

**REPORT OF THE DEPARTMENT OF CRIMINAL
JUSTICE SERVICES ON**

**EVALUATION OF THE
GUARDIAN AD LITEM (GAL)
PILOT PROJECT**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 36

**COMMONWEALTH OF VIRGINIA
RICHMOND
1996**

Guardian ad Litem Pilot Project Workgroup

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I. AUTHORITY FOR STUDY

Item 38 of the 1994 Budget Bill directed the Public Defender Commission to “establish a pilot program for the provision of Guardian ad Litem services for child abuse and neglect cases in a minimum of three (3) local courts, or combination of courts, utilizing personal service contracts for professional services.” Item 38 also directed the Department of Criminal Justice Services to provide technical assistance and conduct the evaluation for this pilot program.

II. EXECUTIVE SUMMARY

The Guardian ad Litem (GAL) is an attorney appointed to represent children who are involved in certain juvenile court proceedings. The appointment of a Guardian ad Litem (GAL) is required by the *Code of Virginia* for any child who is alleged to be abused or neglected. According to §16.1-266 of the *Code of Virginia*, the GAL’s role is succinctly defined as “to represent the interests of the child.” In response to recommendations of House Joint Resolution No. 490, a GAL pilot project was initiated to examine the effect of contractual payment agreements on the quality of GAL representation in abuse/neglect cases. The pilot project tests the idea that contract GALs will provide higher quality representation to children in these cases than GALs paid through the existing hourly payment system.

A workgroup consisting of representatives from the Commission on Youth, the Office of the Executive Secretary of the Supreme Court, the Department of Criminal Justice Services, and the Public Defender Commission developed the pilot program methodology. In addition to other activities, the workgroup developed a personal services contract which outlined the GAL’s responsibilities, including case completion requirements and duties required for the evaluation effort.

The Department of Criminal Justice Services was charged with the evaluation of this pilot. The evaluation was designed to examine the operation and impact of contractual GAL payment systems in three pilot sites. The evaluation methodology incorporated qualitative and quantitative data from two primary sources: (1) case-specific data collection forms constructed by the evaluators and completed by the contract GAL for each assigned case, and (2) phone interviews with the contract GALs, judges, and social work supervisors in the pilot sites.

Evaluation findings reveal that the program was generally well received by GALs, judges, and social services representatives. All stated that they would like to see the program continue and most felt that representation had improved in some way during the contract period. Courtroom participants indicated that experienced GALs who work consistently on these cases have the expertise to represent children more effectively than inexperienced GALs who take infrequent GAL assignments.

Based on the evaluation findings for the first year of the pilot, it is recommended that:

- the Committee on District Courts draft a policy which gives juvenile courts the authority to implement an alternative GAL assignment system which designates one or more selected lawyers to serve as GALs in cases involving children;
- limited data be collected in local juvenile courts to explore the financial implications of the designated contractual system, as well as other juvenile court programs;
- data collection and analysis continue in current pilot sites to examine the long-term effects of the pilot program.

A follow-up evaluation report should be submitted to the 1997 General Assembly to document findings for the second year of the pilot. This report should also discuss implementation of the designated GAL system.

III. INTRODUCTION

In juvenile court proceedings, the appointment of a Guardian ad Litem (GAL) is required by Virginia Code §16.1-266A for any child who is alleged to be abused or neglected, the subject of an entrustment agreement, or the subject of a petition terminating parental rights. The role of the GAL in these cases is to represent the best interests of the child. In addition, juvenile courts are granted broad discretion to appoint a GAL in other types of cases, such as adjudications of custody.

This pilot project was designed to examine GAL representation of children in abuse/neglect or related proceedings. This focus was guided partially by findings in House Document No. 64 (1994), *The Study of the Role of Guardians ad Litem and the Modification of Courtroom Environment in Child Sexual Abuse Cases*, which provided the recommendation for this project.

Specifically, the pilot project was initiated to examine the effect of contractual payment agreements on the quality of GAL representation. Monies to conduct this two-year pilot were redirected from the Criminal Fund of the Supreme Court of Virginia to the Public Defender Commission. Funding in the amount of \$25,000 for each fiscal year began in July, 1994 and is scheduled to continue through June, 1996. The pilot project tests the idea that contract GALs will provide higher quality representation to children in abuse/neglect cases than GALs paid through the existing system. The current GAL reimbursement system, hereafter referred to as the 60/40 system, is designed to reimburse GALs at \$60 per hour for in-court work and \$40 per hour for out-of-court work. The 60/40 GAL reimbursement system is outlined in the policies of the Judicial Council of Virginia, which governs the payment of court-appointed counsel.

The Department of Criminal Justice Services designed an evaluation which examined the operation and impact of contractual GAL payment systems in three sites. The pilot project workgroup proposed several possible reasons why a contractual payment system would provide higher quality GAL representation than the existing 60/40 system. GALs who have

heightened interest and/or experience in abuse/neglect cases were believed to be more motivated to provide quality representation as a GAL if engaged on a contract basis. Likewise, attorneys who were significantly interested in the representation of children were likely to be more motivated to pursue contract GAL work and successfully represent these children. In addition, GALs with extensive experience in Juvenile and Domestic Relations District Court (J&DR)/GAL litigation may be better qualified to represent children in these cases.

The current GAL assignment procedure often entails random selection of an attorney from the court's eligible GAL list. Consequently, GALs within a court are generally assigned to small volumes of sporadically-timed GAL cases. By circumventing this assignment procedure, the pilot contractual system was also proposed to benefit representation because the contract GAL would have increased and consistent exposure to GAL work, learn more about the system and the law in this area, and develop better working relationships with relevant case participants, such as the court and social services.

This document reviews the evaluation findings for FY95 and implications for the proposals stated above. Recommendations regarding the future implementation of a contractual payment system for GALs are also discussed.

IV. GAL PILOT PROJECT IMPLEMENTATION

A workgroup consisting of representatives from the Commission on Youth, the Office of the Executive Secretary of the Supreme Court, the Department of Criminal Justice Services, and the Public Defender Commission developed the pilot program methodology. The workgroup's pilot implementation tasks included site selection, contract construction, solicitation and review of applications from lawyers interested in GAL contracts, and contract GAL selection. The pilot was administered through the Public Defender Commission.

The Budget Bill required that the GAL pilot operate in three jurisdictions. The workgroup identified potential pilot sites by considering several factors which addressed both practice and evaluation concerns. The following criteria were established as important:

1. The number of abuse/neglect petitions requiring representation in each locality, which served to establish potential workload and amount of cases available;
2. Previously documented GAL payment expenditures in each locality, which provided information on billing and reimbursement practices;
3. Presence of a CASA program in one site (to provide a mix of localities with and without this service);
4. Presence of the Family Court Pilot in all localities (to provide courts supportive of both pilots and "model" practices);
5. Absence of the Public Defender Office in one locality (to prevent a possible conflict of interest since the pilot is administered by the Public Defender Commission);

6. Presence of the Local Family Law Bar in all localities as a measure of professional support and interest in domestic relations cases;
7. Provisions for geographical representation and diversity of services concerns.

The workgroup then identified judges who would be willing to participate, and chose sites that would achieve a geographical balance and representation of urban, suburban, and rural communities. The workgroup chose as pilot sites Alexandria, Harrisonburg/Rockingham, and portions of the Ninth Judicial District which include the counties of Charles City, James City, King & Queen, King William, New Kent, and the City of Williamsburg.

The workgroup developed a contract (valid through FY95) which outlined the GAL's responsibilities and included case completion requirements and duties required for the evaluation effort. The Alexandria GAL was contracted to be assigned no less than 25 cases for a fee of \$10,000. The Harrisonburg/Rockingham GAL was contracted to be assigned no less than 22 cases for reimbursement of \$10,000. Because Alexandria has an active Court-Appointed Special Advocates (CASA) program which would be assisting the GAL, the Alexandria GAL carried a larger caseload than the Harrisonburg/Rockingham GAL. The GAL in the Ninth District was contracted to be assigned no fewer than 10 cases for reimbursement of \$4,500. Because the Ninth Judicial District was intended to be the rural site, the 10 contract cases were preferred to be assigned from the four rural counties in this district (Charles City, King & Queen, King William, and New Kent).

The workgroup also developed and distributed solicitation letters and application packets for GALs in the selected sites. After reviewing the applications, selected candidates were interviewed. The workgroup contacted the references for the selected GAL in each locality, and then offered the contract positions. The GALs in the Alexandria and Harrisonburg/Rockingham sites assumed their duties on August 15, 1994, and the GAL in the Ninth District assumed her duties on October 31, 1994. All contracts for the 1995 fiscal year were reviewed in February 1995 and expired on June 30, 1995. Contracts in the Harrisonburg/Rockingham and Ninth District sites were renewed with some modifications for the 1996 fiscal year. The Alexandria GAL contract was awarded to a different GAL for the second year of the project.

