



# State Guardian ad Litem Board

State of Minnesota

## Guardian ad Litem Board Program Overview

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## Guardian ad Litem Board Purpose

- The State Guardian ad Litem Board (GALB) administers the Minnesota Guardian ad Litem Program which exists so that all children with a court-appointed Guardian ad Litem have their primary needs met and that each judicial officer is equipped to make informed decisions for each child within the confines of available resources.

***The State Guardian ad Litem Program supports the statewide outcome of strong and stable families.***



# The Federal Mandate

## **1974 - Congress Enacts Child Abuse Prevention and Treatment Act (CAPTA)**

To receive federal foster care funds, a state must enact and enforce laws mandating the appointment of a guardian ad litem on every juvenile court case alleging that a child has been abused or neglected.



# The Minnesota Mandate

## **1975 – MN Legislature Enacts Guardian ad Litem statutes**

Mandates appointment of a GAL on every juvenile and family court case alleging a child is abused or neglected (M.S. 260C.163; M.S. 518.165)



## MN Statutes 480.35

- In 2010 the MN legislature created the State Guardian ad Litem Board, which moved the administration GAL Program from the state court system to the Board.
- Prior to 2010, pursuant to the General Rules of Practice for District Courts, Title X, Rule 902, the Office of State Court Administrator established GAL standards and the standards were approved by Judicial Council.
- The State Guardian ad Litem Board revised the standards and renamed them Requirements and Guidelines (Non-statutory) on September 23, 2011.



## MN Statutes 480.35

**Duties and Responsibilities:** Administer a statewide, independent Guardian ad Litem Program to advocate for the best interests of children, minor parents, and incompetent adults in Juvenile and Family Court.

- Established in 2010
- Board consists of seven appointed members (3 Supreme Court appointed, 4 Governor appointed. Statute requires that the board is made up of one former GAL, 2 attorneys admitted to practice law in the state and one public member. Additionally, at least three members shall be from judicial districts other than the First, Second, Fourth and Tenth.
- Board has both mandated and permissive duties



# Guardian ad Litem Role

## **Statutorily Mandated Duties**

- Conduct an independent investigation
- Advocate for the child's best interests
- Maintain confidentiality
- Monitor best interests throughout the proceeding
- Present written reports that include conclusions and recommendations and the facts upon which they are based

The Guardian ad Litem is the only independent voice representing the child's best interests during the court proceeding.



# GAL Board Oversight

## Policy Governance

- Policy Governance is a way to conceptualize, organize, and fulfill a board's mandate to govern.
- Policy Governance is based on a set of ten integrated principles that, when consistently applied, allows our board and senior leadership to realize clear roles, resulting in better accountability.
- This is accomplished through a comprehensive set of Executive Limitations (EL's) which are "Constraints on executive authority that establish the prudence, ethics and boundaries within which all executive activity and decisions take place."
- For example one of our EL's defines parameters around the Treatment of Children We Serve with provisions around Quality of Advocacy, Expectations, and Confidentiality.
- In total we have 11 EL's with multiple provisions pertaining to each, resulting in 11 monitoring reports. Each month, the board of directors requires reports from the Program Administrator, both annually and quarterly. To monitor organizational performance, the board determines whether the data provided in these reports demonstrates compliance with their policies.



## Program Reach

- Active in all 87 Counties
- 227 employee and 183 volunteer G'sAL
- Advocated for the best interests of over 16,500 children in 2020 in both Child Protection and Family Court proceedings
- Includes nearly 800 Native American children on ICWA cases
- Attended over 33,000 court proceedings
- Filed over 18,000 court reports



# FY 18/19 FY/20 Budget Expenditures

**FY 2018 Total = Actual Expenses**

Personnel	\$	13,541,223.00	85%
Operations	\$	2,411,849.51	15%
Total	\$	15,953,072.51	100%

**FY 2019 Total = Actual Expenses**

Personnel	\$	13,934,262.87	83%
Operations	\$	2,929,265.30	17%
Total	\$	16,863,528.17	100%

