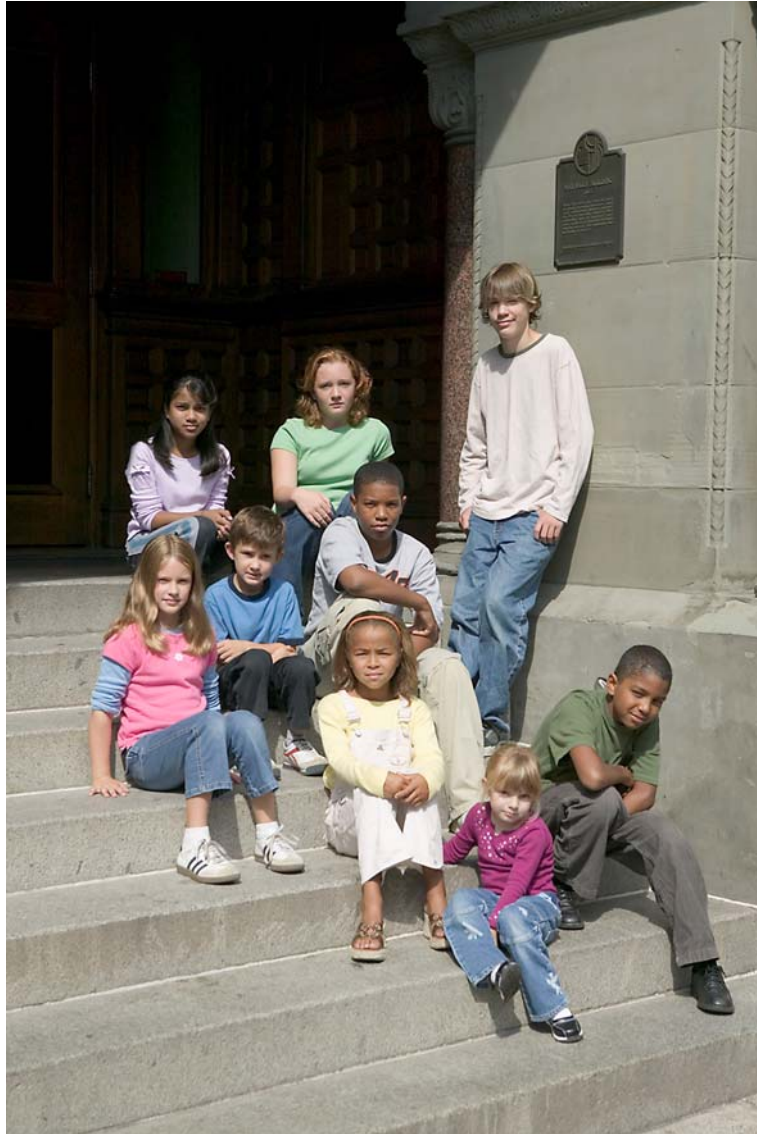


**In the Interest of Abused and Neglected Children
The Ohio CASA/GAL Study Committee
FINAL REPORT**



**Presented to:
Governor Ted Strickland
President Bill Harris, Ohio Senate
Speaker Jon Husted, Ohio House of Representatives
July 2007**

Ohio CASA/GAL Study Committee Report
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**In the Best Interest of Abused and Neglected Children:
Ohio CASA/GAL
Study Committee Report**

Presented to: Governor Ted Strickland
Bill Harris, President of the Ohio Senate
Jon Husted, Speaker of the Ohio House of Representatives

July 1, 2007

Introduction

The 126th Ohio General Assembly created the Ohio Court Appointed Special Advocate/Guardian ad Litem (CASA/GAL) Study Committee in Ohio Revised Code section 2151.282, passed as part of Amended House Bill 66 (the Budget Bill). As set forth in the statute, membership of the Committee includes a representative of the Ohio CASA/GAL Association, the Ohio Juvenile Judges Association, the Ohio State Bar Association, the Office of the Ohio Public Defender and the County Commissioner's Association of Ohio.

The charge of the Committee is to collect data associated with state and local costs by county, by child and by the different methods (CASA/GAL programs, public defender offices and paid private attorneys) of the provision of guardian ad litem (GAL) services for abused, neglected or dependent children and to analyze the GAL services provided to abused, neglected or dependent children by the different methods. The final report prepared by the Committee containing all relevant data and information is due to the Governor, Speaker of the House of Representatives and the President of the Senate on or before July 1, 2007.