V. EVALUATION METHODOLOGY

The evaluation incorporated qualitative and quantitative data from two primary sources: (1) case-specific data collection forms constructed by the evaluators and completed by the contract GALs, and (2) phone interviews with the contract GALs, judges, and social work supervisors in the pilot sites.

Case-Specific Data

The evaluation team developed five case-specific data collection forms to track case progress and GAL activities. None of the data collection forms identified the clients or their families by name.

1. Case Information Sheet

The Case Information Sheet was designed to provide preliminary case information to the evaluators in a timely manner, and to provide a basis for tracking case progress. It asks for case identification information, a description of the circumstances which led to the petition, demographic information, an assessment of legal complexity, and the names of the service workers assigned to the case.

2. Case Complexity Form

This form asks for information about the child's family, previous court experiences, physical and/or mental difficulties, etc. It was designed to gather data on numerous variables believed to affect case handling difficulty.

3. Case Activity Summary

The Case Activity Summary form documents the GAL's time and activities on each case. Specifically, it asks for the relationship to the child of persons contacted by the GAL, the amount of in-court and out-of-court time expended, and a brief description of each activity.

4. Case Status Sheet

This form tracks case processing prior to case closure. It documents out-of-home placements during the case duration, rulings made by the judges at each court proceeding, and a description of any court-ordered services (including post-dispositional compliance information, if available).

5. Case Closing Sheet

The Case Closing Sheet was used to inform the researchers of case closings and to update case information. It asks for the closing date, the reason for case closing, the final placement site, and any additional case update information.

These data collection forms can be found in Appendices B through F of this document.

Interview Data

The evaluators conducted phone interviews with the contract GALs, judges, and social work supervisors in the pilot sites. Contract GALs were interviewed to assess any changes in practice or representation that had occurred during the contract period. In addition, they were asked questions about their satisfaction with the contract system and suggestions for future implementation. Judges and social work supervisors were also interviewed to assess the quality of representation by the contract GAL, satisfaction with the contract, and impact of the

contract system. Interview instruments are not included in this document due to their length; they may be obtained from the Department of Criminal Justice Services.

VI. BACKGROUND ON PILOT COURT SITES

The localities selected for this pilot project represent a cross-section of Virginia communities. A brief description of the relevant court and social service agency caseloads is helpful in understanding how contract GALs functioned within these communities. Table 1 contains relevant background information for each pilot court site.

Table 1 Background Information for Pilot Court Sites					
Locality	Calendar Year 1994¹			Fiscal Year 1995	
	Juveniles in Population	Total New Cases in Juvenile Court	New Custody & Visitation Cases in Juvenile Court²	Children in Foster Care	Child Abuse/ Neglect Petitions Filed by Social Services in Juvenile Court
<i>Alexandria</i>	17,132	6,280	1,658	138	57
<i>Harrisonburg/ Rockingham</i>	18,838	4,944	1,349	122	20
<i>Williamsburg/ James City King & Queen King William New Kent Charles City</i>	9,551 1,586 2,906 2,627 <u>1,507</u>	3,355 700 400 281 <u>557</u>	708 73 117 181 <u>71</u>	12 5 4 9 <u>3</u>	50 4 5 10 <u>5</u>
TOTAL - 9TH DIST.	18,177	5,293	1,150	33	74

¹ Source: District Court Caseload Reporting System, Office of the Executive Secretary, Supreme Court of Virginia.

² This category may include child abuse and neglect petitions.

City of Alexandria

For calendar year 1994, the City of Alexandria had a juvenile population of 17,132, and the Juvenile Court received 1,658 new custody and visitation cases for this same time period. As of June 30, 1995, there were 138 children in foster care in Alexandria. According to the Alexandria Department of Social Services, the agency filed approximately 57 new petitions alleging abuse or neglect with the Juvenile Court during fiscal year 1995. Because of the heavy caseload in this jurisdiction, a second Juvenile Court judge was added to this bench effective July 15, 1994. Alexandria has a Court-Appointed Special Advocate (CASA) program. Due to a shortage of volunteer advocates, the CASA program was not active with the pilot project until the end of the first contract year.

City of Harrisonburg and County of Rockingham

The City of Harrisonburg and County of Rockingham comprise the second site. These two localities share one Juvenile Court. Their respective social services agencies were merged into one agency on July 1, 1995. For calendar year 1994, the combined localities had 18,838 juveniles in their population, and the Juvenile Court received 1,349 new custody and visitation cases for the same time period. As of June 30, 1995, there were 42 children in foster care in Harrisonburg and 80 in Rockingham. According to the Department of Social Services for the combined localities, 20 new petitions alleging child abuse or neglect were filed by the agency with the Juvenile Court during fiscal year 1995. One judge sits in the Harrisonburg/Rockingham Juvenile Court. No CASA program is operational in this site.

Portions of the Ninth Judicial District

The third site is made up of a combination of primarily rural localities. These six localities (the City of Williamsburg, and the counties of James City, King & Queen, King William, New Kent, and Charles City) were selected as a group so that there would be a sufficient number of child abuse and neglect cases to support hiring a contract GAL. Of the six localities, more than fifty percent of the juvenile population of 18,177 is located in Williamsburg/James City (9,551). As would be expected, the majority of the new custody and visitation cases, a total of 1,150 for the six localities, originated in Williamsburg/James City (708). Even with these significant court numbers, foster care caseloads are very low for all six localities. These numbers range from 3 children in care in each of Williamsburg and Charles City to 9 children in care in each of James City and New Kent. A total of 33 children were reported to be in care in these six jurisdictions for fiscal year 1995. The six social service agencies indicate that 74 abuse/neglect petitions were filed by them with the Juvenile Court. Forty-five of these petitions were filed by the James City agency. One judge serves these six localities. In the four smaller localities, court is open one day per week on alternate weeks. Emergency hearings are held as necessary. The Colonial CASA program, which serves a portion of the Ninth District, reopened during the first contract year.

VII. RESULTS

All data reviewed in Section VII covers the first fiscal year of the pilot. In interpreting the data below, note that the time frame of casework was 10.5 months in the Alexandria and Harrisonburg/Rockingham sites and 8 months in the Ninth District site. Data for the second fiscal year of the pilot is currently being collected.

Case-Specific Data

The case-specific forms submitted by the contract GALs were analyzed to examine case and client descriptions, case complexity, time spent on the contract cases, GAL activities and contacts, and cost-comparison variables. Tables in this section will incorporate the following codes to refer to the specific pilot sites: Alex = Alexandria, Harris = Harrisonburg/Rockingham, and Ninth = applicable portions of the Ninth Judicial District.

Contract Parameters

Table 2 below presents the parameters of the GAL contract in each site, including the contract period, the number of cases specified on the contract, the number of cases worked on during the contract period, and the number of children represented.

Table 2 Contract Parameters for Three Pilot Sites			
Contract Parameters	Alex	Harris	Ninth
<i>Contract Begin Date</i>	8/15/94	8/15/94	10/31/94
<i>Contract End Date</i>	6/30/95	6/30/95	6/30/95
<i># of Cases Specified on Contract</i>	25	22	10
<i>Actual Cases Worked on</i>	28	18	18
<i># of Children Represented</i>	26	31	32

Policies for counting cases towards the contractual obligation were established by the presiding judge. In the Harrisonburg and Ninth District sites, a case was defined by the judge as a family or sibling group (e.g., four children from one family counts as one case). The Alexandria judge counted cases on the basis of case complexity; in this site, each child counted as one case towards the contract. Fulfillment of the contracted case assignments was accomplished in the Alexandria and Ninth Judicial District sites. Insufficient abuse/neglect petitions were filed in the Harrisonburg/Rockingham court to fulfill the contractual requirements.

Client Profile

Clients were children who were alleged to be abused/neglected or the subject of a custody petition, or in one instance, the subject of a CHINS (Child in Need of Services) petition. The 64 cases reviewed in the three study sites involved a total of 89 victims. Descriptive information for these victims was compiled from the Case Information Sheets. Table 3 provides demographic information for these clients.

Table 3 Descriptors of Children and Cases in CASA Cases				
Demographics and Case Descriptors	Percentage of Children by Evaluation Site			Total Percentage across sites
	Alex (n=26)	Harris (n=31)	Ninth (n=32)	
Gender				
Male	52.0	48.3	64.5	55.3
Female	48.0	51.7	35.5	44.7
Race				
White	20.0	89.7	32.3	48.2
African- American	76.0	0.0	67.7	47.1
Hispanic	4.0	10.3	0.0	4.7
Age				
0-1 year	19.2	17.9	9.7	15.3
2-4 years	26.9	28.6	25.8	27.1
5-10 years	15.4	42.8	35.5	31.7
11-17 years	38.5	10.7	29.0	25.9
Initial Petition Type				
Abuse/Neglect	82.1	94.4	94.4	89.1
Custody	14.3	0.0	0.0	6.2
CHINS	0.0	0.0	5.6	1.6
Other	3.6	5.6	0.0	3.1

The data indicates that most of the GAL contract cases originated as abuse/neglect petitions. As stated earlier, the contract was constructed to focus on abuse/neglect cases, thus the types of assignments were consistent with the contract parameters. Note that the category of "other" petition types includes foster care reviews and visitation proceedings.

