of the program. Consequently, the judges were enthusiastic about the program and viewed the CASA's work favorably. Judges felt the CASAs frequently brought a new perspective to the case beyond what the agency presented. While the CASAs sometimes presented redundant information, both judges found this helpful, since it made the agency's case more credible when the two parties agreed. When there was disagreement, the judges found the new information and options presented by the CASA of assistance when making decisions.

The judges agreed that CASAs were effective in improving the appropriateness of placements for children and in expediting service delivery. They were able to do this by being very knowledgeable about the case and placements available in the community. This enabled them to make concrete suggestions to the court that saved the agency time of locating needed services and finding placements.

The judges were divided on whether the CASAs could expedite court handling of cases. At one site the judge felt that court proceedings were institutionalized and set by the court calendar. Thus, CASAs were unable to expedite cases. However at the second site, the judge felt the CASAs assisted significantly in expediting cases by providing additional information that allowed for quick decision making. This allowed cases to be scheduled and promptly disposed.

There was also disagreement between the judges on whether the CASA's work resulted in more services to families. One judge felt they increased the number of services due to their specific recommendations of the services needed. The other judge felt that CASAs could not control the number of services since this was limited by the services available in the community. However, this judge did feel that the CASAs were able to help ensure the appropriate services were delivered.

Judges noted that CASAs frequently recommended specific services, placement and contact between parent and child at hearings. However, they did not often disagree with recommendations of the agency. When there was disagreement, judges believed the CASAs were involved in helping negotiate agreements and considered them good negotiators. Since CASAs were officers of the court, both judges claimed to give the CASAs views more weight when there was disagreement with the agency.

Judges gave their highest competency rating to the CASAs and felt they contributed significantly to serving the child's best interests. They believed the CASAs understood the parents and the case very well and did a very good job of determining the child's best interests. CASAs were very

good advocates for the child and "will push a sluggish system to act" according to one judge. They also monitored the case progress closely to determine whether services were being received and the placement of the child was satisfactory. One judge felt they were particularly good at evaluating parent-child interaction and gave a more unbiased account of family progress.

In one judge's experience, CASAs were more effective on cases where quick action was needed. They also were good at cases that required long-term planning, such as long term foster care cases. This judge also felt CASAs were good at relating to older children, but were not as effective with delinquent or truant teenagers.

Attorneys. The state attorneys interviewed at the CASA sites were employed by the state Attorney General's office. They represented the agency at abuse and neglect hearings and presented the agency's position to the court. Both attorneys were very experienced in working with abuse and neglect cases, with one attorney having 15 years experience and the other six years experience. The attorneys were both currently in administrative positions where they supervised attorneys, including attorneys who worked in the child abuse and neglect area. One attorney no longer actively worked on abuse and neglect cases and the other was very minimally involved, with an average of about one abuse and neglect case per month. However, both attorneys had been considerably more involved in the recent past.

The state attorneys relied on the agency caseworker to conduct investigation and monitoring of cases and did no work of this type on their own. The caseworkers presented their recommendation for the case to attorneys who then presented this position at the hearing. The attorneys and CASAs conducted independent investigations and did not coordinate casework activities

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in any way. However, both attorneys had been involved in setting training

requirements of the GALs and were involved in an advisory capacity to the

program. One attorney had been on the CASA program's board of directors and

noted that one position on the board was always held by an attorney from the

Attorney General's Office.

While the attorneys generally held favorable attitudes toward the CASAs

at both sites, they differed on their opinions of the uniqueness of the

CASA's perspective. At one site, the attorney felt that the CASAs frequently

brought a new and different viewpoint to the case, beyond what the agency or

parents presented. This attorney also found the reports filed by the CASA to

be very useful. The report provided a succinct summary of the relevant facts

and was often used as the main guide for the case.

The second attorney felt that the CASA rarely brought a perspective to

the case different from the child welfare agency. The CASA's reports, which

were filed for contested cases, were also not considered particularly helpful

to the court by this attorney, who felt the judge looked more toward the

agency for guidance. The judge then considered the CASA's position to see

if he or she agreed with the agency. The attorney stated the agency's

reports were more detailed and the CASA's report usually described only areas

of disagreement.

In the experience of both attorneys, CASAs usually did not disagree with

the agency on major issues. When there was disagreement, it usually was

about a specific placement of the child, including whether to return the

child home. CASAs were good at negotiating agreements in cases where there

were differences, although the attorney usually initiated netotiations.

At both sites, CASAs frequently or always made specific recommendations for services and parent-child contact, but less frequently recommended specific placements. One attorney commented that CASAs were best in the investigative stage of the case. They spoke with all major parties to get each person's viewpoint and assisted in defining the issues. They acted as a mediator that "helped everyone sort things out." This attorney felt the CASAs' effectiveness was the result of the work they performed behind the scenes and before hearings, rather than in court.

The attorneys agreed that the CASAs improved the appropriateness of placements and the timeliness of service delivery. The reasons given for this effectiveness were the CASA's ability to identify needed services and specific placements quickly. CASAs often were "squeaky wheels" who complained to the agency when things weren't done and kept things moving along. CASAs were also strong advocates in many cases and were persistent in getting what they thought was best for the child.

The attorneys differed as to whether the CASAs were able to expedite court processing of the case. One attorney felt the CASAs were able to expedite cases in situations where they agreed with the child welfare agency. When the CASA's assessment of the case concurred with the agency's, the court was able to reach a decision more quickly. In the opinion of the second judge, CASAs had no effect on court processing time since they had little control over the factors influencing court time. The attorneys also differed in their opinions of whether CASAs affected the number of services families received. At one site, the attorney felt CASAs could not influence the number of services, since they were constrained by the services available in the

community. At the second site, the attorney believed the CASA's work resulted in more services to families. According to the attorney, the CASA's advocacy at all levels "pushes things along, forcing issues the agency might let slide."

Both attorneys rated the CASAs "very competent" and believed they contributed significantly to serving the child's best interests. Their effectiveness was due to their thorough investigation of the facts of the case that often lead to the discovery of issues that otherwise may not have been known, and due to their ability to mediate among parties. They were also effective due to their ability to prod the agency to keep things moving on the case and by their persistent advocacy of things that they felt the child needed.

The attorneys identified several types of cases where they felt CASAs were most effective. These cases included (1) custody battles, where facts are hard to get and where decisions rest on the child's feelings; (2) long-term foster care cases, which the agency may tend to let linger over time. CASAs remain persistent on such cases and will not let them be forgotten; (3) complicated cases, where there is considerable disagreement. In these cases, CASAs' mediating abilities are helpful in reaching a resolution; and (4) cases where quick action is needed. In such cases the CASA is usually in the best position to respond quickly, since they have only one or two cases, while the social worker often has dozens and thus may not be able to act as fast.

The attorneys both noted that a negative aspect of CASA involvement was that they sometimes become too personally involved in cases and lost their professional perspective. When this occurred the CASA could lose his or her

objectivity and lose sight of the child's best interests. To improve the CASA program, the attorney at one site felt that more assistance from attorneys was needed to improve the CASAs' impact at hearings. At the second site, the attorney suggested that the program ensure that the CASAs remain on the case until it was closed to maintain consistency of representation.

SUMMARY OF GAL PROCESS VARIABLES, PROGRAM STRUCTURE AND JUDGE/ATTORNEY ASSESSMENT

The analysis of the judge and attorney responses and the comparison of GAL program model structures revealed some important similarities common to all models. However, they also uncovered some differences in key areas, many of which were unexpected. Exhibit 2-1 summarizes the findings from these interviews on the research question topics. We discuss these findings and then present a summary of the respondents' assessment of GAL effectiveness. We conclude with a brief discussion of the problems identified by respondents for each model.

GAL role and responsibilities. With one exception, GALs under all program models had identical responsibilities. They were to thoroughly investigate the facts of the case, review all relevant documents and contact all involved parties, and make recommendations to the court regarding placement of the child and services for the family. The models varied for post dispositional monitoring of the case. Private attorney's and law students were not expected to monitor cases between hearings. Staff attorneys conducted minimal monitoring, checking up on the case at least once every six months. CASAs under both models conducted the most extensive monitoring of the case.

EXHIBIT 2-1

Summary of GAL Process Variable
Findings by GAL Models

GAL Process Variable	Private Attorney	Staff Attorney	GAL Model Law Student	CASA/ Attorney	CASA No Attorney
Role and Responsibilities					
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
Selection and Appointment					
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
Training and Compensation					
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 2-1
(CONTINUED)

	Private Attorney	Staff Attorney	GAL Model Law Student	CASA/ Attorney	CASA No Attorney
Independence from Court and Agency					
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
Judicial and Mediation Activity					
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

Under the Law Student and one Staff Attorney model, GALs were expected

to maintain a client-attorney relationship with older children and advocate

the child's wishes to the court, as opposed to presenting what the GAL be-

lieved were the child's best interests. However, GALs under these models

were expected to inform the judge if they had serious reservations or be-

lieved the child's wishes were dangerous or not in the child's best inter-

ests. Under all other models, GALs were to argue in the child's best inter-

ests regardless of whether the child agreed. Again, however, the GAL was to

inform the judge if there was a serious disagreement, who would then decide

the course of action. All programs reported, however, that this sort of dis-

agreement between GAL and child rarely occurred.

Appointment and selection of GALs. For the unassisted CASA, Private

Attorney and Staff Attorney models, GALs were assigned to virtually all abuse

and neglect cases at the time the initial petition was filed. For the Law

Student model and CASA/Attorney model, the students and CASAs were assigned

at various points in the case and only for selected cases. Law students were

assigned a set number of cases to meet the educational needs of the students

and were appointed either at the time the initial petition was filed or for

a review hearing. CASAs in the CASA/Attorney model were typically assigned

prior to the initial dispositional hearing for cases the judge felt required

additional attention and close monitoring. Only the pure CASA and CASA/

Attorney models reported they tried to match CASAs with particular cases

based on specific criteria.

Except for the Law Student model, the same GAL was expected to serve for

the duration of the case. Law students typically stayed with the case only

for the time they were involved with the law clinic, typically one year.