A GAL is appointed by the court to assist the court in its determination of a child's best interest. To further this goal, the guardian ad litem meets with and establishes a relationship with the child, contacts those persons significantly affecting or having relevant knowledge of the child's life, gathers information, examines records and otherwise investigates the child's situation in order to provide the court with pertinent information and an informed recommendation as to the child's best interest. Report of the Guardian ad Litem Task Force on Standards, 2002.

Ohio courts appoint GALs to represent children in proceedings filed in the domestic, juvenile, probate and general divisions of the court of common pleas. Although there are GALs appointed to children with estate and property matters before the probate court, in custody, visitation and child support cases before the domestic relations court and for various other matters, the focus of this report is Ohio's abused and neglected children in juvenile/family court proceedings.

The decisions made in these cases may concern where and with whom a child resides and what services may be offered to the child and family. These determinations have a lasting impact on the child. It is essential that the person appointed by the court make informed recommendations as to the child's best interest. Although some courts have adopted local rules in this area, there is no uniformity across Ohio with respect to standards for the training and practice of guardians ad litem. Report of the Guardian ad Litem Standards Task Force, 2002.

What is the impact of having a skilled and dedicated GAL? The impact for the child is enormous. Imagine what it would be like to lose your parents, not because of something you did, but because they cannot—or will not—take care of you. You have most likely been placed in a foster home because the attempts of children’s services to work with your family to keep you safe have not succeeded. Your foster home may not be in the same community or even the same county in which you previously lived. Nothing in your current world is familiar. You have been separated not just from your parents and your home and most of your belongings but, from friends, school mates and even siblings in some instances. Now, into your life enter dozens of strangers: police, foster parents, social workers, case managers, judges, lawyers and more.

A GAL provides the child with a trained and committed adult who has been appointed by the judge to thoroughly research and inform the court of the child’s circumstances and needs in order to support the court’s decision making and to watch over and provide one-on-one advocacy for the child’s best interests. That GAL is charged with making sure the child does not get lost in the overburdened legal, social service and educational systems or languish in an inappropriate foster home and advocating that the system find a safe and permanent home for the child in a timely manner. The impact of quality GAL services can make a difference in the child’s life and future; and the financial and emotional cost of not providing such advocacy is significant.

Legal Framework & History of GAL Practice

Current federal and state laws provide little guidance regarding the appropriate role and responsibilities of the GAL serving abused and neglected children in the court system. This can be seen as impacting the lack of consistency in practice from state to state and from case to case within the same jurisdiction.

The Child Abuse and Neglect Prevention and Treatment Act (CAPTA), passed by Congress in 1974, set forth requirements for states in order to receive funding provided through CAPTA, one of which mandated the appointment of a guardian ad litem to any child who is the subject of abuse or neglect proceedings. An amendment in 1996 added that a GAL may “***be an attorney or a court appointed special advocate or both***” and that the purpose of such appointment shall be “(I) to obtain first-hand, a clear understanding of the situation and needs of the child; and (II) to make recommendations to the court concerning the best interests of the child.” In 2003, Congress additionally required through amending CAPTA that the GAL must receive training, “***appropriate to the role***.” Section 42, Title 5106(a)(2)(A)(ix), C.F.R.

In response to the 1974 passage of CAPTA, courts across the country as well as in Ohio began appointing GALs to represent the best interest of the child. Most chose to appoint paid private attorneys to serve in this role. In 1977, Seattle Superior Court Judge David Soukup became concerned he was receiving insufficient information including from the GALs to support making life-altering decisions on behalf of abused and neglected children. In response, he conceived the idea of appointing trained community volunteers to thoroughly research the child’s circumstances and advocate for the best interests of these children in the court and in the child welfare system. This was the beginning of the CASA network.

The success of the Seattle CASA program began to spread and soon judges across the country began utilizing citizen advocates. In 1979, Lucas County Juvenile Judge Andy Devine attended a conference where Judge Soukup spoke about the CASA program he had established. Upon returning home, Judge Devine elicited support and funding from the Toledo Junior League to establish Ohio’s first and the nation’s third CASA program. Today more than 900 CASA/GAL programs are in operation nationwide with 35 programs operating in 40 of Ohio’s counties.