Victims in the Ninth Judicial District were more likely to be male than female; victims were about equally likely to be male or female in the other two sites. Victims in the Harrisonburg/Rockingham site were predominately white while victims in the Alexandria and Ninth Judicial District were largely African-American. Over 40% of the victims were under 5 years old, but the Alexandria site had the highest proportion of teenage victims. Although not shown in the

table, it is worthwhile to note that 69.8% of these victims were reported to have been abused prior to the current case.

Case Complexity

The GALs were also asked to indicate their perceptions of legal complexity (i.e., case handling difficulty). This measure, which was coded on a scale of 0 (not complex/minimally complex) to 3 (very complex), revealed differences in overall perceived case complexity across the GALs. Although no GAL rated their overall set of cases as highly complex, the Harrisonburg/Rockingham GAL had the highest perceived complexity rating (1.4), with the Ninth District GAL's score being slightly lower (1.2), and the Alexandria GAL's rating as the lowest (0.8).

Case Complexity Forms were also analyzed to determine the factors relevant to perceived case complexity. Based on GAL complexity ratings and documented factors present, complexity was perceived to be greatest in cases that involved sexual abuse, physical abuse, or multiple types of abuse. Other factors that were associated with higher perceived complexity ratings were the presence of domestic violence in the home, clients with health problems, families that are homeless or have a history of homelessness, families with either very stable or very unstable financial circumstances, clients who were previously abused, or clients who have siblings who were previously abused.

Influence of the CASA Program. At the onset of this project, the workgroup anticipated that the presence of a CASA program might influence the amount of work that a GAL would contribute to a case. CASAs are trained, in part, to assist the GAL in the investigation and monitoring of abuse/neglect cases. For this reason, one site (Alexandria) was chosen that did have an active CASA program. It was anticipated that the influence of CASA in assisting the GAL could be assessed in this site. However, due to a shortage of volunteers, no CASAs were available to assign to the contract GAL cases until late in the contract period. In addition, the Colonial CASA program, which services part of the Ninth District, was reopened in the middle of the contract period. Although CASAs were ultimately assigned to 3 cases in both the Alexandria and the Ninth District site, the number of CASA cases was too small to assess differences between CASA and non-CASA cases.

Time Expended on Contract Cases

Table 4 displays the amount of time spent on the contract by each GAL, on a total contract and per-case basis. Time measures should be interpreted carefully for two reasons. First, the time for each activity was coded into 15 minute increments, and thus was the minimum recorded time for any individual activity. However, many activities were documented on the Activity Summaries as requiring only 6 to 12 minutes of actual time. In addition, GALs reported that it was impossible for them to document every case activity; therefore, they contended that time reports underestimate actual activity. Descriptions of individual court caseloads (see Section VI) should be considered in interpreting these figures.

Table 4 Breakdown of Time Spent on Contract in Three Pilot Sites			
Time Category	Alex	Harris	Ninth
<i>Total Hours</i>	225.00	116.25	98.25
<i>Total Hours : In-Court</i>	24.25	49.50	30.00
<i>Total Hours : Out-of-Court</i>	200.75	66.75	68.25
<i>Average Total Hours/Case</i>	8.00	6.50	5.50
<i>Average In-Court Hours/Case</i>	0.75	2.75	1.75
<i>Average Out-of-Court Hours/Case</i>	7.25	3.75	3.75

Among the three contract GALs, the available data indicates that the Alexandria GAL invested the highest total hours and the highest average number of hours per case. This finding is particularly evident in figures for time spent out-of-court. The Harrisonburg/Rockingham GAL documented the most time in-court per case and the most total time in-court.

Case Activities and Contacts

Data regarding case activities and contacts should likewise be interpreted with a consideration of variations in individual court caseloads (see Section VI).

Activities

The GAL Activity Summary forms were also analyzed to determine the nature of contacts with case participants. This analysis revealed the type of activity, the people involved, and the amount of time spent on each activity or with each participant. Table 5 shows the percentage of total time each GAL spent on particular activities.

Table 5 Percentage of Time Spent on GAL Activities in Three Pilot Sites			
Activity	Alex	Harris	Ninth
<i>Court Hearing</i>	10.8	42.2	30.6
<i>Telephone Call</i>	31.7	23.1	18.7
<i>Written Correspondence</i>	1.4	3.2	1.3
<i>Personal Contact - In Home</i>	9.2	10.1	0.1
<i>Personal Contact - Out of Home</i>	10.8	13.1	14.1
<i>Case Research/Preparation</i>	29.4	6.9	1.8
<i>Other (Travel, etc.)</i>	6.6	0.1	33.4

As these figures indicate, the GALs in Harrisonburg/Rockingham and the Ninth District spent a greater percentage of their time in court than the GAL in Alexandria. However, the average number of hearings was fairly consistent across sites. Conversely, the Alexandria GAL spent a greater percentage of time conducting out-of-court preparation than the other GALs. GAL documentation indicated that most of their out-of-court case activity time was spent on the phone: phone calls averaged to 25% of the expended GAL time across sites. Personal contact time in the home (which would involve contact with the child and the family) comprised 10% or less of the total time expended in each site. Personal contact outside the home (which would additionally include contacts with other professionals) was slightly higher, ranging from approximately 11% to 14% of total time spent.

Contacts

Table 6 presents a breakdown of the types of contacts made by GALs and the percentage of time GALs spent on each type of contact. Activities were coded based on the primary contact indicated in the log; therefore, if the GAL visited the foster parent and the child with the foster parent being the primary contact, then the child would not have been coded as a contact. These percentages include personal, telephone, and written contacts; however, columns do not total 100% because some of the documented activities (such as travel and paperwork) did not involve a contact person. Note that some individuals may fall into more than one category (e.g., a relative may often be the caretaker). In these instances, the contact person was coded to represent their primary role. For example, a relative who was acting as the caretaker was coded as the caretaker because this is the most active role.

Table 6 Percentage of Time Spent Contacting Specific Groups in Three Pilot Sites			
Contact	Alex	Harris	Ninth
<i>Social Services</i>	27.2	8.6	15.3
<i>Court Hearings</i>	11.7	42.6	29.0
<i>Child</i>	3.9	9.7	4.3
<i>Abuser</i>	6.8	6.5	5.1
<i>Relative</i>	4.2	2.6	1.8
<i>Non-Abusing Parent</i>	4.7	5.8	0.0
<i>Other Caretaker</i>	0.1	0.0	0.0
<i>Foster Parent</i>	8.3	3.4	0.0
<i>Court Clerk</i>	15.9	1.7	1.5
<i>Other Attorneys</i>	3.3	8.0	1.3
<i>Judge</i>	4.4	0.0	2.3
<i>Friends/Neighbors</i>	1.0	0.0	1.3
<i>Other</i>	2.1	5.4	3.1

Overall, most of the GALs' time was spent in contact with social services or appearing in court. One GAL spent nearly one-third of her time in contact with social services. Across sites, contract GALs spent approximately 25% of their time in court hearings. One GAL documented about one-half of her time as in-court time. Time spent interacting with other groups varied substantially across sites.

One interesting finding from this analysis is that GALs spent a relatively small portion of time in contact with the child. This finding should be interpreted with caution, as GALs indicated that they were not able to document all of the time they spent on each case. One GAL also noted that she considered much of her time with the children as "pro-bono" time and did not document it.

Comparison of Contract and Non-Contract GAL Compensation Costs

The evaluators attempted to compare the documented time expended and costs during the first fiscal year of the pilot to the amount of compensation disbursed by the Supreme Court of Virginia for similar non-contract cases in the same localities in prior fiscal years. After reviewing the Supreme Court payment records, it was determined that access to and interpretation of this data was problematic for several reasons. Due to the nature of the contract sample, available Supreme Court documentation was not conducive to accurate comparisons on the number of hours spent on cases, the service periods related to specific payments, or the number of cases related to a specific time period.

These problems obviously precluded a meaningful comparison between the Supreme Court data and our pilot data. However, it was possible to calculate the amount of money spent on the contract and compare this to the amount of money that would have been spent for the same number of hours on the 60/40 system. Contract parameters were reviewed with each GAL in February to determine if the number of cases or reimbursement amounts required adjustments. The GAL in the Ninth District was assigned to 18 cases on the contract, almost two times her contractual obligation. For this reason, the reimbursement amount in this locality was increased by \$500 after the review process. Results from this analysis are included in Table 7.