GAL training and compensation. Private attorneys were required to receive little or no training in abuse or neglect issues or the GAL role prior to being assigned cases. Staff attorneys received informal training from more experienced attorneys. Law students and CASAs received formal training before being assigned cases and continuing training while serving as a GAL. Only attorneys were paid to served as GALs. Private attorneys received a fee set by the court. At one site attorneys were compensated at a considerably lower rate than the other attorney site. Staff attorneys received a regular salary. Attorneys had a high caseload, particularly staff attorneys who had as many as 250 cases per year. Law students and CASAs had small caseloads, usually only one or two cases at a time but as many as six.

Judicial and agency independence. All but one of the GAL program models was to some extent dependent on the juvenile court. The Private Attorney and the pure CASA models were the most directly connected to the court, as the CASA models were administratively part of the juvenile court and received their funds from the court's budget. The Court Clerk had administrative responsibility for these programs and the presiding juvenile court judge oversaw the program to some extent. The private attorneys were appointed by the court and dependent on the court for payment.

The CASA/attorney programs were formally independent of the court, but the CASAs were appointed by the court at the judge's discretion. The judge was not bound to appoint a CASA to any case and the CASAs were usually appointed to perform specific tasks for the judge. The court had also been influential in starting and maintaining these CASA programs. The judges assigned a minimal number of cases to the law student programs. Only the staff attorney programs had complete independence from the court. They were

administratively independent, received separate funding and were automatical-
ly assigned cases.

While GALs under all models were expected to conduct their own investi-
gations, this did not always occur, especially under the Private Attorney
model. Attorneys often used the agency investigation to inform themselves
of the case, according to respondents. Staff attorneys were also cited for
their over-reliance on information uncovered by the agency.

Judicial and mediation activities. CASAs under both models were gener-
ally viewed as having excellent investigation and mediation skills. Respon-
dents also stated CASAs were good at reporting interpersonal aspects of the
case, such as parent-child interaction, and at following-up on the case be-
tween 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.

Assessment of GAL Activities

Judges and state attorneys assessed GAL activities and the GAL programs
on several dimensions. These assessments, described in detail in the preced-
ing sections, included the following:

- 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

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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.

o 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.

o 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.

o 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.

o 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.

Problems with the Models

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.

o 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.

o 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.

o CASA Model. As with the CASA/attorney model, respondents noted that CASAs sometimes became too emotionally involved with their cases, particularly sex abuse cases.

o Law Student Model. Respondents felt that law students' inexperience sometimes was a problem for them in doing their work and sometimes slowed things down.

o Staff Attorney Model. The only problem noted by respondents for this model was that caseloads of the attorneys sometimes became too high, which interfered with their ability to spend sufficient time on the case.

Respondent identified the most problems with the Private Attorney model.

Private attorneys were poorly compensated, untrained and were not likely to

serve for the duration of the case. They also were considered too dependent

on the child welfare agency for information and did not conduct thorough

predispositional investigations. In addition, respondents felt private

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attorneys were ineffective in obtaining services for the child, appropriate

placements, facilitating service delivery and expediting court processing.

GALs under the other models perform well on the process variables and

CASAs appear to be particularly strong. Unlike GALs under the other models,

the CASAs were more likely to be matched to their cases, had more contact

with the child and monitor the case after the dispositional hearing.

CHAPTER 3

GAL IMPACT:

QUANTITATIVE ANALYSIS AND

NETWORK INTERVIEWS

One of the primary goals of the study was to compare the effectiveness

of GAL program models in serving the child's best interests. Guided by the

study research questions and list of child's best interest outcomes and GAL

processes developed through a survey of experts (see Volume III, Appendix A),

we developed quantitative outcome measures that reflected the best interests

of the child from the case record data. We then used these measures to

assess GAL impact under each of the five models using standard statistical

techniques.

This Chapter presents the results of these analyses. Before discussing

the findings, however, we note that there are several limitations to the use

of case record data to evaluate GAL program models. These problems, dis-

cussed in detail in Volume III, Appendix B, include lack of a true random

sample of case records at each site, site variations in record keeping and

the partial compounding of sites and GAL models. Differences in record keep-

ing limited the type of variables available for analysis. Many important

measures of GAL activity, such as time spent on case, are simply not recorded

in agency or court records and thus could not be examined. Other variables,

such as time the GAL spent on the case, were available in records at some

sites but not others, which also precluded using them for model comparisons.

Another possible problem with the use of records is that differences

found for the GAL model also reflect differences in individual sites. That

is, if County A employs a CASA model and County B an attorney model, compari-
sons of the two models will uncover differences due to the GAL model and due
to any policy and procedural differences employed in the two counties. It
thus becomes difficult to determine whether differences are due to the pro-
gram model, or local county characteristics. Our solution to this problem
was to examine each GAL model in two different sites. In addition, for four
of the five models the two sites were in different states. This methodology
can be expected to weaken the effect of site differences and strengthen our
ability to find model differences. Nonetheless, some comparisons, particu-
larly those dealing with placements and court processing time, may be influ-
enced by site practices as well as GAL model.

Measures Used in the Case Record Analysis

The mission of the guardian ad litem is to ensure that the child's best
interests are served. Thus, development of appropriate quantitative measures
of GAL impact involved first defining what is meant by "child's best inter-
ests" and then operationalizing these definitions. Our primary method for
doing this was through a survey of child advocacy professionals who identi-
fied and reached a consensus among themselves on the meaning of child's best
interests. (This procedure is described in detail in Appendix A, Volume
III). We then constructed our case record extraction form to operationalize
these measures, based on the type of information we knew would be available
in agency case records. Our second consideration in developing the best
interest outcomes measures was to address the research questions for this
phase of the study. These questions are listed on page 1-6.

From these two sources, we developed six categories of quantitative out-
come measures that reflected the child's best interests. These categories
were:

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⊙ Legal Activities--An effective GAL would be active in court and be a mediator among parties.

⊙ Services and Placement--The child's best interests are served when the family receives appropriate services, obtains appropriate placement and is placed out-of-home for the shortest possible time.

⊙ Case Plan Changes--Changes in the case plan reflect careful monitoring and adjustment to the changing needs of the family. A dynamic case plan serves the child's best interests.

⊙ Timing of Judicial Action--When court actions occur promptly and when court jurisdiction is short, timely justice results, benefitting the child.

⊙ Case Goals--The goal of reunification of the family is the backbone of Federal policy regarding children in substitute care. Maintenance of this goal, or quick termination of parental rights if this goal is not feasible, serves the child's best interests.

⊙ Stability of GAL Representation--The child is best served when the same GAL serves for the duration of the case. The operationalizations of each category of measures are described in the following sections.

Legal Activities

The legal measures examined GAL activities at hearings and included whether the GAL attended each hearing, motions filed by the GAL at the hearing and exhibits and reports submitted to the court by the GAL. We also examined whether a written stipulation or written agreement between the agency and parent was submitted to the court at, or prior to, the adjudicatory hearing. For the CASA models, we included motions and evidence submitted by the CASA's attorney or attorney GAL as being submitted by the CASA.

Services and Placement

Measures of services and placement were our most comprehensive measures of case outcomes. We examined the number of orders issued by the court for treatment and evaluation at each hearing, the number of services ordered for the child and parent by the agency, the number of requirements listed in the

agency case plan for the child and parents, the number of out-of-home place-

ments the child had as well as:

- Time in out-of-home care. We computed the total number of months the child was placed out-of-home for closed cases.

- Mean time per placement. We computed the mean duration of each out-of-home placement for all cases.

- Placement with relatives and siblings. We computed the proportion of placements where the child was placed with a relative and with one or all siblings.

- Match of services and requirements. To determine whether the family was receiving appropriate services, we computed the proportion of services required by the agency for the parent and child that matched agency requirements with the case plan. For example, if the case plan specified the parent needed to end a drug dependency and improve parenting skills and required the parent to attend parenting classes and a drug treatment program, the case would be given a 100 percent match. If only the parent class was required and there was no mention of a drug treatment service, the match score would be 50 percent.

Case Plan Changes

We counted the number of changes in services or requirements made fol-

lowing each court hearing. We computed the mean number of changes ordered

per hearing and whether the change was for adding new services, dropping ser-

vices, changing placement, visitation rights or case goals.

Timing of Judicial Action

The judicial action variables measured how quickly the court dealt with

the case. The measures were (1) total time the case was under court juris-

diction (for closed cases), (2) the average time between all hearings,

(3) the average time between court reviews and (4) the time from the filing

of the initial petition to the first dispositional hearing.

Case Goals

There were three dichotomous measures of changes in case goals. We examined (1) cases with an initial goal of reunification whose final goal was either reunification or any other goal, (2) cases with an initial goal of reunification and final goal of adoption or termination of parental rights (TPR) and (3) cases with a goal other than reunification whose final goal became reunification or remained another goal.

Stability of GAL Representation

These measures included whether the child had the same GAL for the duration of the case and if not, the number of GALs he or she had. We also computed the mean time from the filing of the initial petition to appointment of the GAL.

In the remainder of this chapter, we present the results of the analysis of these variables. Each category of best interest outcome measure is discussed separately. At the end of each section, we assess how well each GAL model performed in the area. This chapter concludes with a summary of the GAL impact findings.

DESCRIPTION OF THE CASE RECORD SAMPLE

The five GAL program models were compared on each of the measures using the data from 245 case records. A description of the demographics of the case record sample by model is shown in Exhibit 3-1. Figure 3-1 shows the demographics for the entire sample combined. The sample was about equally split between males and females with 51.8 percent males, and slightly less than half of the total sample was white (38.8 percent). A large proportion of the sample was black (35.5 percent) and Hispanics were also represented

(8.3 percent). The mean age of the children at the time the filing of the petition alleging abuse or neglect was about 7 years old and varied little by model. These demographics closely correspond to the characteristics of abused children identified in national studies of this population (e.g., National Reporting Study of the American Humane Association and the Voluntary Cooperative Information System).

The main type of maltreatment found in the sample was neglect, followed by abandonment and parent unwillingness to care for the child. Parent problems, such as parent mental illness or drug abuse, and physical abuse of the child were the next largest types of maltreatment. A large percentage of the total sample (38.8 percent) had a prior history of abuse recorded by the agency. These findings also are consistent with those found in other studies of maltreated children served by public agencies.