R.C. 2151.281(B)(1) states, "The court shall appoint a guardian ad litem to protect the interest of a child in any proceeding concerning an alleged abused or neglected child." With respect to duties, the statute sets forth broad objectives:

The guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child shall perform whatever functions are necessary to protect the best interest of the child, including, but not limited to, investigation, mediation, monitoring court proceedings, and monitoring the services provided the child by the public children services agency or private child-placing agency that has temporary or permanent custody of the child, and shall file any motions and other court papers that are in the best interest of the child. R.C. 2151.281(I).

The law provides little criteria to use when determining what is in the best interest of the child in juvenile/family court; however, more specific factors are set forth for permanent custody hearings. In this matter, the law sets forth the following best interest factors:

1. The interaction and interrelationship of the child with the child's parents, siblings, relatives, foster caregivers and out-of-home providers, and any other person who may significantly affect the child;
2. The wishes of the child, as expressed directly by the child or through the child's guardian ad litem, with due regard for the maturity of the child;
3. The custodial history of the child, including whether the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two month period ending on or after March 18, 1999;
4. The child's need for a legally secure permanent placement and whether that type of placement can be achieved without a grant of permanent custody to the agency;
5. Whether any of the factors in divisions (E)(7) to (11) of this section apply in relation to the parents and child. R.C. 2151.414(D)

Other areas of the law may help the GAL in formulating criteria to determine the best interest of the child. For example, R.C. 3107.161 covers a determination of best interest in adoptions. When a court makes a determination in a contested adoption concerning the best interest of a child, the court shall consider all relevant factors including, but not limited to, all of the following:

1. The least detrimental available alternative for safeguarding the child's growth and development;
2. The age and health of the child at the time the best interest determination is made and, if applicable, at the time the child was removed from the home;
3. The wishes of the child in any case in which the child's age and maturity makes this feasible;
4. The duration of the separation of the child from a parent;
5. Whether the child will be able to enter into a more stable and permanent family relationship, taking into account the conditions of the child's current placement, the likelihood of future placements, and the results of prior placements;
6. The likelihood of safe reunification with a parent within a reasonable period of time;

7. The importance of providing permanency, stability, and continuity of relationships for the child;
8. The child's interaction and interrelationship with the child's parents, siblings, and any other person who may significantly affect the child's best interest;
9. The child's adjustment to the child's current home, school, and community;
10. The mental and physical health of all persons involved in the situation;
11. Whether any person involved in the situation has been convicted of, pleaded guilty to, or been accused of any criminal offense involving any act that resulted in a child being abused or neglected; whether the person in a case in which a child has been adjudicated to be an abused or neglected child has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; whether the person has been convicted of, pleaded guilty to, or been accused of a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the person's family or household; and whether the person has been convicted of, pleaded guilty to, or been accused of any offense involving a victim who at the time of the commission of the offense was a member of the person's family or household and caused physical harm to the victim in the commission of the offense. R.C. 3107.161.

Best interest factors are also defined in R.C. 3109.04 for proceedings in domestic relations court. It is not uncommon for GALs appointed in juvenile/family court to also give consideration to these best interest factors.

Role and Responsibilities of the Guardian ad Litem

The Ohio Revised Code and Juvenile Rules address the role of GAL in several sections; however, local rules—where they exist—and local practice tend to vary greatly across the state. One example is the GAL's report to the court.

Some courts require that all GAL reports be written regardless of the type of hearing. State statute only requires written GAL reports for permanent custody hearings. See R.C. 2151.414(C). Report format varies greatly from a few hand-written lines to reports documenting the GAL's activities since the previous hearing, facts gathered, recommendations and containing color photos of the children. Practice regarding the timing and dissemination of the reports varies as well including who can read reports or have copies. CASA/GAL volunteers must submit a written report using the National CASA Association format as its basis, with local preferences, for every hearing pursuant to Ohio CASA/GAL Association Standards. Increasingly, courts are requiring written reports containing specified content from all GALs.

When the Ohio Supreme Court Guardian ad Litem Task Force issued its recommendations concerning guardians ad litem and their responsibilities it listed eleven core responsibilities:

Out of Court Duties:

1. Interview the child and observe the child with each parent, foster parent, guardian or physical custodian. At least one interview shall be away from the presence of the parent, guardian, or physical custodian.
2. Review pleadings and other relevant court documents.
3. Review criminal, civil, educational and administrative records pertaining to the child.
4. Conduct home visits.