Table 7 Cost Comparison Analysis for Three Pilot Sites			
Reimbursement Categories	Alex.	Harris.	Ninth
<i># Hours In-Court X \$60/hour</i>	\$ 1455.00	\$ 2970.00	\$ 1800.00
<i># Hours Out-of-Court X \$40/hour</i>	8030.00	2670.00	2730.00
<i>Total Payment on 60/40 System</i>	9485.00	5640.00	4530.00
<i>Total Contract Payment</i>	10000.00	10000.00	4500.00
<i>Additional Payment Upon Review</i>	0.00	0.00	500.00
<i>Cost of Contract System</i>	\$ 515.00	\$ 4360.00	\$ 470.00

As with time spent measures, the cost comparison analysis should be interpreted with individual court caseload variations in mind. Based on the available data, it appears that each GAL in the pilot was paid more on the contract than they would have been paid for the same amount of hours on the 60/40 system. However, the GALs reported that it was impossible for them to document all of their activity. Variations in the accuracy of GAL reporting is indeterminable.

Summary and Discussion: Case-Specific Data

The case descriptions indicate that the children in these cases are often experiencing extenuating life circumstances. A vast majority of the cases were initiated as a result of abuse/neglect petitions. More frequently than not, these children had been previously abused. The cases were generally characterized by the GALs as potentially or moderately complex. These findings indicated that, for the most part, judges were assigning contract GALs to the types of cases that the pilot project workgroup intended to study.

Over 40 percent of the victims from the sample of cases were four years old or younger. Younger children are more difficult to communicate with, and the young age of this population implies that the GALs are facing a challenging task. Increased experience in working with these younger children may enhance one's ability to communicate with them. By increasing GAL caseloads and increasing exposure to young clients, the contractual system may accomplish this goal. The results also indicated that a relatively small proportion of GAL time is documented as being spent with the children (less than 6% of their total time on the case, on average); however, there is no reference for comparing this to non-contract activity.

Adherence to the contractual obligation of cases was fulfilled and exceeded in both the Alexandria and Ninth District. In the Ninth District, payment was increased because the GAL was assigned to almost twice her contractual caseload. The Harrisonburg/Rockingham site did not generate enough abuse/neglect cases to completely fulfill the contract; however, this factor was taken into consideration in formulating the contract parameters for the 1996 fiscal year. It is important to note that case counts were left to the discretion of the presiding judge. While judges in Harrisonburg/Rockingham and the Ninth District counted cases by family or sibling group (i.e., four children from one family counts as one case), the Alexandria judge based his counts on the complexity of the case, and always counted one child as one case.

The average number of hours spent on each case ranged from 5.5 to 8.0. Of course, complexity varies and some cases did involve substantially more time. GALs noted that time reports were most likely to be underestimates of actual time spent on each case. GALs appeared to spend considerably more time conducting activities out-of-court than they did in-court. Whether or not the numbers of hours spent on each case represent a "reasonable" time investment cannot be answered because there are no guidelines for making this determination.

Examination of documented contacts and GAL activities showed that the GALs spent an average of 6% of their time per case visiting the victim or the family in their home. Given

that the GAL assesses the family's situation for the court, this figure seems rather low. However, GALs appear to spend large portions of their time in court and conducting contacts by phone. On average, they spend 17% of their time interacting with social services. GALs may feasibly be collecting information about the family situation during these contacts.

Based on the available data, it appears that the contract system is financially beneficial to the GAL. The data indicates that all three of the contract GALs would have made less money for their documented time on the 60/40 system. However, it is important to recognize potential variations in time documentation accuracy and to acknowledge the influence of different court caseloads/practices on these time figures. For several reasons, GALs report that time expended is most likely an underestimate of actual time spent on the case.

Interview Data

Interviews were conducted by phone with the contract GALs, judges, and social work supervisors in the pilot sites. The GAL interview was the most extensive, taking from 1.5 to 3 hours to complete. GALs also completed a written portion of the interview.

Guardian ad Litem Interview

The Guardian ad Litem survey was designed to focus on three primary questions. First, the survey queried each contract GAL on several different issues to determine if any noticeable changes in her practice had occurred since the beginning of the contract period. These questions were designed to assess any changes in the GALs' quality of representation in these cases. GALs were also asked if any of the perceived changes were attributable to the contract or to the required GAL Continuing Legal Education (CLE) training that occurred during the contract period. The second section of the survey addressed issues of satisfaction with the contract and recommendations for future implementation. Finally, a third section was administered in a written format to document any additional GAL-relevant experience that had occurred during the contract period (e.g., CLE courses taken or other GAL work conducted during the contract period). Because only three GALs participated in the pilot program study, interview results are discussed in general terms.

Changes in Practice

GALs were asked to indicate any changes they had noticed in the following areas: (1) quality of representation, (2) working relationships with case participants, (3) knowledge and use of community resources, (4) interest in GAL cases, (5) activities as a GAL, and (6) expertise in law relevant to GAL work.

Quality of Representation

GALs were asked to describe any changes in the quality of representation they provide that had occurred since the contract period began.

- Two GALs felt that the quality of their representation had improved during the contract period.
- These GALs believed that their level of advocacy for the children in these cases had increased, specifically by their becoming more ardent and more comfortable in dealing with parental issues.
- These two GALs felt that they were able to accomplish more for the children, particularly in securing appropriate services.
- Although the third GAL did not see any changes in quality of representation during the contract period, she did identify areas of her representation that warranted additional emphasis.

Working Relationships

GALs were asked to report any changes they had noticed in their relationships with other case participants (judges, clerk's office, social services, other attorneys, victims, and parents).

- Each GAL reported improvements in her working relationships with at least three of these participants.
- At least one GAL reported an enhanced working relationship with the judge, the clerk's office, victims, parents, and other attorneys, such as the social services attorney.
- All three GALs reported an improvement in the working relationship with the social services department in their contract area.

Knowledge of Community Resources

GALs were asked several questions regarding their knowledge and use of community resources.

- Contract GALs generally stated that their knowledge of community resources had increased since the beginning of the contract period.
- One GAL felt that the procedures she used in determining appropriate services options had changed, primarily because the receptivity of social services had improved.
- Two of the GALs reported a slight change in the types of services they were recommending, citing an increased focus on therapeutic services.

Interest in Handling GAL Cases

When asked if their interest in representing children in GAL cases had changed since the beginning of the contract, two GALs reported no differences while one stated that she was "more convinced than ever" that this was the type of work she wanted to pursue.

GAL Activities

When asked to consider the breadth and frequency of GAL activities under the contract as compared to prior GAL work, two GALs reported noticing such differences.

- One GAL noticed subtle differences in activities such as meeting with psychologists more frequently, seeing the children more consistently for follow-up, and seeing both parents, when possible, before the court hearing.
- The other GAL reported a much more dramatic difference; she stated that she was able to accomplish much more under the contract because social services gave her increased authority in handling the cases.

Expertise

All GALs reported increased confidence in handling these cases since the contract period began. Two GALs also perceived themselves to have a relatively higher level of expertise in GAL-relevant law.

Attribution of Changes in Practice

In noting changes in practice, GALs were also asked to describe how the contract may have facilitated these changes, if at all. The influences of the contract system fell into four general categories: (1) increased exposure/experience, (2) increased receptivity from case participants, (3) increased GAL visibility, and (4) simplification of case processing.

Increased Exposure/Experience: GALs reported that the contract system provided them with exposure to a larger number of cases and situations than did their GAL casework prior to the contract. This additional, consistent experience was described as very important in increasing community resource knowledge. Increased exposure to GAL casework was also seen as directly related to increased feelings of expertise and confidence in doing this work. According to the GALs, this confidence also led to more comfortable interactions with parents and victims. Increased exposure/experience was also noted as influential in improving relationships with the judge and social services. The contract reportedly provided GALs with increased opportunities for direct contact and interaction with these case participants.

Increased Receptivity from Case Participants: GALs also reported that the contract facilitated a positive response from social services. In general, they contend that social services has better receptivity to GALs working on the contract. One suggestion is that this receptivity stems from increased familiarity with the individual and the quality of his or her work. Improved receptivity was described as crucial in learning about the availability of community resources and gaining access to available services. In addition, GALs felt that being on the contract increased the perceived credibility of the GAL by social services and the judge.

Increased Visibility of GAL: Changes in the breadth and frequency of GAL activities were attributed, in part, to increased visibility of the GAL. According to the GALs, the contract facilitated networking with local professionals who are involved in the child/abuse neglect system (e.g., therapists). GALs also indicated that increased visibility may be providing other attorneys with a more consistent image of the GAL role.

Simplification of Process: GALs reported that dealing with one primary GAL helped simplify the case process for social services and the clerk's office. Increased familiarity with a particular GAL leads to clearer expectations of what the GAL will actually be doing during the course of the case. In addition, small localities were sometimes able to develop procedural protocols because they always dealt with one GAL; therefore, assignments could be made more quickly.

GALs were also asked how these changes may be attributed to the GAL Continuing Legal Education training, if at all. This training was newly implemented effective January 1, 1995 as a requirement of changes made by the 1994 General Assembly to *Code* Section 16.1-266.1 for GALs who wish to be included on court GAL lists; therefore, GALs under the contract were required to complete this training. The training was designed to clarify the responsibilities of the GAL and to foster vigorous, effective, and competent representation of children's interest and welfare. For the most part, GALs saw the training as an insignificant influence on any changes in their practice that had occurred during the contract period. One GAL did indicate that the cultural diversity training had some impact on her ability to determine appropriate resources. She additionally felt that the training may have enhanced her interest in GAL work because it clarified the need for the GAL as a specialized field of law.