GAL MODELS AND LEGAL ACTIVITY AT HEARINGS

An effective guardian ad litem can be expected to serve the child's best interests by being active on the child's behalf at all hearings. To be able to help the child the GAL must attend all hearings. Submission of motions and exhibits may strenghten the GAL's case on the child's behalf. Thus, we recorded whether the GAL was present at the hearing, whether the GAL filed reports and motions at the hearing and whether the GAL submitted exhibits. We had few other measures of GAL activity at hearings, or of time spent preparing for hearings. We computed (1) the percentage of the child's hearings the GAL attended, (2) the percentage of hearings at which the GAL filed a motion, (3) the number of motions filed and (4) whether the GAL filed any

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Exhibit 3-1

Demographics of Case Record Sample
by GAL Model

	Private Attorney	Staff Attorney	Law Student	CASA/ Attorney	CASA No Attorney
		GAL Model (Percent of Category Total)			

	Private Attorney	Staff Attorney	Law Student	CASA/ Attorney	CASA No Attorney
Sex					
Male (N=127)	21.3	26.8	15.0	20.5	16.5
Female (N=118)	18.6	31.4	6.8	20.3	22.9
Race					
White (N=116) (Non-Hispanic)	31.9	15.5	3.5	23.3	25.9
Black (N=86) (Non-Hispanic)	7.0	38.4	22.1	26.7	5.8
Hispanic (N=20)	10.0	80.0	5.0	0	5.0
Asian (N=3)	0	0	33.3	0	66.7
Native American (N=6)	16.7	0	0	0	83.3
Not Known (N=11)	18.2	18.2	18.2	0	45.4
Main Type of Maltreatment					
Neglect (N=60)	20.0	26.7	5.0	31.7	16.7
Physical Abuse (N=39)	20.5	30.8	2.6	20.5	25.6
Sex Abuse (N=22)	9.1	36.4	0	13.6	40.9
Abandonment/ Unwillingness to Care for Child (N=58)	24.1	31.0	13.8	15.5	15.5
Parent Problem (N=42)	19.1	28.6	'23.8	19.0	9.5
Child Problem (N=24)	20.8	20.8	20.8	12.5	25.0
Prior History of Abuse (N = 95)	16.8	35.8	8.4	24.2	14.7
Mean Age of Child at Filing of Petition (N=245)	7.2	7.0	6.3	6.9	7.1

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FIGURE 3-1
Sex, Ethnicity and Type of Maltreatment for Total Case Record Sample

SEX

FEMALE 48.2%

MALE 51.8%

ETHNICITY

ASIAN 1.2%

NA AMER 2.5%

NOT KNOWN 4.6%

HISPANIC 8.3%

WHITE 47.9%

BLACK 35.5%

72
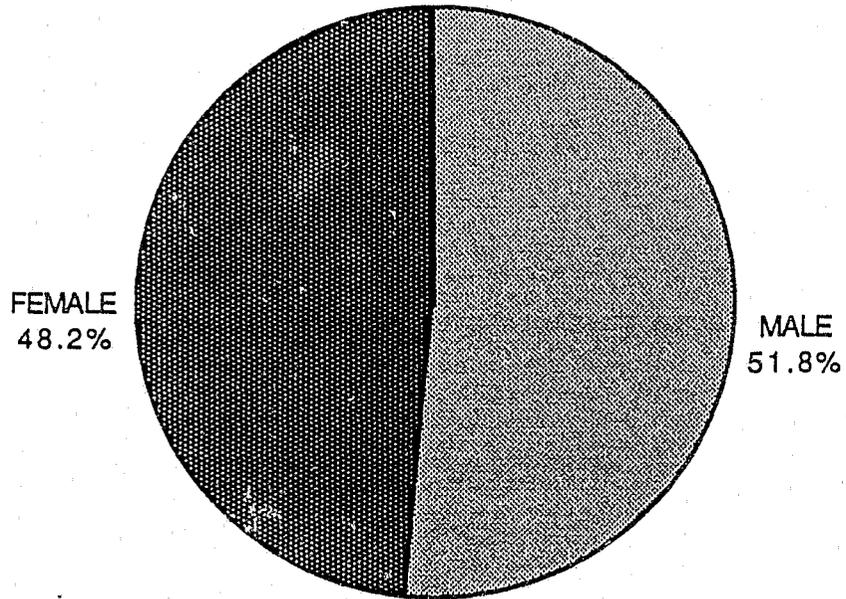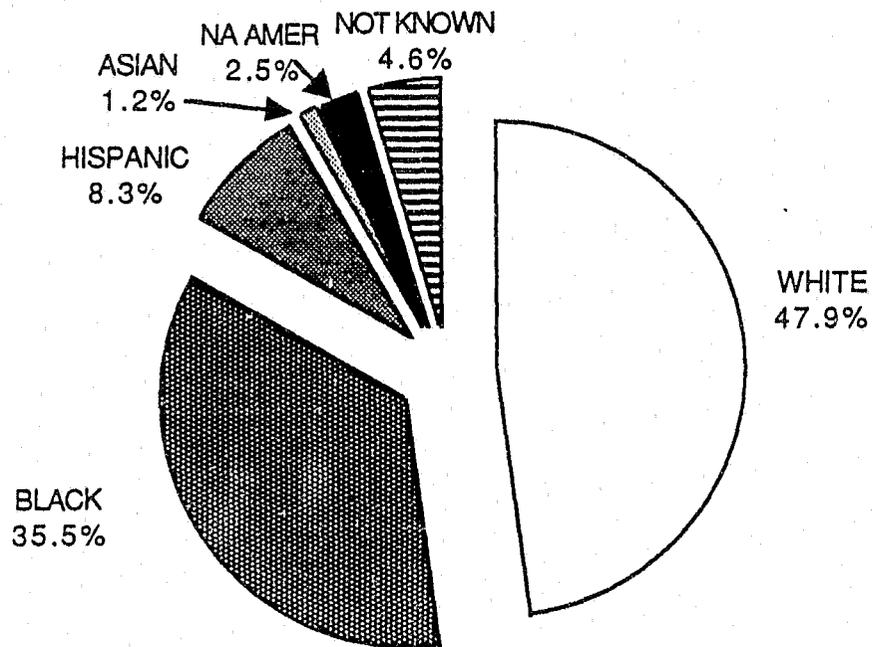
FIGURE 3-1
(CONTINUED)

TYPE OF MALTREATMENT

CHILD PROBLEM
9.8%

NEGLECT
24.5%

PARENT PROBLEM
17.1%

PHS. ABUSE
15.9%

ABANDONED
23.7%

SEX ABUSE
9.0%

73
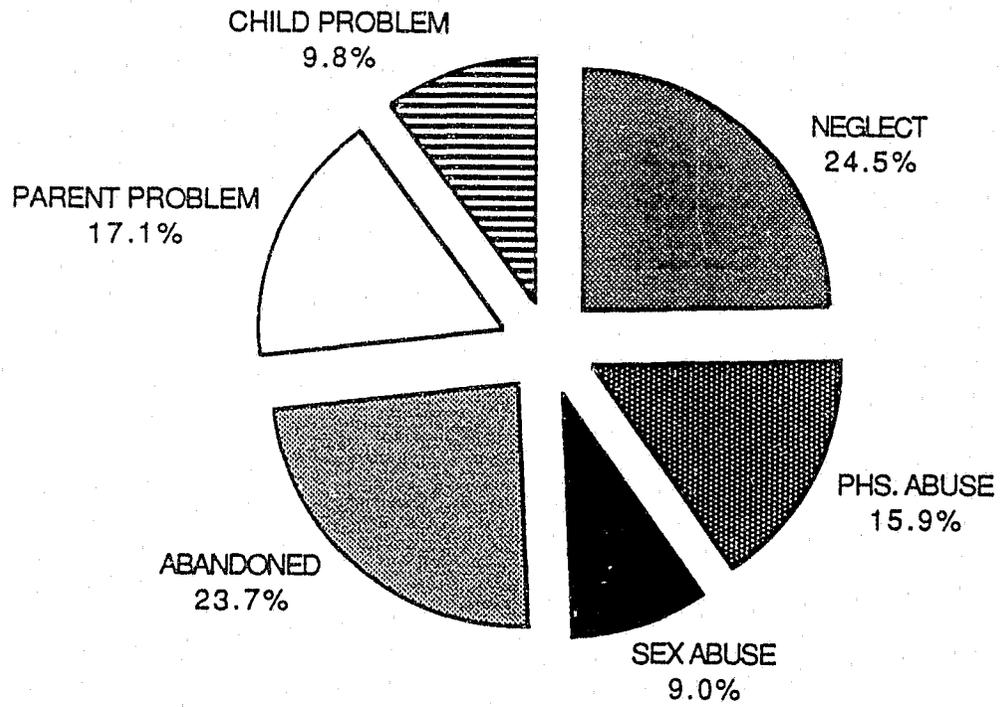
reports or exhibits at any hearing. As only one exhibit was filed by a GAL at a hearing we were not able to examine this variable. However, we compared the five program models using the remaining three measures.

Exhibit 3-2 shows few differences among the models on these measures of legal activity. The only statistically significant differences found was in percentage of hearings attended by the GAL. In four of the five models GALs were present for 74.5 percent to 82.2 percent of all court hearings of the child's case. For the CASA/Attorney Model, the CASA attended only 43.6 percent of hearings (F $(4,208)$ = 15.4, $p <$ .001). However, this percentage counts only attendance by the CASA GAL and not the attorney GAL, and, in this model, the CASA was appointed by the judge only for specific reasons and often for a limited time (see Chapter 2). In addition, due to a coding error, information on GAL presence at hearings was collected from only one of the two CASA/attorney sites. Thus, this percentage may not accurately portray GAL representation of the child under this model.

Exhibit 3-2 also shows that GALs infrequently submitted written motions at hearings. More motions were submitted under the two CASA models, while the law students submitted few motions and private attorneys did not submit any written motions in any of the cases we reviewed. However, these differences do not meet conventional significance levels. We should also note that the attorneys may have submitted motions orally during hearings which our study methodology could not have measured. The data do suggest, however, that under the CASA models, the GAL may be more likely to rely on formal, written motions to the court.

This tendency by CASAs to report to the court in written form is clearer when we examine whether written reports were filed with the court. The CASA

Exhibit 3-2

GAL Activity at Hearings
by Model

	Private Attorney	Staff Attorney	GAL Model Law Student	CASA/ Attorney	CASA No Attorney	Total
Percentage of Hearings Attended	82.2 (N=49)	78.3 (N=70)	75.0 (N=27)	43.6* (N=201)	74.5 (N=47)	74.6 (N=213)
Mean Number of Written Motions Filed	0 (N=47)	0.2 (N=66)	0.1 (N=27)	0.4 (N=49)	0.3 (N=44)	0.2 (N=233)
Percentage of Hearings Where Motions Filed	0 (N=47)	3.2 (N=66)	1.7 (N=27)	5.3 (N=49)	4.1 (N=44)	3.0 (N=233)

*$p < .05$ difference from other models. However, this percentage counts only attendance by the CASA GAL and not the attorney GAL. No other differences are statistically significant.