**FY 2020 Total = Actual Expenses**

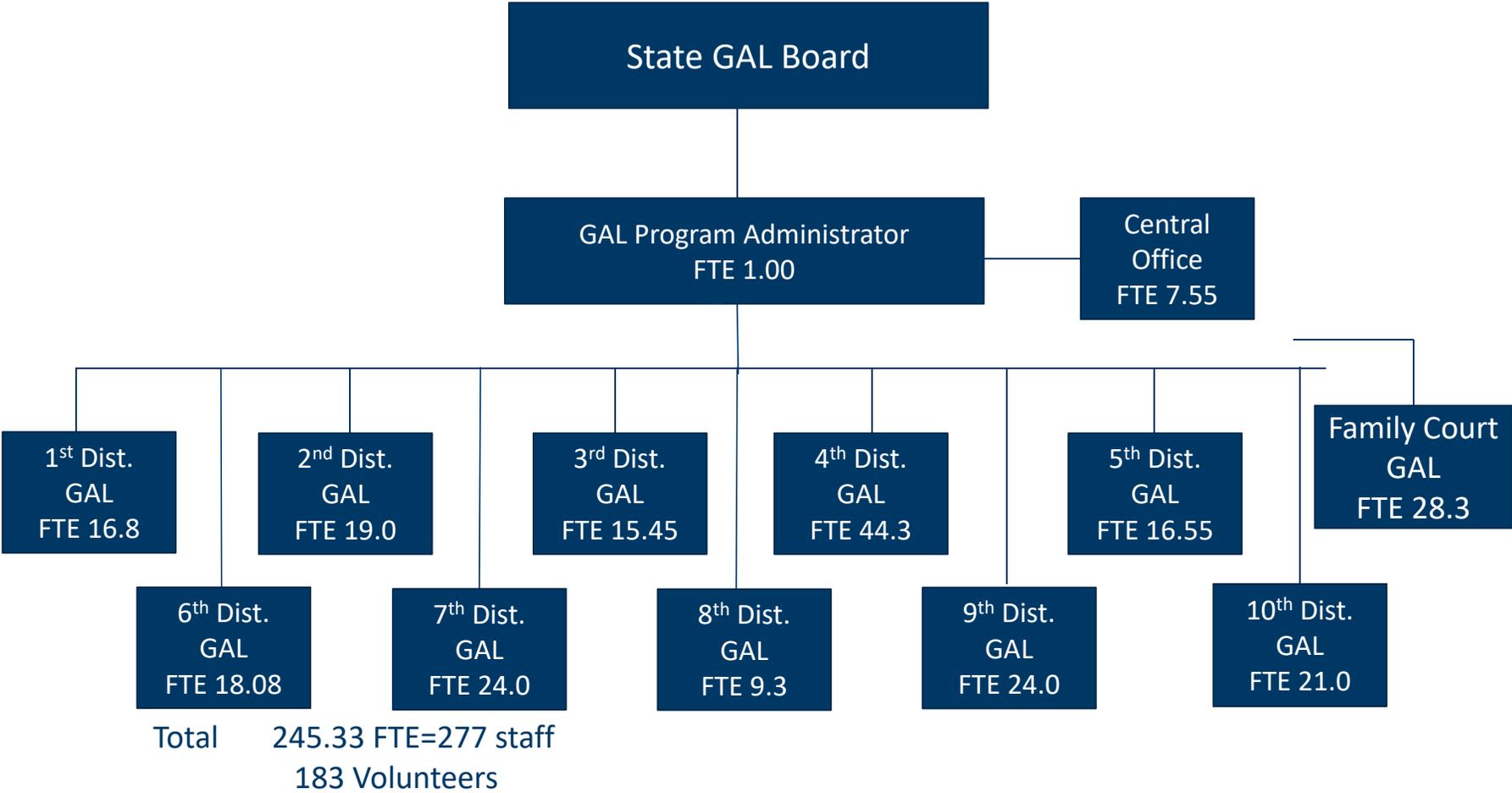
Personnel	\$	16,082,239.35	87%
Operations	\$	2,485,551.13	13%
Total	\$	18,567,790.48	100%



# GALP Program Staffing

- 1 State Program Administrator
- 2 Directors (Director of H.R., Chief Information Officer)
- 8 Managers and 1 Planning Specialist
- 31 Coordinators
- 227 G'sAL
- 7 Central office staff
- 1 Staff Attorney (4<sup>th</sup> district)