Contract Issues

The contract GALs were asked several questions regarding the contract system and future implementation of the system. These questions examined the GAL's satisfaction with the contract system, advantages and disadvantages of the contract system, types of cases and caseload, and concerns with program implementation.

Satisfaction with Contract System

GALs were asked several questions to assess their satisfaction with the contractual arrangement.

- All GALs stated that they did not think the amount of reimbursement received under the contract was appropriate for the amount of work performed, but the reasons for their dissatisfaction differed. Two GALs thought that the required data collection forms were too cumbersome and required much more time than they could reasonably invest. One GAL indicated that the reimbursement would have been appropriate for the casework, but felt it was inappropriate when these paperwork requirements were included. In addition, one GAL was assigned to almost two times the number of cases cited on her contract; for this reason, she thought the reimbursement was inappropriate, but felt that it would be equitable by the end of the two year cycle.
- All GALs said they would consider applying for such a contractual position if it was implemented in their locality.
- GALs noted no real differences in their satisfaction level with the outcomes of these cases relative to like cases handled prior to the contract period.
- GALs were dissatisfied with issues related to the time spent on the research forms, lack of caps on the number of cases required, and the procedures for counting cases. All felt that these issues need to be addressed.

Advantages of the Contract System

GALs reported that the contract system is potentially advantageous to the 60/40 system in the following ways:

- The contract system potentially allows the GAL to make more money per hour, if the paperwork is considerably streamlined.

- GALs would not spend time on separate billings for in-court time, out-of-court time, and expenses.
- Knowledge that a specific amount of funds is being disbursed at a specified time is desirable.

Disadvantages of the Contract System

In addition, GALs were asked to indicate ways they thought the contract system might be potentially less advantageous than the 60/40 system. These ideas were reported:

- Depending on the complexity of cases, the GAL may be making less money per hour than on the 60/40 system.
- The current paperwork is overwhelming and decreases the enjoyment of the work.
- No matter how much work the GAL puts in, he or she is only paid a flat fee.

Caseload

All of the GALs noted that their caseload under the contract was somewhat different than their GAL work prior to the contract.

- In general, the contract cases were perceived to be more complex and dealt with difficult issues more often (e.g., removals of the children from parental custody).
- GALs reported that the percentage of their practice spent on GAL work had increased by 5% - 30% under the contract.
- To provide an assessment of contractual payment arrangements in rural areas, the Ninth District GAL was contracted in rural localities where she had never done GAL work before. (Prior to becoming the contract GAL, this attorney had conducted substantial GAL work in other localities within this district.)

Recommendations and Concerns

All GALs indicated that they would recommend implementing this type of system, with reservations. They suggested that a contractual payment system has potential benefits. However, several issues were raised for consideration regarding the future implementation of this system.

- Determining an appropriate number of cases is problematic. Case complexity varies tremendously, which complicates the construction of reasonable contracts.
- Guidelines for the types of appropriate cases need to be clarified. The following questions were raised:

Should the number of children per case be limited under the contract?

Should the contract attorneys ideally be handling the more complex cases?

How do custody and CHINS cases fit into this type of system?

Would GALs who are "specialized" in custody or CHINS proceedings be more appropriate for these cases?

- Large localities may require more than one GAL to reap benefits similar to small localities.
- Burnout is a potential problem if cases stay in the system for a long time and build up over years.
- If CASA involvement is a factor in case contract construction, the CASA program should have volunteers available for assignment.
- Travel expenses could vary tremendously, depending on the locality.

- Would a review mechanism be in place to monitor problems? One GAL suggested the use of an on-site coordinator to monitor GAL work.

Additional GAL-Relevant Experience

All GALs had participated in the Representation of Children as a Guardian ad Litem Continuing Legal Education course in the winter of 1994. In addition, all GALs had taken two additional CLE courses related to family or domestic law. Two GALs also noted several cases they had participated in during the course of the contract that dealt with issues relevant to these cases, including juvenile offender cases, custody cases, GAL work in other localities, and child support cases.

Judge Survey

Three judges in the pilot localities were surveyed by phone regarding the contract GAL and the reimbursement system. The survey questions focused on three issues: GAL representation, effects of the contract on the court, and contract issues.

GAL Representation

Ideal GAL Tasks

Judges were initially asked to discuss the ideal tasks that a GAL should carry out in their courts.

- All judges mentioned talking to the child, the social worker, and other relevant parties (parents, therapists, foster care parents, CASA, other professionals, and other witnesses).
- All judges felt the GAL should make recommendations to the court. One judge expected the contract GAL to submit a written statement.
- Other GAL tasks mentioned by at least one judge were questioning witnesses in court, reviewing the court file, actively participating in the court proceedings, visiting the child in the presence of each parent, and focusing on the child as the client.
- At the onset of the contract, all judges had discussed, to some degree, their performance expectations with the contract GAL.
- Two judges stated that their expectations for the contract GAL may have been a little higher than for non-contract GALs.

Quality of Representation

Each judge praised the contract attorney's representation of children in abuse/neglect cases as it compared to their ideal GAL.

- Two GALs were described as excellent and one was described as doing a "good job in all areas".
- When asked to compare the quality of representation given by the contract GAL versus other GALs in the court during the period *preceding the contract*, judges rated two GALs as "in the top 10%" of GALs in their court while one was rated "in the top 25%".

- A similar question focused on representation *since the contract period began*. All three GALs were rated “in the top 10%” of GALs in their court.

Judges were asked to report any ways in which the GAL’s quality of representation for children in abuse/neglect cases had changed over the contract period.

- One judge reported no change, citing that the GAL was excellent before the contract and continued to be excellent during the contract period.
- The other judges did report some changes; both cited that the GALs had become more involved with social services. One judge suggested that the contract GAL had become more knowledgeable and relaxed during the contract period. The other GAL was described as a more active participant in court proceedings.

Attribution of Changes in Representation

When subsequently asked if the contract had any effect on the observed changes in representation, two judges attributed the changes, at least in part, to the contract. One judge stated that the contract gave his GAL more authority and status, which encouraged social services to build a relationship with her. The second judge reported that he thought the guaranteed income was an incentive to be better prepared and devote more time to cases; because, if the contract GAL does not perform up to expectations, he or she will lose the guaranteed income. In addition, this judge believed that the GAL training may have enhanced his contract GAL’s skills and expectations of her role.

Satisfaction with Representation

The three judges expressed their satisfaction with the contract GAL’s representation in several areas.

- All judges reported that they were very pleased with the work done by these attorneys.
- Judges reported that the contract GAL, to the best of their knowledge, “often” or “always” conducted thorough, independent investigations of the cases.
- Judges described the information that was provided by the contract GAL as “very useful” or “extremely useful”.
- All judges felt that the contract GAL always provided clear, informed recommendations. In addition, judges reported that they often followed the contract GAL’s recommendations.
- Two judges reported that they followed the contract GAL’s recommendations slightly more often than those of other GALs.

Effects of Contract System on the Court

Proportion of Cases Assigned to the Contract GAL

- Judges in the Harrisonburg and Ninth District sites reported that approximately 95% of the GAL cases in their court were assigned to the contract GAL.
- The judge in the Alexandria site noted that approximately 20-25% of the appropriate GAL cases were assigned to the contract attorney.
- Judges were rarely unable to appoint the contract GAL when it was their preference to do so.

Working Relationships

Judges were asked to report any changes they had noticed in the working relationships between the contract GALs and relevant case participants.

- Two judges reported that their own working relationship with the contract GAL had improved through increased familiarity with the GAL.
- In addition, all judges thought that the contract GAL had an improved relationship with social services since the contract began. In Alexandria, the judge reported similar changes regarding the GAL relationship with the CASA program.
- Two judges reported that relationships with the court clerk's office had also become more comfortable.
- Only one judge noted significant changes in the relationships with parents/abusers and victims. This GAL was described as more sensitive to these parties and had developed a new perspective on the goals of reunification. The other GALs were described as having very good relationships with parents and victims prior to the contract.

Judges noted that the observed improvements in the working relationships, particularly with social services, were probably a function of increased familiarity and GAL consistency.

Satisfaction with Contractual System

Judges reported that the contract system had improved the efficiency of the system, primarily because the clerk's office was able to start the process much more quickly. All judges were interested in continuing the contractual arrangement in their localities.

Influence on Other GALs

Although non-contract GALs were undoubtedly receiving fewer or no GAL cases during the contract period, judges reported no complaints about this consequence. Judges further felt that the contract GALs set positive examples of how GAL work should be conducted in their courts, but did not know if other attorneys were following these examples.