GALs were much more likely to submit written reports to the court than GALs under the other models. Written reports were submitted to the courts for 93 (38 percent) of the 245 cases. In all but seven of these cases, reports were submitted by CASA GALs, with law students submitting no reports and only one report submitted by a private attorney.

As a final measure of GAL legal activity, we examined whether a written stipulation or agreement between the agency and parents was developed and submitted to the court prior to or at the adjudicatory hearing. Such agreements serve the child's best interests by preventing lengthy legal battles that may be traumatic to the child. Negotiated agreements also tend to expedite court action. Written agreements were reached in 96 (43.7 percent) of the 220 cases for which we had this information and were more likely to be developed under the Law Student and CASA/No attorney model. A written agreement was developed in 65.4 percent of the law student cases and 63 percent of the CASA/No Attorney cases, but in only 21.5 percent of staff attorney cases, 40 percent of private attorney cases and 47.4 percent of CASA/attorney cases ($X^2 = 25.4$, df = 4, p < .001). These findings again suggest that attorney GALs rely less on formal written methods to perform their courtroom role. Other than this finding, no model appears better on the legal activities measures representing the child's best interests.

GAL MODELS AND SERVICES AND PLACEMENT

Assistance in obtaining appropriate services to the family and placement for the child is at the heart of the GAL role. An effective GAL serves the child's best interests by helping ensure that specific treatment and services are ordered by the court and that the agency will prescribe these services,

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which will assist the families in meeting case plan requirements and alleviating family problems. Fortunately, information on services and placement is typically well documented in agency records. Consequently we were able to develop three measures of services and five measures of placement with which to compare the GAL models.

The three service measures we constructed to assess GAL activity were (1) the total number of services ordered, (2) the mean number of services ordered per hearing and (3) the percentage of services ordered that matched the requirements of the case plan. We defined these services as "appropriate" services. For example, if the case plan required the parent to stop drug abuse and improve parenting and ordered drug treatment services and parenting classes, as score of 100 percent appropriate services would be computed. If only the parenting class was ordered, the appropriate service score would be 50 percent. The appropriate services measure was computed separately for services ordered for the parent, the child and for all services combined.

Exhibit 3-3 compares the GAL models on the service measures. The models differ on the number of specific court orders for treatment or services $(F(4,219) = 27.5, p < .001)$. The unassisted CASA model had the most treatment orders in the child's record (25.1) followed by the CASA/Attorney model and Staff Attorney models. Very few specific orders were entered in records for the Private Attorney and Law Student models.

We also compared the mean number of specific orders for treatment or service per hearing, computed by dividing the total number of orders by the total number of hearings held for the child. Again, we found substantial differences by model $(F(4,219) = 34.0, p < .001)$ with the unassisted CASA

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Exhibit 3-3

Court Ordered Services and Match of
Services and Requirements
by Model

	Private Attorney	Staff Attorney	GAL Model		CASA No Attorney	Total
			Law Student	CASA/ Attorney		
Mean Number of Court Ordered Services	1.3*** (N=33)	10.8** (N=68)	2.1*** (N=27)	13.1** (N=44)	25.1* (N=48)	11.9 (N=220)
Mean Number of Court Ordered Services Per Hearing	0.2*** (N=33)	1.7** (N=68)	0.7*** (N=27)	1.9** (N=44)	2.9* (N=48)	1.7 (N=220)
Percentage of Appropriate Services Ordered For Parent	25.0*** (N=44)	36.8** (N=66)	13.5**** (N=24)	45.9** (N=46)	54.2* (N=43)	37.2 (N=223)
Percentage of Appropriate Services Ordered For Child	57.4 (N=29)	58.2 (N=37)	28.8 (N=11)	58.2 (N=38)	60.9 (N=30)	56.4 (N=145)

Note: Means with different number of asterisks differ from each other at
p < .05 by Student-Newman-Keuls test. For example, on mean number of
court ordered services, Private Attorney and Law Student Models do not
differ significantly from each other, but do differ significantly from all
other models.

model having the highest number of orders per hearing (2.9) followed by the CASA/Attorney and Staff Attorney models. The Law Student and Private Attorney models averaged less than one specific treatment order per hearing.

Similar findings were revealed in the analysis of the percentage of appropriate services provided. While no statistically significant difference was found for the child requirement-service match, the differences were significant for the parent ($F(4,218) = 11.6$, $p < .001$) and for total services combined ($F(4,234) = 10.6$, $p < .001$). This latter finding is shown in Figure 3-2. The match of services and requirements was highest under both CASA models for both measures, followed by the Staff Attorney model. Private Attorney and Law Student models had the smallest percentage of appropriate services required by the agency for the parent and the case as a whole. In sum, families under the CASA models were more likely to have a more specific services ordered for them by the court and to have a higher percentage of appropriate services required of them by the agency. The Staff Attorney model also had a high number of specific orders and appropriate services, while the Private Attorney and Law Student models fared poorly under these measures.

Measures of placement. We computed five measures reflecting the child's out-of-home placement experience that are in the child's best interests. We compared the models on the total time the child spent in out-of-home placement for closed cases only, assuming shorter out-of-home placements were in the child's best interests. Although this may not always be the case, it corresponds to Federal policy developed under the Adoption Assistance and Child Welfare Act (P.L. 96-272) and was identified by our expert survey as an appropriate measure of GAL effectiveness.

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FIGURE 3-2
Percent of All Appropriate Services Ordered
by GAL Model
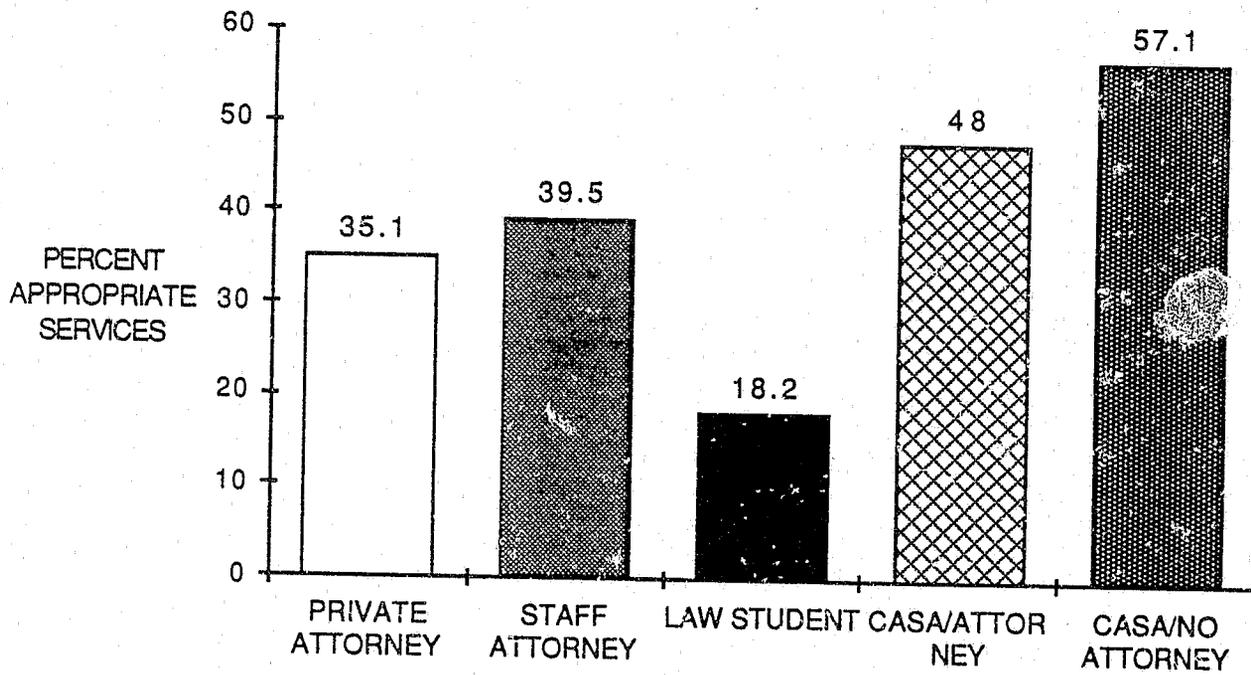
Note: Both CASA models are significantly higher than all other models
at $p < .05$ by Student Newman Keuls Test.

When a child is placed out-of-home, Federal policy and good child welfare practice dictate that the experience should inflict as little trauma as possible on the child and family. Thus we counted the total number of out-of-home placements and the mean time of each placement, assuming fewer placements and longer times per placement were preferable for the child. Few placements and longer times in individual placements generally would mean greater stability for the child. We also computed the proportion of placements with relatives and the proportion of placements with siblings for children who had siblings. Higher proportions of each type of these placements were believed to be in the child's best interests since they represented less disruption for the child.

In conducting the analyses for these variables, we did not include 16 cases that had been in out-of-home care continuously since prior to 1981. Due to their long times in care, these cases had an undue influence on group means and had the potential to give misleading findings when comparing the models on these measures. In addition, many states altered their foster care policies following the passage of P.L. 96-272 in 1980 and thus cases active prior to that time were likely not to reflect current policy, practice or GAL activity.

All but 14 of the children we studied spent some time in out-of-home placement. The mean time out-of-home for the closed cases was 17.8 months and children spent an average of 7.9 months at each placement. A relatively small percentage of placements were with relatives (16.1 percent). Of the 231 children who were placed, 66 did not have siblings. Children who had siblings were placed with one or more of their siblings an average of 51.2 percent of the time.

The analyses for the five placement variables revealed no significant differences among models for four variables. The only significant difference found was for mean number of placements. Children under the unassisted CASA and Private Attorney models had the highest mean number of placements, while children under the Staff Attorney model had the fewest mean number of placements. Exhibit D-1, Volume III shows the means for these analyses.