# Full-Time Equivalent Positions by District



- 2017: National Center for State Courts (NCSC) evaluation recommended the GALB explore a separate system to serve family law cases
- 2019: Child Advocacy in Family Court Committee (CAFCC) report supported this recommendation and offered a broad plan for implementing a statewide family court division within the GALP
- 2020: Statewide Family Court Division established
  - 1 Division Manager, 3 Coordinators, 1 Office Support, 28 GALs
  - Coordinators and Guardians cover cases regionally rather than assigned districts
  - Centralized the appointment process
  - Standardized appointment orders, court report formats, OFP process



## ICWA Division Committee

- 2020: ICWA Division Committee was formed
  - Promote equitable systems change that will positively impact Indian children and families
  - Expand upon the service delivery model dedicated to preserving American Indian families and culture through adherence to the Indian Child Welfare Act (ICWA) and the Minnesota Indian Family Preservation Act (MIFPA)
  - Establish representative, culturally sensitive and knowledgeable staffing that assures efficacy in ICWA case management across Minnesota



# ICWA Division Development

## Advantages of a Dedicated ICWA Division

- Standardized, robust training on ICWA/MIFPA and cultural considerations
- Consistent application of policies
- Increased opportunities for collaboration and consultation
- Ability to share GAL resources across county and district lines
- Consistent oversight and supervision of GAL work on all Native American cases
- Enhanced ability to forge working relationships between tribes and GALB staff
- Invested engagement with tribes to foster trust, collaboration and improved outcomes
- Development of culturally sensitive and knowledgeable staff

## Objectives

- ICWA GAL availability in every district with centralized, consistent oversight
- ICWA GAL appointed to every ICWA case starting with the Emergency Protective Care hearing
- 90% of ICWA cases to be serviced by Native American G'sAL
- Proportionate number of Native American GAL in leadership positions
- Creation of a statewide ICWA resource guide
- Engagement of native elders in training and certification process; ICWA training developed specific to each Minnesota tribe



## Race Equity and Inclusion Strategic planning

- The Guardian ad Litem Program is committed to moving from allies to accomplices to address racial equity in order to affect systems change and advance practices that promote the well being and safety of children.
- The GAL Board and leadership have completed the Intercultural Development Inventory to determine where the leadership team is on the intercultural continuum.
- The GAL Program charge is to address systemic racism and organizational oppression, coordinate organizational change to support our diversity goals and apply a race equity lens to change programs, policies and practices that perpetuate inequities.
- The GAL Program is currently preparing a RFP for Race Equity work requesting services from a Race Equity coach, a program evaluation, and strategic planning.



# GAL practice during COVID

- GALB suspended all in-person visits on 3/16/20, until CDC approved PPE was distributed and staff were trained on its use. Leadership then introduced a phased-in visits model, outlined in part below. PPE was distributed 5/28/20 with concurrent online training and guidance. The GALP entered Phase 1, 6/15/20.

Phase	Pre-Requisites	In Person-Visits	Court
I	<ul style="list-style-type: none"> <li>Program is able to provide adequate PPE</li> <li>GAL have received training on proper use of PPE and protocol for in-person visits</li> <li>Executive Orders permit in person visits</li> <li>Specific GAL concerns will be addressed individually</li> </ul>	<ul style="list-style-type: none"> <li>High-Risk children – Visits Allowed</li> <li>Medium-Risk children – Consultation with coordinator required before visiting</li> <li>Low-Risk children – Virtual visits only</li> <li>Must follow GALP Safety Practice for in person visits</li> </ul>	<ul style="list-style-type: none"> <li>Continue to attend virtually as much as possible</li> <li>Consult with coordinator regarding special circumstances</li> <li>Dependent upon MJB decisions re: court</li> </ul>
II	<ul style="list-style-type: none"> <li>Program remains able to provide adequate PPE</li> <li>GAL receive regularly updated PPE training and in person visits protocols</li> <li>Executive Order permits in person visits</li> <li>Specific GAL concerns will be addressed individually</li> </ul>	<ul style="list-style-type: none"> <li>High-Risk children – Visits Allowed</li> <li>Medium-Risk children – Visits Allowed</li> <li>Low-Risk children – Continue Virtual Visits</li> <li>Must follow GALP Safety Practice for in person visits</li> </ul>	<ul style="list-style-type: none"> <li>Dependent upon MJB decisions re: Court</li> <li>Consult with coordinator</li> <li>Continue to attend virtually as much as possible</li> </ul>



# Guardian ad Litem

Questions?

Thank you!