Contract Issues

Advantages and Disadvantages of the Contract System

Judges were also asked several questions regarding the methods of payment used to reimburse GALs. When asked if they thought the contractual system might be better, worse, or no different than the 60/40 system, judges gave several different perspectives.

- One judge felt that the current 60/40 system was reasonable while the other two felt that these hourly rates are a little low.
- All judges liked the idea that the contract attorney was selected based on expertise and felt that this had a positive impact on representation quality.
- Other benefits noted by the judges included the GAL being assured of earning a specific amount of money and the judge saving time in terms of his or her review of attorney bills.
- Issues of concern to the judges included the need for a cap on the number of cases and increased compensation for increased expertise. One judge suggested that GALs with this expertise should be paid at a higher rate than GALs from the appointed list.

Concerns

- Judges were primarily concerned about the lack of guidance provided to the GAL by the contractor and the potential problems in counting cases for the contract.
- The potential for a buildup of cases from previous years and burnout were also noted as possible problem areas.
- One judge also commented that the system could work if the GAL was highly qualified and selected properly, but would fail if the attorney was not sufficiently skilled in this area. Judges wanted to make sure that the contractual attorneys would provide satisfactory representation.

Social Work Supervisor Survey

A total of six social work supervisors were interviewed briefly by phone. Two supervisors were contacted in Alexandria, while one supervisor was contacted in Harrisonburg/Rockingham, New Kent, King William, and Williamsburg/James City County. (The number of relevant cases in King & Queen and Charles City County was too small to survey social workers in these sites.) Each supervisor had previously been contacted and given the survey questions. They were asked to poll the social workers who had worked with the contract GALs in their site; the evaluators provided the social worker names from the case-specific documentation. Social work supervisors reported on several issues, including the level of contact between the GAL and social services, quality of representation provided by the contract GAL, efforts of the GAL to act in the best interests of the child, changes in the working relationship with social services, and impacts of the contractual system.

Level of Contact

Social work supervisors generally characterized the level of contact the GALs had with social workers as “very good” or “excellent”, and often described them as responsive and consistent in their level of contact. In two sites, the supervisors were able to compare this level of contact to their pre-contract activity. Opinions were varied; some workers indicated that contact had increased while others described it as about the same as before the contract.

Quality of Representation

Social work supervisors were also asked to assess the GALs’ quality of representation for children in abuse/neglect cases.

- Reports were generally positive; GALs were consistently noted for their interest in the children and efforts to reach them.
- Two GALs were described as particularly thorough. They conducted their own investigations and collected information.
- Reports for the third GAL were mixed, with some reporting good information collection and some reporting no independent investigation.
- Social work supervisors reported that their prior assessments of these attorneys were not very different from their current impressions. These attorneys were generally described as providing very good representation prior to the contract.

Best Interests of the Child

Social work supervisors additionally contended that these GALs quite consistently acted in the best interests of the child. Most respondents said that the contract GALs pursued this goal more actively than other GALs in their localities.

Working Relationships

The contract GALs were consistently described as having positive, cooperative, and workable relationships with social services. Respondents did not see dramatic changes in the working relationship except to say that it helped them develop clearer expectations of the GAL role in each case.

Impact of the Contractual System

Social work supervisors generally agreed that the impact of the contract was positive, although one saw just a small difference. Noted impacts were:

- The contractual system helped social services case management proceed more smoothly.
- Increased ease of contact with the contract GAL saved time.
- Having the same person as the GAL was a benefit because it helped social services develop realistic expectations for the GAL.
- The contract GAL provided extra support for social services.
- Under the contract, judges were more consistent in appointing a GAL.

Satisfaction

Social work supervisors in each site recommended continuing the program.

Summary and Discussion: Interview Data

The interpretation of the case-specific data was complemented by the results from the interview data. Although the amount of time spent on these cases seemed small, judges and social work supervisors indicated that the contract GALs were doing a very good job, particularly when compared to other GALs in their localities. Judges and social workers were clearly satisfied with the representation provided and likewise satisfied with the contractual system because it facilitated these representational benefits.

In particular, relationships with social services reportedly improved during the contract period. Judges, social workers, and GALs reported this change, which was primarily attributed to increased familiarity and becoming more comfortable through increased exposure. Some parties felt that this improved relationship had benefits for the child, including more cooperative case management.

All parties were satisfied with the contractual system and indicated that they would like it to continue. Judges indicated that they were extremely pleased with the representation provided on the contract and believed that the selection process improved the quality of representation provided. The selected GALs were also described as consistent with judges' perceptions of the "ideal GAL", and judges rated their representation as better than most GALs in their

court. GALs felt that the system had the potential to be financially beneficial for them and would save time in terms of billing. They also indicated that increased receptivity from social services and other professionals allowed them to accomplish more for the children.

However, judges and GALs expressed several concerns that they thought should be dealt with before implementation of contract GAL programs is expanded. GALs were largely concerned with paperwork requirements and contract logistics (e.g., counting cases, caps on numbers of cases, etc.). Judges were also concerned with these issues, but additionally felt that the selection process deserves some attention to ensure that quality GALs, such as the ones in the pilot, are placed in these contract positions.

VIII. CONCLUSIONS AND RECOMMENDATIONS

This pilot project was primarily initiated to improve GAL representation of children in abuse/neglect cases in response to the findings in House Document No. 64 (1994), *The Study of the Role of Guardians ad Litem and the Modification of Courtroom Environment in Child Sexual Abuse Cases*. The case-specific and interview data collected for the pilot provide a description of the representation provided and an assessment of its quality by relevant case participants.

Interview data from judges and social work supervisors indicate that they assessed the quality of representation in these cases as near excellent, particularly when compared to other GALs. GALs, judges, and social work supervisors stated that they would like to see the program continue and most felt that the quality of representation had improved in some way during the contract period. The case-specific data indicates that relatively small amounts of time were being spent on these complex cases; the average number of hours invested per case was less than 8 hours. In addition, the documentation provided by GALs shows little time spent with the child, in the home, or with the abusers. GALs state that it was impossible to document all activities for each case, thus time reports are most likely to be underestimates of actual time spent.

Because case participants stated that representation was very good in these cases, the time investments documented in this evaluation seemed sufficient to provide quality representation. Contract GALs were selected for this project based on their experience and expertise with GAL work. These findings suggest that GALs may require small amounts of time to adequately represent a case if their level of expertise is high.

The following recommendations are based upon the quantitative and qualitative data collected for the first contract year. The Guardian ad Litem pilot program is currently scheduled to continue through June 30, 1996. Because additional data will be available at a later time, these conclusions should be considered as preliminary until further data is analyzed.

RECOMMENDATION 1

It is recommended that the Committee on District Courts develop a policy which authorizes Juvenile and Domestic Relations District Court Judges to designate one or more specific lawyers who are on the list of qualified Guardians ad Litem to serve as GALs in cases involving children who come before the court. These lawyers would be assigned all or a specific portion of the caseload as the judge determines meets the courts needs.

All involved parties saw improved GAL representation as a benefit of the contractual system and indicated that this was a welcome product of the pilot project. GALs, judges, and social work supervisors suggested that the contractual arrangement resulted in improved relationships with courtroom professionals and increased familiarity with the GAL, and thereby resulted in better representation of children. However, the data indicates that the flat-fee contract system implemented in this pilot is more costly than the current 60/40 system.

Given these findings, GALs who are assigned on the designated system should be paid on the current 60/40 basis upon submission of their time expenditures to the Supreme Court of Virginia. The designated GAL policy would enhance the judge's authority to consistently assign exceptional GALs, thereby increasing the overall quality of representation for children in the court.

In drafting the policy for implementation of a designated GAL system, the Committee on District Courts should consider the following issues:

1. Issues of GAL selection and standards for continuation as the designated GAL/satisfactory performance

Judges in the pilot project are concerned that GAL representation would suffer if contract GALs are not selected properly. In implementing the designated GAL system, the Committee on District Courts should consider recommending a process to select lawyers for these positions. At a minimum, all lawyers on the qualified GAL list published quarterly by the Office of the Executive Secretary, Supreme Court of Virginia, should be given the opportunity to apply for the designated GAL position. Issues of satisfactory performance and continuation as the designated GAL should be left to the local courts.

2. Length of the designation period

In the pilot study, the participating judges suggested that the selection of qualified GALs leads to GALs being more accountable for their performance than they are with the random GAL assignment procedure. If the GAL does not perform up to expectations, he or she may lose the assignment. In applying this finding to the proposed system, it can be assumed that designated GALs who wish to maintain the assignment would be more motivated to perform effectively. By setting specific designation periods, judges have the opportunity to replace GALs, if performance is not adequate. In addition, judges indicated that GAL burnout is a potential problem when GALs are repeatedly assign these difficult cases. Setting a specific designation period gives the attorney the option to discontinue the assignment, if burnout occurs. The Committee on District Courts should consider these factors by setting a

reasonable, specific designation period, and giving the judge an option to renew the designation, if the attorney desires to continue.