While the analysis of variance revealed no significant difference among models on the percentage of placements with siblings, examination of the group means revealed that there was a lower proportion of placements with siblings under the two attorney models. Therefore, we combined the two attorney models and compared this mean with the mean of the combined three non-attorney models on this measure. Under this analysis, there were significantly fewer placements with siblings under attorney models (mean = 42.7 percent) than under the non-attorney models (mean = 58.5 percent; $t(163)$ = 2.36, $p < .05$).

Thus, in assessing the impact of GAL involvement on placement outcomes in the child's best interests, our data found the only difference among models to be that children were less likely to be placed with siblings under attorney models and had the fewest number of total placements under the Staff Attorney model.

CASE PLAN CHANGES BY GAL MODEL

Guardians ad litem can best serve the child by monitoring their cases after the initial dispositional hearing and to continue to advocate for the child's best interests. If the child's needs change over time, the GAL

should ensure these needs are addressed and advocate for changes in the fam-
ily case plan where necessary. These changes could include adding new servi-
ces or requirements or dropping old ones, changing the case goal, changing
placement or changing visitation requirements. About 75 percent of cases in
our sample had at least one court ordered change in the case plan during the
time the family was served by the agency. Frequent changes in case plan
reflect more monitoring activity and can be considered a measure of GAL
effectiveness. We measured case plan changes by (1) computing the percentage
of cases that had one or more court ordered changes, (2) by computing the
mean number of changes per case, (3) by computing the mean number of hearings
where changes were made and (4) by computing the mean number of changes made
per hearing.

Figure 3-3 shows the percentage of cases that had changes for each
model. Changes were most frequent under the Staff Attorney and unassisted
CASA model, where 80 and 95.8 percent of cases had court ordered changes,
respectively. Cases under the CASA/Attorney model had the fewest percentage
of changes, 55.1 percent. These differences were statistically significant
$(X^2 = 24.4, df = 4, p < .001)$.

The most frequent types of changes were to add a new service or require-
ment (33.9 percent of all changes) and change in placement (26.9 percent).
Court ordered changes in case goals were infrequent, only 5.7 percent of all
changes. All types of changes were generally more frequent under the Staff
Attorney and unassisted CASA models, and most infrequent under the Law Stu-
dent model. Exhibit D-2 in Volume III shows these findings in greater
detail.

FIGURE 3-3
Percentage of Cases with Court
Ordered Changes by GAL Model
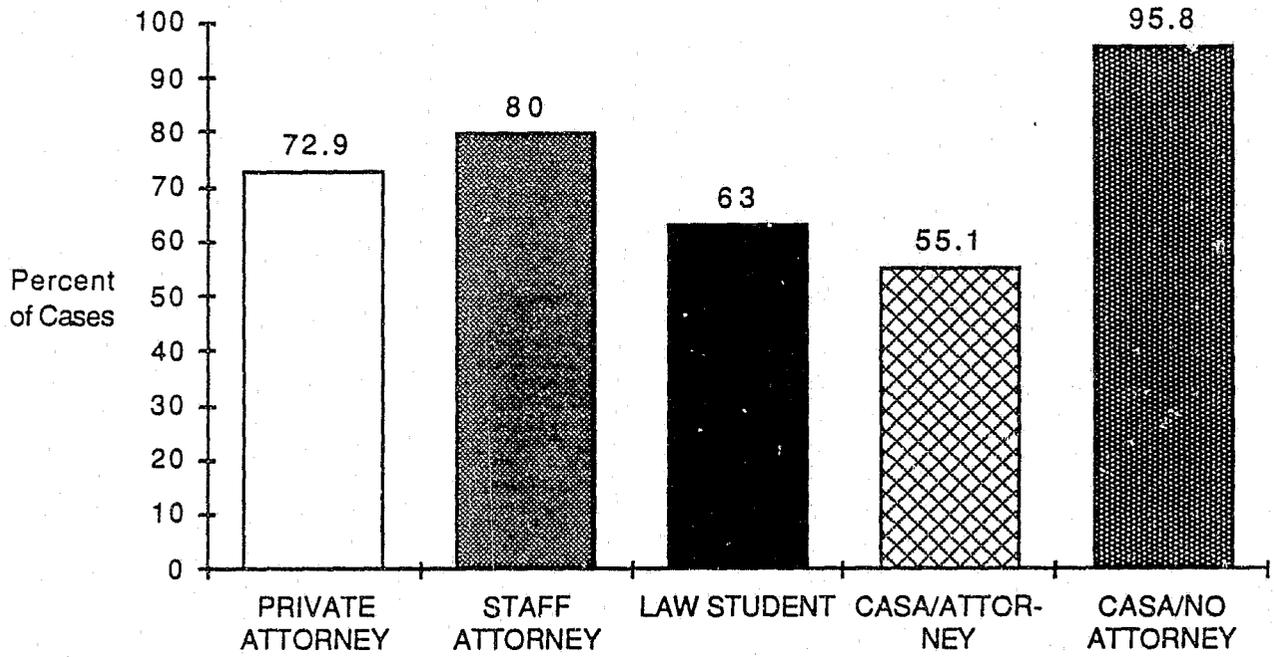
Note: Differences among models are significantly different at
p < .001 by chi-square.

The unassisted CASA model also fares best on two of the other measures of case goal changes. There were significantly more changes made under this model than in other models ($F(4,177) = 5.17$, $p < .001$) -- a mean of 5.2 changes made per case compared to slightly more than 2 for the Law Student model and more than 3 for the other models. The unassisted CASA model also had significantly more hearings where changes were ordered by the court ($F(4,177) = 3.79$, $p < .01$) than the other models, particularly the Law Student model, where changes were made in an average of 1.6 hearings compared to a mean of 3.5 for the unassisted CASA model. There were no significant differences among models on the mean number of changes ordered per hearing. Exhibit D-3 in Appendix D presents these findings in greater detail.

As reflected by the case goal changes measures, the unassisted CASA model shows the greatest evidence of case monitoring by GALs.

TIMING OF JUDICIAL ACTION AND GAL MODELS

The delivery of timely justice is a primary goal not only in child advocacy but throughout the legal system. It is generally in the child's best interests to have the case in the courts for as short a time as possible. We examined the five GAL models to determine whether they differed on expediting court action. We used four measures to assess the speed of court action (1) the time from filing of the initial petition to the first dispositional hearing, (2) the mean time between all court hearings, (3) the mean time between periodic court reviews and dispositional hearings. The hearings counted here were those required by P.L. 96-272; and (4) the total time the case was under court supervision. This latter measure included only closed

cases and excluded two cases that had been under court supervision continu-
ously since prior to 1981, as was done in the analysis of time in out-of-home
placement. The analysis for time to dispositional hearing also excluded
these cases.

In conducting these analyses, we assumed that shorter times were in the
child's best interests. The time period from the filing of the initial posi-
tion to the first dispositional hearing can be unsettling and traumatic for
the child as the court, agency and GAL decide what is best for the family.
The first dispositional hearing marks the beginning of some stability for the
child and thus it is in the child's interest to make this transitional period
as short as possible. Frequent case reviews are also in the child's best
interest as they have been found to be related to shorter times in substitute
care (Hubbell, Hirsch and Condelli, The Evaluation of Reunification in Foster
Care, 1986, Final Report to ACYF). Finally, it is in both the family and
state's interests to keep the time the case is under court supervision to a
minimum due to the family disruption and resulting cost to society.

There was considerable variation among models on two of the measures,
time to first dispositional hearing and total time the case was under court
supervision. A handful of cases took excessively long before the initial
hearing occurred and were under court supervision for periods of time greatly
exceeding the mean time of the other cases. Consequently, we report the
median time, rather than the mean time for these two measures.

Exhibit 3-4 presents the results by model for all judicial time mea-
sures. Except for the CASA models, the models do not differ on median time
to the first disptional hearing, taking from three weeks to 1.8 months on the
average to hold this hearing. The CASA/Attorney model averaged a median of

Exhibit 3-4

Timing of Judicial Actions and
GAL Models

	Private Attorney	Staff Attorney	GAL Model Law Student	CASA/ Attorney	CASA No Attorney	Total
Median Months to First Dispositional Hearing	1.8 (N=35)	0.8 (N=67)	1.1 (N=22)	3.7 (N=38)	2.1 (N=44)	1.6 (N=206)
Mean Months Between All Court Hearings	6.3** (N=49)	3.3* (N=71)	6.8** (N=27)	5.5** (N=49)	3.5* (N=48)	4.8 (N=244)
Mean Months Between Court Reviews	13.0* (N=44)	6.2** (N=65)	10.6* (N=26)	8.7^{tt} (N=49)	6.5** (N=44)	8.6 (N=225)
Median Months Under Court Supervision	15.4 (N=12)	24.9 (N=15)	22.1 (N=8)	35.8 (N=19)	21.7 (N=30)	23.5 (N=84)

Note: Means with different number of asterisks differ at $p < .05$ by Student-Newman-Keuls test. For example, on mean months between court reviews, the Staff Attorney model differs significantly from the Private Attorney and Law Student models but not from the CASA-No Attorney model. The Private Attorney and Law Student models also do not differ from each other on this measure.

tt Differs only from Private Attorney model by $p < .05$ by Student-Newman-Keuls test.

3.7 months before the hearing occurred. This is possibly due to the fact that CASAs were appointed under this model only for difficult cases. These cases thus took longer to investigate and this delayed the proceedings. Cases under the unassisted CASA model took more than two months to reach the dispositional phase, also possibly due to longer investigation times needed by the volunters.

Figure 3-4 illustrates the findings for the two court hearing time measures. The Staff Attorney and unassisted CASA models had the shortest times between court hearings, whether we counted all hearings or only periodic review hearings $(F(4,239) = 8.7, p < .001,$ all hearings; $F(4,223) = 9.9, p < .001,$ review hearings). Under these models cases had a court hearing an average of about once every three months and a periodic review about once every six months. The Private Attorney and the law student models had hearings least frequently with a hearing about once every six months and one formal court review every 10.6 months for law students and every 13 months for private attorneys.

There was little difference among models on median times cases were under court supervision. The CASA/Attorney cases were noticeably higher than the other models. As with median time to first dispositional hearing, this may again be due to the most difficult cases being assigned CASAs under this model. The analysis for total time under court supervision, however, was complicated by small sample sizes, as we used only closed cases in this analysis. For example, only eight cases could be used for the Law Student models, and 12 cases for the Private Attorney model. Thus, the finding may not adequately reflect the total population of cases.