5. Suggest the possible necessity for psychological evaluations, mental health and/or substance abuse assessments, or other interventions.
6. Contact school personnel, medical and mental health providers, child protective services workers and relevant court personnel.
7. Explore the wishes of the child.
8. Perform any other investigation necessary to make an informed recommendation regarding the best interests of the child.

In-Court Duties:

9. Actively participate in all court proceedings.
10. Monitor court orders to ensure compliance.
11. File motions and other pleadings as appropriate under the applicable rules of procedure.

Supreme Court of Ohio GAL Standards Task Force Report, 2002.

Pursuant to R.C. 2151.352, as clarified by Juv.R. 4(A) and Juv.R. 2(Y), a child who is subject to a proceeding to terminate parental rights is a party to that proceeding and therefore, is entitled to independent counsel in certain circumstances. Circumstances in *In re Williams* included a 5-year-old child who repeatedly expressed a desire to remain with his mother, the guardian ad litem's recommendation conflicted with the child's desires and the child's interests were not represented by the guardian ad litem or by the parents. The court should determine in each case if the child is entitled to independent counsel, taking into account the child's maturity and the possibility of the child's guardian ad litem representing the child. *In re Williams* (2004), 101 Ohio St.3d 398.

Ohio law permits a dual appointment, meaning one person serves as both attorney and guardian ad litem to the child. According to Juvenile Rule 4(A), an abused child must be appointed an attorney. Further, Juv.R. 4(B)(5) requires an abused child be appointed a guardian ad litem. In an effort to cut costs, many courts comply with the Juvenile Rules by making a dual appointment. However, while the law permits dual appointments, some believe an inherent conflict of interests exists within the practice of dual appointment.

Attorneys must convey the wishes of their client, the child, to the court. Guardians ad Litem, however, must make a recommendation in the best interest of the child. Oftentimes, the child wishes to return to the home, when returning to the home is not in the child's best interest. It is in these instances that a conflict clearly exists.

Many confuse the roles of a Children's Services caseworker and the GAL; however, the roles are distinct in many ways.

The local Children's Services agency is required by law to investigate all reports of abused, neglected and dependent children. Their primary responsibility is for management of the case plan, aiding the family in completing the case and providing services when necessary.

A guardian ad litem is appointed by the juvenile court to represent the best interest of the child in court. Although the judge appoints a guardian ad litem to each child, the guardian ad litem does not work for the court or Children's Services. The guardian ad litem will make visits to the home, gather information about the child, attend court hearings, provide the court updated information and make recommendations to the court.

CASA/GAL volunteers are appointed as GALs in most counties, so the role does not change simply because the GAL is a CASA/GAL volunteer. However, the volunteer nature of CASA/GAL appointments is the very foundation on which the CASA/GAL program was built;

and is one of the greatest strengths of the program. Volunteers bring a much needed outside perspective to the court and child welfare systems. A lack of past experience in the system not only brings a fresh outlook, it opens doors to the community and helps raise public awareness of the plight of abused and neglected children.

Although the caseworker and the GAL do not always agree, the child is best served with the caseworker and GAL collaborate.

Ohio GAL Practice Standards

Although some courts have adopted local rules addressing GAL service, there are no statewide rules to insure that all courts meet minimum standards in selecting and training guardians ad litem or to guide them in their work. Recognizing the need for standards, Ohio Chief Justice Thomas J. Moyer appointed the Guardian ad Litem Standards Task Force in 2001 to develop recommendations for statewide standards of practice.

The Task Force made its report in 2002 and recommended a comprehensive set of standards that incorporated flexibility to assure that they would serve children's best interests in varied settings and proceedings. Generally, the Guardian ad Litem Task Force recommended that duties and responsibilities be defined, that the courts establish an application and review process for individuals seeking appointment as a guardian ad litem including submitting to criminal background checks and that training for guardians ad litem be provided to ensure that appointees are competent to perform guardian ad litem duties. Courts and CASA (Court Appointed Special Advocate) programs shall maintain records of all individuals applying for consideration of appointment. The court shall review guardian ad litem performance annually and shall designate a court employee to receive any complaints regarding guardians ad litem and shall maintain a written record of the complaint disposition. Additionally, the Task Force recommended that adequate sources of funding be established for payment of guardians ad litem.

The Chief Justice referred the recommendations to the newly formed Advisory Committee on Children, Families & the Courts, which reviewed comments on the recommendations and developed an implementation plan. Several changes were incorporated into the Task Force recommendations based on the public comments received and on feedback from the judiciary.