3. The usefulness of multiple designated GALs in certain localities

Judges and GALs in the pilot project expressed concern that the GAL pilot system is probably more effective in improving representation when the locality is small and the contract GAL handles most of the GAL caseload. The potential impact of this type of consistent GAL assignment on representation in larger localities is unclear. One possible way to implement the designated GAL system and still effectuate improvements in representation, such as those found in the pilot, would be to designate several GALs to cover most of the caseload in larger localities. Multiple GAL designations might also be useful in small localities, if the judge has concerns about GAL burnout or the build-up of carryover cases from the previous designation period. The Committee on District Courts should consider a provision in the policy to allow the designation of multiple GALs, if the local court so desires. However, it is likewise important to note that the designation of many GALs would probably be similar to having a court-appointed list, and potentially counteract the possible representational benefits.

4. Logistics of program administration, particularly reporting requirements

It is recommended that the policy dictate the types of documentation required of the designated GAL. This information would likely be used for payment justification, general recordkeeping, and follow-up evaluation purposes. The GAL should document information pertinent to GAL performance and evaluation of the program; however, required documentation should be constructed to be as simple as possible for the user. At a minimum, the designated GALs should document the number of children involved in each case, the number and type of petitions involved in each case, and the actual time spent in-court and out-of-court on each case.

RECOMMENDATION 2

To facilitate exploration of the financial implications of the designated GAL system, as well as other juvenile court programs, local Juvenile Courts should consider collecting basic data on GAL cases.

As stated earlier, it was not possible to conduct a true cost-benefit analysis of the pilot payment system due to the variable nature of financial reporting to the Supreme Court. For the purposes of comparison to the pilot, it is currently not possible on a consistent basis to determine the number of hours expended on each case, the amount of money disbursed for specific service dates, or the number of cases represented by existing disbursement figures.

This type of analysis is likewise important in assessing financial implications of the designated GAL system. For instance, assuming that experienced GALs spend about the same amount of time on cases as other GALs, the cost of a designated GAL system should be comparable to the 60/40 system; the primary difference is the deliberate selection of experienced, competent GALs to handle all or most of the cases within a locality. Experienced GALs may dispense with cases more quickly (which might save money relative to the 60/40 system), or they may

spend more time on their cases than inexperienced GALs (which would be more costly than the 60/40 system). The financial implications of such a payment system warrant further study, but it not feasible unless additional data is collected at the local level.

To facilitate a meaningful comparison of data between juvenile courts, court clerks could keep a small log of basic GAL case data, such as the number of cases, date of each assignment, date of reimbursement billing, docket numbers for each case, and number of children involved in each case. If collected, this data would allow comparisons of actual costs per case in designated and non-designated sites. This type of data would also be extremely useful for future research on other juvenile court programs or policies.

RECOMMENDATION 3

Data analysis and reporting for current pilot sites should be continued to assess long-term effects.

The pilot program was actually implemented in two sites in August 1994 and in a third site in October 1994. The data presented in this report, therefore, represent less than one year of time on this project. To effectively assess the impact of the pilot program, the effects should be studied for a longer period of time. Because data collection is already in place in these three sites, the data analysis should be continued to explore long-term effects.

RECOMMENDATION 4

A follow-up report on the second year of the pilot project and the implementation of the designated GAL system should be submitted to the 1997 General Assembly.

This report should contain a summary of the information gathered from the second year of the pilot project. In addition, the report should describe the implementation of the designated GAL system. This description should include information such as the number of local Juvenile Courts that elected to use the designation system and an explanation of how the system was implemented at the local level (e.g., the number of GALs selected, etc.),

IX. ACKNOWLEDGMENTS

The GAL Pilot Project workgroup would like to acknowledge the following individuals for their cooperation and assistance on this project:

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Item	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
Fund Sources: General.....	\$370,000	\$370,000		
Special.....	\$2,400,000	\$2,400,000		
Dedicated Special Revenue.....	\$5,178,250	\$5,239,070		
§ 1-13. STATE BOARD OF BAR EXAMINERS (233)				
37. Regulation of Professions and Occupations (5600000).....			\$573,770	\$601,830
Lawyer Regulation (5601900).....	\$573,770	\$601,830		
Fund Sources: General.....	\$573,770	\$601,830		
Authority: Title 54.1, Chapter 39, Articles 3 and 4 and § 54.1-3934, Code of Virginia.				
Total for State Board of Bar Examiners.....			\$573,770	\$601,830
General Fund Positions.....	4.00	4.00		
Position Level.....	4.00	4.00		
Fund Sources: General.....	\$573,770	\$601,830		
§ 1-14. PUBLIC DEFENDER COMMISSION (848)				
38. Legal Defense (3270000).....			\$11,770,753	\$12,575,450
Indigent Defense, Criminal (3270100).....	\$11,770,753	\$12,575,450		
Fund Sources: General.....	\$11,770,753	\$12,575,450		
Authority: §§ 19.2-163.1 through 19.2-163.8, Code of Virginia.				
<p>1. The Public Defender Commission is hereby authorized and directed to establish a pilot program for the provision of Guardian ad Litem services for child abuse and neglect cases in a minimum of three (3) local courts, or combination of local courts, utilizing personal services contracts for professional services, as otherwise provided for by law. Such contracts may authorize lump sum or periodic payments for all Guardian ad Litem services that may be required in the respective jurisdiction or jurisdictions during the contract period.</p> <p>2. Included in this item is \$25,000 the first year and \$25,000 the second year from the general fund to support the pilot program provided for in this section. In the event any portion of this amount remains unexpended and unobligated at June 30, 1995, or June 30, 1996, it shall be transferred to the Supreme Court of Virginia and appropriated to the Criminal Fund.</p> <p>3. The Department of Criminal Justice Services and such other agencies as may be required shall provide technical assistance to the Public Defender Commission in the development and implementation of the pilot program provided for in this section, and the Department shall further be responsible for evaluating the pilot program. The Public Defender Commission shall provide a progress report on these efforts to the Chairmen of the House Appropriations and Senate Finance Committees prior to the 1995 General Assembly session, and a final evaluation report shall be filed with the respective chairmen prior to the 1996 legislative session.</p>				
Total for Public Defender Commission.....			\$11,770,753	\$12,575,450
General Fund Positions.....	237.50	250.50		

GAL CASE INFORMATION SHEET

COURT FILE NUMBER _____ COURT _____ CASE OPEN DATE _____

TYPE OF CASE _____ (sexual abuse, physical abuse, etc.) RELATIONSHIP TO CHILD OF ALLEGED ABUSER(S) _____

DESCRIPTION OF CIRCUMSTANCES WHICH LED TO PETITION BEING FILED:

ANY INDICATORS OF INTELLECTUAL/PSYCHOLOGICAL LIMITATIONS IN FAMILY OF ORIGIN? YES NO
IF YES, DESCRIBE _____

ANY INDICATORS OF SUBSTANCE ABUSE IN FAMILY OF ORIGIN? YES NO
IF YES, DESCRIBE _____

PROVIDE A BRIEF DESCRIPTION OF THE HOME ENVIRONMENT IN THE FAMILY OF ORIGIN (include caretaker's relationship to the child):

REMOVAL STATUS AT OPENING _____ (place detailed info re: placements on case status sheet)
PLACEMENT SITE, IF APPLICABLE _____ (placement at case opening)

TO WHAT DEGREE IS THIS CASE LEGALLY COMPLEX?(EXPLAIN). _____

PLEASE PROVIDE THE CLIENT'S:
AGE _____
RACE _____
GENDER _____

PLEASE PROVIDE THE FULL NAME OF THE :
CPS WORKER _____
FOSTER CARE WORKER _____
CASA _____
JUDGE _____

THE CASE INFORMATION SHEET SHOULD BE SUBMITTED WITHIN 30-45 DAYS OF THE CASE OPEN DATE. ONLY ONE CASE INFORMATION SHEET IS NEEDED PER CASE, UNLESS INFORMATION NEEDS TO BE AMENDED LATER(e.g., TYPE OF CASE IS REVISED, ETC.). IF THIS HAPPENS, COMPLETE ANOTHER SHEET, AND WRITE "REVISED" ACROSS THE TOP.

Please contact Trina Bogle at the Department of Criminal Justice Services if you have any questions regarding this form. Phone: (804) 225-3899

COURT FILE NUMBER _____	COURT _____
-------------------------	-------------

CASE COMPLEXITY FORM

PLEASE COMPLETE THE FOLLOWING QUESTIONS WITHIN 30-45 DAYS OF THE CASE OPENING DATE.

THE FOLLOWING QUESTIONS PERTAIN TO <u>THE CHILD NAMED IN THE PETITION</u>:

1. Has abuse/neglect ever happened to this child before? Y N

IF YES, what type of abuse occurred?

- | | | |
|-------------------|---|---|
| Physical abuse | Y | N |
| Sexual abuse | Y | N |
| Physical Neglect | Y | N |
| Failure to Thrive | Y | N |
| Emotional Abuse | Y | N |
| Emotional Neglect | Y | N |
| Other | Y | N |

please explain _____

IF YES, briefly describe the nature of the abuse and case outcomes.