FIGURE 3-4
Mean Months Between Court Reviews
by GAL Model

MONTHS

PRIVATE ATTORNEY: 6.3 (All Hearings), 13 (Court Reviews)
STAFF ATTORNEY: 3.3 (All Hearings), 6.2 (Court Reviews)
LAW STUDENT: 6.8 (All Hearings), 10.6 (Court Reviews)
CASA/ATTORNEY: 5.5 (All Hearings), 8.7 (Court Reviews)
CASA/NO ATTORNEY: 3.5 (All Hearings), 6.5 (Court Reviews)

Legend: ALL HEARINGS   COURT REVIEWS
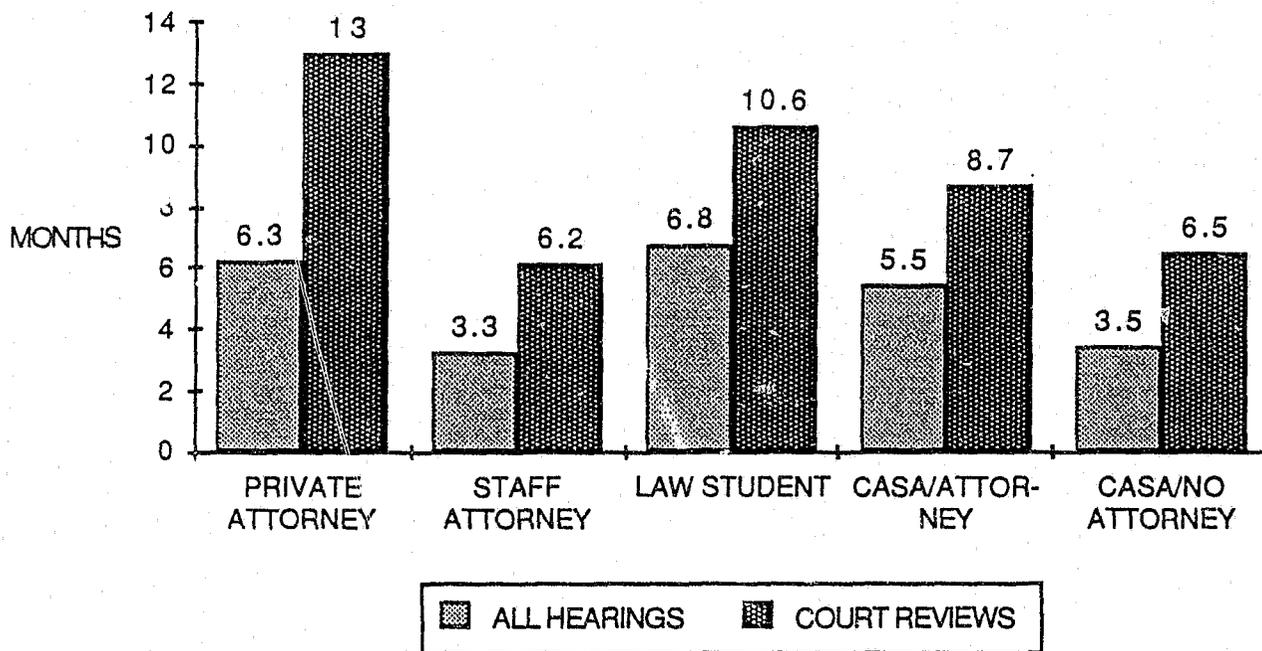
Note: Staff Attorney and CASA No Attorney models differ significantly from all other models for both measures at $p < .05$ by Student Newman Keuls test.

CASE GOALS AND GAL MODELS

Since the passage of P.L. 96-272, the Federal government has emphasized the goal of reunification of families of children that are placed in the state foster care systems as being in the child's best interests. Children should be placed out-of-home for the shortest possible time in the least restrictive setting. If reunification does not appear possible, the agency should move toward finding a permanent home for the child, including an adoptive home, and terminate parental rights where necessary. We used our case record sample to assess whether there were differences among GAL models on case goal activity, assuming effective guardian ad litem representation would be reflected in adherence to this policy and thus serving the child's best interests.

We recorded the initial case goal of the child when he or she first came under agency supervision and the child's final or current case goal. From this information we developed three dichotomous measures: (1) for cases with an initial goal of reunification we compared cases that maintained this goal with cases that had changed to another goal, assuming more effective representation would be reflected in a greater proportion of cases adhering to the reunification goal; (2) for cases with an initial goal other than reunification we compared cases that switched to a final goal 'f reunification with those that continued not to have reunification as a goal. For this measure, we would expect a higher proportion of cases changing to reunification under more effective GAL models. (3) For cases with an initial goal of reunification we compared cases that had switched to adoption with those that had switched to any other goal. A change to adoption in cases where reunification is not possible is in the child's best interests as it allows for

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greater stability for the child. Thus better GAL representation in this area should be related to a higher proportion of changes to adoption. A chi-square analysis was conducted on each of these measures by GAL model.

We had case goal information on 236 of the 245 cases in our sample. Of these, 200 had an initial goal of reunification. As shown in Figure 3-5, the models differed on the proportion of cases that maintained this initial goal of reunification ($X^2 = 14.03$, df = 4, p < .01). Cases under the Staff Attorney and CASA/Attorney models were most likely to maintain an initial goal of reunification than under the other models. The Law Student model had the fewest number of cases that maintained reunification as a goal, with only 36.8 percent maintaining this initial goal. The Private Attorney and unassisted CASA model both had over 60 percent of their cases maintain the initial reunification goal.

Exhibit D-4, Appendix D, shows the results of the analyses for the other two measures. Only three cases had their goal changed to reunification from a different initial goal, an insufficient number with which to draw conclusions. However these cases were from the Staff Attorney and CASA/Attorney models. Of the 63 cases that changed their initial goal from reunification, 39.7 percent changed to a final goal of adoption. While the CASA models had the highest proportion of cases switching to adoption, this difference was not statistically significant. Thus, of the three measures, only maintaining an initial goal of reunification was significantly different by model, with the CASA and Staff Attorney models coming out better. The two other measures also suggest the superiority of these models, although differences were not statistically significant.

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FIGURE 3-5
Percent of Cases That Maintained
Initial Case Goal of Reunification
by GAL Model
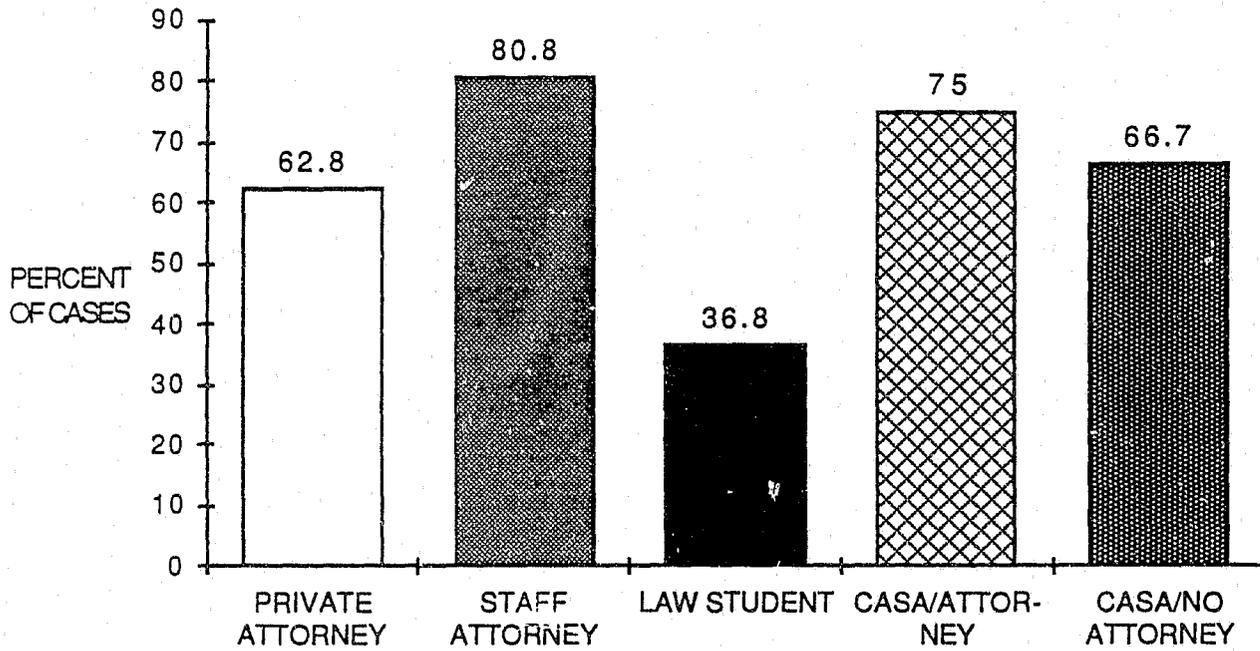
Note: Differences among models are significantly different at p < .01
by chi-square.

GAL MODELS AND THE STABILITY OF GAL REPRESENTATION

For our final set of analyses with the case record data, we examined whether the child had the same GAL for the duration of the case and if not, the number of GALs he or she had by model. We also compared models on how quickly the GAL was appointed after the initial petition was filed. It is generally considered in the child's best interests to have only one guardian ad litem for the duration of the case, and if this is not possible, to change the GAL as little as possible. The GAL also should be appointed as early as possible in the case to enable him or her to assist the child as much as possible.

Exhibit 3-5 compares the models on whether the child ever had a GAL other than the current GAL. The Law Student model had the highest proportion of cases that had had prior GALs (70.4 percent). This finding was expected, as the law students usually served only during their training (typically one year) and were often unavailable to serve as GAL thereafter. The CASA/Attorney model had the most stable GAL representation, as all but one case (98 percent) had the same attorney-CASA GAL. The remaining three models were equivalent in the proportion of cases with the same GAL serving the entire case period. Exhibit 3-5 also shows that law student cases had an average of about two GALs, while cases under the other models had an average only slightly above one GAL, which was a statistically significant difference $(F(4,244) = 14.2, p < .001)$.