Based on your judgement, how severe were the abuse / neglect incidences?

- | | | | |
|------------------|-------------|-----------------|------------|
| Extremely severe | Very severe | Somewhat severe | Not severe |
| 1 | 2 | 3 | 4 |

2. Has this child been removed from the home (family of origin) before/ had parental rights terminated? Y N

IF YES, how many times has this happened? _____

IF YES, has this child had multiple out-of-home placements? Y N

IF YES, how many out-of-home placements has he/she had? _____

3. Has this child worked with Child Protective Services before? Y N

IF YES, how many CPS workers has he/she worked with? _____

IF YES, has the child worked with his/her present CPS worker before? Y N

IF YES, when did the child and present CPS worker work together before? _____

4. Has this child worked with Foster Care Services before? Y N

IF YES, how many FC workers has he/she worked with? _____

IF YES, has the child worked with his/her present FC worker before? Y N

IF YES, when did the child and present FC worker work together before? _____

5. Has this child worked with a GAL before? Y N

IF YES, how many GALs has he/she worked with? _____

IF YES, has the child worked with his/her present GAL before? Y N

IF YES, when did the child and present GAL work together before? _____

6. Has this child worked with a CASA before? Y N N/A

IF YES, how many CASAs has he/she worked with? _____

IF YES, has the child worked with his/her present CASA before? Y N N/A

IF YES, when did the child and present CASA work together before? _____

7. Are you aware of any drug and/or alcohol involvement by this child? Y N

8. Does this child display any suicidal tendencies? Y N

9. Are you aware of any health problems that this child has? Y N
(e.g., neurological problems, Attention Deficit/Hyperactivity, disabilities, etc.)

IF YES, rate the severity of these health problems:

Extremely severe	Very severe	Somewhat severe	Not severe
1	2	3	4

IF YES, briefly describe the nature of these problems:

10. Are you aware of any school problems that this child has? Y N
(e.g., learning disabilities, truancy, etc.)

IF YES, rate the severity of these school problems:

Extremely severe	Very severe	Somewhat severe	Not severe
1	2	3	4

IF YES, briefly describe the nature of these problems:

11. IF THE CHILD IS NOT RESIDING WITH THE FAMILY OF ORIGIN, what is the caretaker's relationship to the child? _____

THE FOLLOWING QUESTIONS REFER TO SIBLINGS IN THE FAMILY OF ORIGIN:

1. Has abuse/neglect ever happened to any sibling in the family of origin? Y N

IF YES, what type of abuse occurred?

Physical abuse	Y	N
Sexual abuse	Y	N
Physical Neglect	Y	N
Failure to Thrive	Y	N
Emotional Abuse	Y	N
Emotional Neglect	Y	N
Other	Y	N

please explain _____

IF YES, briefly describe the nature of the abuse and case outcomes.

Based on you judgement, how severe were the abuse / neglect incidences?

Extremely severe	Very severe	Somewhat severe	Not severe
1	2	3	4

2. Has any sibling in the family of origin been removed from the home/
had parental rights terminated? Y N

IF YES, how many siblings did this happen to? _____

IF YES, did any of these siblings have multiple out-of-home
placements? Y N

IF YES, how many of the siblings had multiple out-of-home
placements? _____

IF YES, how many out-of-home placements did each sibling have?

3. Has any sibling in the family of origin worked with a:

			<u>Same as current client's ???</u>	
CPS worker?	Y	N	Y	N
Foster Care Worker?	Y	N	Y	N
GAL?	Y	N	Y	N
CASA?	Y	N	Y	N

Related Criminal History Y N
IF YES, please explain.

Mental Illness or Psychological Limitations Y N
IF YES, please explain.

Intellectual Limitations Y N
IF YES, please explain.

Other Y N
IF YES, please explain.

11. Is there any evidence or speculation that the alleged abuser(s) in this case were likewise abused as a child? Y N

12. Do you have any previous experience working with this family? Y N

IF YES, in what capacity? _____

13. Do you have any knowledge relevant to working with this specific family? Y N
(e.g., heard about previous cases, etc.)

IF YES, please explain. _____

14. Please rate your perception of **each parent's (2 RESPONSES)** cooperation with the system (this would include cooperation with participants in the proceedings & investigation and degree to which services are used/refused).[Skip parent if they are not in the picture, unknown, etc.]

	Very cooperative		Somewhat cooperative		Not at all cooperative
Mother--	1	2	3	4	5
Father---	1	2	3	4	5

16. Based on you previous knowledge, rate the amount of time this case will require from start to completion.

Much more time than most		Average		Much less time than most
1	2	3	4	5

PLEASE INCLUDE ANY CLARIFYING COMMENTS OR ADDITIONAL INFORMATION THAT YOU THINK REFLECTS ON THE SEVERITY OF THIS CASE AND THE DIFFICULTIES YOU MIGHT ENCOUNTER IN HANDLING IT.

GAL CASE ACTI SUMMARY

COURT FILE NUMBER _____	COURT _____	CASE OPEN DATE _____
ACTIVITY REPORT FOR THE MONTH OF _____, 19____		

TO COMPLETE ACTIVITY LOG (SEE REVERSE), FOLLOW THESE GUIDELINES:

ACTIVITY TYPE would refer to meetings, home visits, research, court proceedings, staffings, phone contact, letters, etc.

WHO CONTACTED refers to clients/children, parents, family members, DSS, mental health professionals, community resources, etc. [SPECIFY NAME (IF NON-FAMILY) AND AFFILIATION].

RELATIONSHIP TO CHILD refers to how the person/organization is affiliated with the child (e.g., mom, social worker, therapist)

TIME INVOLVED should be in hours and minutes (approximate to the quarter hour).

DESCRIPTION OF ACTIVITY should detail the nature of the activity (e.g., spoke with mom re: non-compliance w/ parenting classes; attended emergency removal hearing for child). Descriptive, but concise.

ACTIVITY LOG SHOULD BE SUBMITTED BY THE 15TH OF EACH MONTH (e.g., ACTIVITY REPORT FOR SEPTEMBER SHOULD BE SUBMITTED BY OCTOBER 15). THIS INFORMATION WILL BE ACCURATE AND EASY TO TRACK IF YOU WRITE DOWN EACH ACTIVITY AS IT TAKES PLACE.

PLEASE SUBMIT A LOG SHEET FOR EACH CASE OBTAINED UNDER THE CONTRACT EVEN IF NO ACTIVITY HAS TAKEN PLACE. IF THIS SITUATION OCCURS, PROVIDE THE DESCRIPTIVE INFORMATION AT THE TOP OF THE SHEET, AND WRITE "NO ACTIVITY" ACROSS THE GRID ON THE REVERSE SIDE.

Please contact Trina Bogle at the Department of Criminal Justice Services if you have any questions regarding this form.
Phone: (804) 225-3899

COURT FILE NUMBER _____ COURT _____ STATUS REPORT DATE _____

REMOVAL STATUS AS OF REPORT DATE _____

Please record out-of-home placements (from case opening to report date) and their durations below.

	<u>PLACEMENT SITE</u>					
1.		FROM:	/	/	TO:	/ /
2.		FROM:	/	/	TO:	/ /
3.		FROM:	/	/	TO:	/ /
4.		FROM:	/	/	TO:	/ /
5.		FROM:	/	/	TO:	/ /

HEARINGS HELD AND RULING(S):

COURT-ORDERED SERVICES:

Indicate areas on compliance/non-compliance below:

SUBMIT ONE CASE STATUS SHEET FOR EACH CASE WITHIN 30-45 DAYS OF THE CASE RULING. SUBMIT ADDITIONAL CASE STATUS SHEETS EVERY THREE MONTHS THEREAFTER UNTIL THE CASE CLOSES. PLEASE ATTACH A COPY OF ANY WRITTEN SUMMARY PROVIDED TO COURT, IF AVAILABLE.

Please contact Trina Bogle at the Department of Criminal Justice Services if you have any questions regarding this form.
Phone: (804) 225-3899

GAL CASE CLOSING SHEET

COURT FILE NUMBER _____

COURT _____

CASE CLOSING DATE _____

REASON FOR CLOSING: _____

CHILD'S FINAL PLACEMENT AND REASON FOR THIS PLACEMENT:

ADDITIONAL COMMENTS (may include special circumstances, noteworthy developments, etc.):

SUBMIT ONE CASE CLOSING SHEET FOR EACH CASE WITHIN 30-45 DAYS OF THE CASE CLOSING DATE.

SUBMIT FINAL CASE STATUS SHEET WITH CLOSING FORM TO UPDATE CASE INFORMATION.

PLEASE ATTACH A COPY OF ANY WRITTEN SUMMARY PROVIDED TO COURT, IF AVAILABLE.

Please contact Trina Bogle at the Department of Criminal Justice Services if you have any questions regarding this form.
Phone: (804) 225-3899