The models did not differ significantly on when the GAL was appointed. Exhibit 3-5 shows the median number of days from the filing of the initial petition to the appointment of the GAL. This analysis excludes cases that began prior to 1982, as GAL appointment practices were different at some of

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Exhibit 3-5

Number of Prior GALs and Time To
Appoint GAL by Model

| | GAL Model | | | | | |
	Private Attorney	Staff Attorney	Law Student	CASA/ Attorney	CASA No Attorney	Total
Percent Had Prior GAL*	18.4	18.3	70.4	2.0	14.6	20.1
Percent Had No Prior GAL	81.6	81.7	29.6	98.0	85.4	79.9
N of Cases	49	71	27	49	48	244
Mean Number of GALs	1.3 (N=49)	1.3 (N=71)	2.1^t (N=27)	1.0 (N=49)	1.2 (N=48)	1.3 (N=244)
Median Days to GAL Appointment from Filing of Initial Petition	1.0 (N=47)	0.0 (N=70)	0.0 (N=26)	0.0 (N=49)	11.5 (N=48)	0.5 (N=240)

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*X^2 = 53.6, df = 4, $p < .001$

^{t} Different from other models at $P < .05$ by Student-Newman-Keuls test, overall
$F(4,239) = 14.2$, $p < .001$.

our study sites prior to this time. As there was great variability within models on when the GAL was appointed, the medians rather than the means more accurately reflect GAL appointment practices. The medians show the GAL was appointed either the same day or one day after the initial petition was filed in four of the five models. The CASA was appointed about 11 days after petition filing under the unassisted CASA model. Thus, there is little difference among GAL models on these measures.

CASE RECORD ANALYSIS: SUMMARY AND CONCLUSIONS

The case record analysis used the data from the court and social services records of 245 children and examined GAL impact in six areas related to serving the child's best interests: (1) legal activity, (2) services and placement, (3) case plan changes, (4) timing of judicial action, (4) case goals and (6) stability of GAL representation. A total of 27 outcome measures representing the child's best interests were developed on these topics. Of these, statistically significant differences were found on 16 measures. The measures and findings are summarized below and in Exhibit 3-6.

- o 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.

- o Services and placement. The CASA models, followed by the Staff Attorney model had more orders for treatment and evaluation per hearing entered into the court record and were more likely to have more appropriate services ordered by 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.

- o 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.

EXHIBIT 3-6

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
Legal Activity					
Percentage of Hearings GAL Attended				—	
Percentage of Hearings Where Motion Filed					
Mean Number of Motions Filed					
Number of Exhibits Entered					
Services and Placement					
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	—	—			

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EXHIBIT 3-6
(CONTINUED)

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

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EXHIBIT 3-6
(CONTINUED)

	Private Attorney	Staff Attorney	GAL Model Law Student	CASA/ Attorney	CASA /No Attorney
GAL Stability					
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.

o   Timing of judicial action. The CASA/Attorney model had the longest
    median time from filing of the initial petition to the first disposi-
    tional hearings. 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.

o   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 Attor-
    ney cases had the lowest proportion. There were no other differences
    among models on goal change measures.

o   Stability of GAL representation. Under the Law Student model, chil-
    dren 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 3-6 clearly shows the CASA models produced the greatest number

of outcomes in the child's best interests. On the 27 measures, the un-

assisted 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 effec-

tiveness than these two models. The CASAs and Staff Attorneys appear superi-

or on all measures where statistical differences were found. In comparisons

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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 more 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 appropirate 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 re-viewed 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.

NETWORK INTERVIEWS

The purpose of the network interviews was to obtain in depth

information on the GAL's activities from the perspective of all major

participants in the case. Since many key aspects of the GAL's work are not

recorded in case records or other sources, the only way to obtain this

information was through these interviews. For example, only through

interviews with the GAL could we determine the time spent investigating the

case, time monitoring the child's needs and sources the GAL used to keep

up-to-date on the case. Similarly, only the child or parent could tell us

the nature of interaction between the family and GAL during the case and how

thoroughly the GAL assessed the child's needs. Yet, this information is

related to the process by which the GAL serves the child's best interests

and thus was vital to the study.

The network interviews provided this information and served as the

study's third data source. However, due to our limited study budget, we

were unable to interview more than 18 networks. Consequently, we could not

conduct quantitative statistical analyses on network findings. Instead, we

present the information from the interviews narratively as case vignettes.

These vignettes provide a detailed picture of GAL activity and present

assessments of this work by the parent, child and caseworker. The vignettes

are presented in Appendix C, Volume III. Procedures for selecting networks

are described in Appendix B, Volume III. Here we present a brief summary of

the findings obtained by the case network vignettes.

SUMMARY OF FINDINGS: NETWORK INTERVIEWS

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.   The interviews focused on five topics

related to the GAL's casework:

- Investigation - the completeness of the investigation and the sources
  consulted during the investigation

- Independence of viewpoint - whether the GAL took positions or had a
  viewpoint different from the child welfare agency

- Contact with the child - whether the GAL contacted the child before
  hearings and the frequency of contact

- 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

- Resolution of disagreement - when there was disagreement between the
  GAL and agency or GAL and child, the resolution of the disagree-
  ment--did the GAL's viewpoint prevail?

Exhibit 3-7 presents a qualitative assessment of the GAL models on

these five dimensions based on the network interviews.   This matrix serves

as a general summary of the network interviews.   However, it should be noted

there was considerable variation within models on the type of case and on GAL

activity in several areas and that the matrix is also based on information

from only two or four cases per model.   However, we believe these cases

reflect typical GAL activity under each model.

Investigation.   Under all models, the GAL conducted an investigation of

the case.   Private attorneys tended to have the least extensive investiga-

tion, often relying only on the agency case record or a verbal report from

Exhibit 3-7

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

the caseworker. In the other models, particularly the two CASA models and the Law Student model, the investigation tended to be much more extensive, involving contacts with more people and more time. The CASAs were especially thorough - sometimes investigating a case for a week or more.

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 unassisted CASA cases showed this most clearly. The staff attorneys, with some exceptions, 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. Attorneys tended to agree with the child welfare agency on major issues.

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. While they sometimes had staff social workers who were supposed to make these contacts for them, contact did not always occur or was limited. 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 Private and Staff Attorney model cases, the attorneys had never contacted the child, except in the courtroom on the day of the hearing.

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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 are remarkably influential in the case proceedings. A likely reason for this is that the GAL is or is perceived by the judge to be working for the court. Indeed, the court sometimes appointed the GAL to investigate the case for it (as in the CASA/attorney model). Consequently, the court saw 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.

The network interviews, as with the results of the quantitative findings, again point to the CASA volunteers as being the most effective GALs. They excelled in each of the five areas we examined and were especially

strong in case monitoring. The Staff Attorneys fared weaker in the network

interviews than under the quantitative measures, especially in contact with

the child and case monitoring. Law students, although appearing better there

than in the quantitative analysis, were weak in case monitoring. Finally,

private attorneys again did not perform well compared to the other models.

In the next Chapter, we evaluate each model more fully, based on all study

findings.

CHAPTER 4

SUMMARY AND RECOMMENDATIONS

In our evaluation of guardian ad litem programs we obtained data from

three different sources. Interviews with professionals--judges, attorneys

and GAL program directors--gave us information on program structure, train-

ing, operation and philosophy of GAL activity under each model. The agency

and court records of the cases were used to develop quantitative measures of

GAL activity and effectiveness in serving the child's best interests with

which we compared the five program models. Lastly, the network interviews

gave us a detailed look at GAL work from the perspective of the major actors

involved: the GAL, caseworker, child and family. In this chapter we inte-

grate the findings from the three data sources. We present an overall pic-

ture of each GAL model based on the study, identify the key features respon-

sible for effective GAL representation and present recommendations for GAL

programs and future research.

SUMMARY OF FINDINGS FOR GAL MODELS

Private Attorney Model

Both our professional and network interview respondents found the most

fault with the Private Attorney model. Private attorneys were rated least

effective by state attorneys and judges in obtaining services, appropriate

placements for children, expediting court processing and facilitating service

delivery. Respondents felt private attorney GALs had little or no effect in

these areas. Private attorneys were also faulted for not conducting their

own case investigations.

The network respondents also had negative comments about private attorney GALs. The attorneys often conducted only cursory investigations, followed the agency recommendations on case plans, did not consistently contact the child and usually did not monitor case outcomes. On the quantitative measures, the Private Attorney model did not outperform other models on any outcome measure.

Professional respondents cited two main reasons why private attorney GALs did not perform well: training and compensation. Private attorneys lacked adequate training on their role concerning responsibilities and procedures to be followed when serving as a GAL. The lack of adequate compensation prohibited them from spending sufficient time on the case. They also considered their involvement in a case to be over after judicial action ended.

This need for sufficient training and compensation of private attorneys is illustrated by comparing the two private attorney sites. In one of the sites, GALs received training and considerably greater compensation than at the other site. The GALs at this site were considerably more involved in their cases and were rated much more highly by the network respondents.

Staff Attorney Model

Professional respondents rated the staff attorneys highly on most measures. GAL activity was seen as leading to more services for families under this model. Respondents also felt the attorney GAL's could facilitate service delivery and appropriate placements for children. The professionals further believed that attorneys under this model were good mediators and facilitators and had a good idea of case dynamics.

The quantitative analyses demonstrated that staff attorneys performed well on measures of legal effectiveness. Cases under this model had review hearings most frequently and went through the dispositional phase most quickly. The staff attorney cases also performed well on measures of services and placements. Delivery of appropriate services, placement with siblings and changes in case plan were common under this model. Staff attorney cases were also likely to maintain a case goal of reunification.

The findings from the network interviews also demonstrated staff attorneys' involvement in the legal aspects of the case. They conducted their own investigation and made independent recommendations in many cases. However, staff attorneys did not have much contact with their child clients and also did not usually monitor the case after legal action ended.

Respondents cited several reasons for the effectiveness of staff attorneys, including their interest and motivation in serving as GALs and the fact they were professionals devoted to performing this service. They were adequately compensated and received institutional support. A major impediment to their effectiveness cited was overwork due to high caseloads. This was a likely reason why contact with the child and case monitoring were not pursued.

Law Student Model

The professional respondents rated the law students as competent and felt they could facilitate service delivery and appropriate placements for children. However, respondents also believed they could sometimes impede court action of cases due to their inexperience. The law students did not distinguish themselves on any quantitative measure. The law student cases

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had the least stable representation, as the students typically served on cases only one year.

The network respondents were generally favorable about the students' work, although caseworkers cited lack of experience as an occasional problem. The students were good at case investigation and contact with the child and demonstrated an ability to present an independent assessment of the case. However, whether they monitored the case between hearings was dependent on whether they believed they would be available in the future on the case and the distance the child was placed.

Respondents believed factors that facilitated the law students' effectiveness as GALs were their interest in the field, their ongoing training and their motivation to do well as a means of enhancing their professional development. Problems with this model cited were the inexperience of the students and the transient nature of their involvement. Since the majority would serve as GALs only during their training, they could not provide stability of representation to the case.

CASA/Attorney and Unassisted CASA Model

Since the findings for the two CASA models were similar we discuss them together. The professional respondents viewed the CASAs as having excellent investigation and mediation skills. Respondents also believed 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 when a good mediator was needed. Respondents also felt that the CASA's work often resulted in more services being provided to the family.

The results of the quantitative analysis correspond to the perceptions of the professional respondents. Families under the unassisted CASA model received more services, more appropriate services, had more placements with siblings and more changes in case plans than families under any other model. Families under the CASA/Attorney models were better off on these measures than under the Law Student and Private Attorney models. CASA/Attorney cases also were more likely to maintain an initial case goal of reunification and unassisted CASA cases had shorter times between hearings.

Information from the network interviews showed CASAs were excellent at investigation, monitoring the case and keeping in contact with the child. They often developed very close relationships with their child clients, helped them obtain services and assisted with personal matters. The CASAs also developed independent viewpoints about the case and were not hesitant to make recommendations that were different from those of the child welfare agency. CASAs were persistent about getting needed changes implemented.

Respondents credited CASA's effectiveness to their motivation to help children and their inherent interest in the work. They also had low case-loads - typically only one or two cases - and thus had the time to devote to the case. Some professional respondents, especially for the CASA/Attorney model, were critical of aspects of CASA involvement. They felt CASAs some-times became too personally involved in their cases and lost professional objectivity. Caseworkers, especially under the CASA/Attorney model, also believed that CASAs needed more training to better understand the social service and court systems. The caseworkers complained that the CASA some-times did work on the case without informing the agency and made recommenda-tions the agency felt were not always appropriate. The quantative analysis

revealed that CASA cases took longer to reach the first dispositional hearing than cases cases under other models. This is perhaps due to extensive case investigation by CASAs.

Exhibit 4-1 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, yet 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 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.

This conclusion about the inadequacy of private attorney GALs is shared by the previous research comparing GAL models. As reviewed in Chapter 1, there have been four prior evaluations examining the effectiveness of private attorney GALs. Each of these studies found problems with private attorney representation. The study most similar to this study, done by Knitzer and Sobie (1982) and employing a similar methodology, also found private attorneys often did not meet their child clients prior to hearings, did not conduct sufficient case investigation and were often unprepared. Our study,

EXHIBIT 4-1
Advantages, Disadvantages and Recommendations
for GAL Models

GAL Models	Advantages	Disadvantages	Recommendation
PRIVATE ATTORNEY	• Excellent legal skills	• More training required than currently given • Higher compensation needed than currently given • Little child contact • No post dispositional monitoring • Insufficient time spent case	• Not recommended
STAFF ATTORNEY	• Excellent legal skills • Move case quickly through the court • Obtain services	• Little child contact • No post dispositional monitoring	• Recommended
LAW STUDENT	• Well trained • Legal skills	• Unstable representation; Frequent GAL changes • Inconsistent post dispositional monitoring • Inexperience	• Not Recommended

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EXHIBIT 4-1
(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

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along with this prior work, argues against using private attorneys as a method of GAL representation.

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. Yet, according to data collected by the Voluntary Cooperative Information System, about half of foster care cases nationally remain in substitute care longer than one year. Thus students inherently cannot maintain a long-term relationship to the child as is necessary in many abuse and neglect cases.

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 use of law students is undoubtedly a valuable educational experience for the students and this practice should

probably be continued. However, our study does not present findings that would warrant a larger role of law students as GALs.

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 othe 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 ser-
vices 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 con-
sistently 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. Staff attorneys specifically
choose to perform this field of work as a profession and most stated in the
network interviews that they intended to remain in the field for some period
of time. They also gave reasons similar to those given by CASAs for perform-
ing 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.

ATTORNEYS OR CASAs: SOME PRACTICAL GUIDANCE

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 this section we offer guidance based on the findings from this study and the four previous GAL evaluations. Exhibit 4-1 also provides guidelines.

In the great majority of jurisdictions, the choice of GAL models will be between an attorney model or a CASA model. As discussed earlier, 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 effective method of providing GAL representation. While there are likely to be excellent attorneys in any jurisdiction who will perform admirable work as GALs, the general model as it now exists in most jurisdictions has inherent flaws. These flaws make poor performance almost inevitable. 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. Alternatively, a support staff of social workers could be hired to assist the attorney. In the models we studied, however, the support social workers also had excessive caseloads and they also could not always talk to the children or monitor cases. In addition, in the network interviews children and parents expressed dissatisfaction if they had not met with the attorney, even if they had met with the caseworker. Thus, use of support social workers may not be a satisfactory solution to this problem.

Using CASAs

As described in Appendix A, Volume III, there are four types of CASA models. In two of the models CASAs are not GALs but are friends of the court

or monitors for the court. This study did not examine these models and we cannot make an assessment of them. In the two remaining models examined in this study, CASAs are appointed as GALs. The difference between the two models is that in the unassisted CASA model the CASA is the sole GAL and has access to an attorney who assists in legal matters on an as needed basis. In the CASA/Attorney model both CASA and attorney are assigned as GALs. In this model the attorney represents the child. In the unassisted CASA model the attorney represents the CASA.

We did not examine the difference in interaction between attorney and CASA in the two models or the attorney's impact on the case. Our study focused only on the CASA. We found both models to be equally effective in serving the child's best interests. 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. Existing CASA programs or the National CASA Association in Seattle, Washington can provide detailed information on training GAL volunteers.

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. The volunteer pool should be similar demographically to the children being served, which further complicates the recruitment task. 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. Potential volunteers also need to be screened, which in the programs we examined ranged from extensive background checks to a short interview with the CASA coordinator.

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.

In our study, CASAs proved to be remarkably effective in both urban and rural areas, in large programs and small programs. Prior studies have also shown CASA models to be an excellent model for GAL representation.

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,

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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 choi e. 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. When the concept of the GAL for abuse and neglect cases was first developed, it was viewed primarily in legal terms. The original purpose of CASAs was to supplement this role with social work and post-dispositional monitoring. This view appears to be changing as the CASA concept gains popularity. The social work aspects of the GAL role are increasingly recognized as equally or even more important than the legal role.

This study, as well as past research, support this view. The CASA model has been shown to result in more outcomes in the child's best interests than attorney models, particularly private attorneys. In virtually all the cases we reviewed, there was very little legal casework. Indeed, the cases were often routine legally. The social work role proved more helpful to the family.

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. The findings for this study indicate that a model where the GAL fills both the legal and social GAL roles is optimal. Among the five models, the CASA/Attorney model, where there are separate attorney and CASA GALs, would be expected to meet this requirement best. Yet this model, although effective, was second to the unassisted CASA model or staff attorney model on many measures. The reason for this may be that the CASAs in the CASA/Attorney model were usually assigned only difficult cases where the court felt special monitoring was warranted. In contrast, all cases were assigned uniformly to staff attorney and the unassisted CASA model. As a result, the CASA/Attorney cases included only the most difficult cases. Since the other models had a mix of both easier and difficult cases, this selection process may account for the lower ranking of the CASA/Attorney model on the outcome measures. The CASA/Attorney model clearly deserves further examination in future research to which we now turn.

SUGGESTIONS FOR FUTURE RESEARCH

Besides providing information about GAL impact, this study raises several issues about the nature of the GAL's work and ways to enhance the effectiveness of this role. Below we identify some of these topics that could be addressed by future research.

o Role of the GAL. As discussed above, it appears the GAL should play both legal and social work roles. It would be of value to know which cases are best served by legal functions of the GAL and the type of cases most in need of social work roles. Of related interest is to examine models, such as the CASA models, where separate individuals fill these roles and to specifically examine the nature of their interaction. For example, how do they interact and divide the casework? How does the CASA decide when legal work is needed and the attorney decide when more social work is necessary?

- Mediation Skills of GALs. We identified the ability of the GAL to be an effective mediator to be an important skill in resolving case disputes and serving the child's best interests. A future study could focus on this topic. How do good GALs mediate among parties? In what types of cases or disputes are they most effective? What type of training is needed to develop this skill?

- Training of GAL. We found that training of GALs is essential and identified topics and duration of training used by effective GAL programs. Future research could examine this topic in depth. For example, what sort of training produces the best performance? What topics should the training cover? How long should training last?

- Cost of GAL models. We were not able to assess the cost of the different GAL models. Of particular interest would be to compare the cost of a well compensated Private Attorney model to a Staff Attorney model. The cost of these models could be compared to the cost of the different CASA models.

- Influence of the GAL. In Chapter 3 we presented evidence that the GAL has great influence with the court. Whether the GAL disagreed with the parent, child or agency, the Court always ruled in favor of the GAL. A future study could examine the reason for this influence and the GAL's position vis-a-vis the agency and parents in such cases.

Studies addressing these issues will build on the present study and broaden knowledge of the dynamics of the GAL role. The present study may also be used to address Section 104 of P.L. 100-294, the recently enacted reauthorization of the Child Abuse Prevention and Treatment Act, requiring NCCAN to conduct a study of the effectiveness of GAL representation. The present study identified five areas of GAL casework and assessed the five models on them (Exhibit 3-7) and operationalized 27 quantitative measures of outcomes in the child's best interest which may be readily extracted from court and agency case records (Exhibit 3-6). Finally, we developed data collection instruments--case record extraction forms and interview questionnaires--which may be used in a future evaluation of GAL effectiveness.

This future data collection should obtain more information on GAL activity through the GAL. This new study should utilize the GAL as a source of

information on the case through an interview or questionnaire, as we employed

in our network interviews. Additional quantitative measures, such as time

spent on case and resolution of disagreements, could be collected through

such interviews.

The present study has demonstrated that GALs can be effective in helping

to produce favorable outcomes for children. It also identified some of the

key aspects of GAL programs and activities that help produce these outcomes.

The GAL is a very influential participant in abuse and neglect proceedings

to whom the court turns for an objective, informed perspective on the case.

Thus, a better understanding of this role will aid in producing more positive

outcomes for abused and neglected children.