The Advisory Committee presented its approved version of the Report and Recommendations on Standards for Guardians ad Litem in late 2005 and a proposed rule of superintendence was drafted by Supreme Court staff. As recommended by the Advisory Committee, the proposed rule includes sections on GAL responsibilities and professionalism, training and reports. It also covers courts' responsibilities for establishment of criteria for appointment, training, administration and oversight of its approved GALs.

The proposed rule of superintendence recently was referred to the Commission on the Rules of Superintendence and was assigned to a working group including juvenile, probate and domestic relations judges and a magistrate. After consideration by the working group and any revisions and recommendations the Commission may choose to make, the proposed rule will be referred to the justices of the Supreme Court. The Court publishes the rule for public comment, usually for about thirty days. The Court will have the Advisory Committee consider the comments received, make any changes in the recommendations it considers appropriate and suggest an effective date, including any provisions for phasing in implementation of the rule.

GAL Task Force Standards

Specific Task Force recommendations include:

- The guardian ad litem shall interview the child, make home visits, contact professionals with whom the child has contact and explore the child's wishes.
- The guardian ad litem shall review and file pleadings, actively participate in court proceedings, recommend any additional evaluations of the child, as necessary, and monitor compliance with court orders.
- The guardian ad litem shall present reports and recommendations to the court.
- The requirements for the composition of the report, the time for filing the report and the evidentiary value of the report shall be established in accordance with applicable law and the nature of the proceeding.
- The guardian ad litem shall be objective and shall have the duty to report any actual or potential conflict of interest to the court. The guardian ad litem shall request that the court appoint an attorney to represent the child if the child's wishes differ from the guardian's ad litem recommendations.
- Guardians ad litem shall continue to serve on a case until discharged by the court; whenever possible, the court should reappoint the same individual as guardian ad litem for the child in additional proceedings.
- The court shall appoint qualified and competent individuals to serve as guardians ad litem.
- A comprehensive, statewide training program with mandatory areas of training related to guardian ad litem duties should be developed. At least six (6) hours of training is required prior to appointment and three (3) hours of additional training is required per year thereafter.
- Successful completion of a minimum of six (6) hours of pre-service training shall be required in order to qualify for consideration for a guardian ad litem appointment. Thereafter, a guardian ad litem shall complete a minimum of three (3) hours of specific training per year to be allowed to qualify for continued appointment.
- The six hour pre-service training must be either the sanctioned course developed by the Supreme Court of Ohio GAL Curriculum Workgroup; the State CASA/GAL Association pre-service training program; or any training with prior approval of the judge, that covers all topic areas referred [below].
- Statutory sources of funding should be amended by the legislature to provide for collection of fees and payment of guardians ad litem. Volunteer programs such as CASA programs should be supported and developed.

In July 2004, the Supreme Court released a Request for Proposal, seeking a vendor to develop a six hour training curriculum for GALs based required training content established by the Supreme Court Advisory Committee on Children, Families and the Courts. The Ohio CASA/GAL Association was selected to develop the curriculum which was completed in June of 2006. The Ohio Child Advocacy Center Association is currently providing regional based training on a voluntary basis to GALs across the state.

The Ohio Child Advocacy Center Association reports that 24 regional pre-service training sessions have been provided with a total of 509 GALs attending. Twenty-two additional sessions will be provided during state fiscal year 2007-2008. The three hour continuing education sessions for GALs are scheduled to begin in the fall of 2008.

The Supreme Court plans to require all persons wishing to practice as a guardian ad litem in Ohio to complete the six hour pre-service state training or training approved by the local judge that also addresses the required state training content listed below. All CASA/GAL volunteers must complete a minimum of 30 hours of pre-service training using the curriculum developed

by the National CASA Association. The CASA training contains all state required training topics.

The state required list of topics for guardian ad litem training must include the following:

- Assessing risk and safety;
- Stages of child development;
- Family dynamics;
- Child abuse and neglect;
- Basic psychopathology for adults and children;
- Substance abuse and its effects;
- Communication skills/ability to speak with children and adults, including critical questions, open-ended questions, interview skills;
- Perspective of a child;
- Records checks, accessing, assessing and appropriate protocol;
- Building trust;
- Guardians' ad litem role in court;
- Multicultural awareness;
- Sensitivity;
- Local resources and service practice;
- Dispute resolution;
- Confidentiality and
- Report content

Report of the Guardian ad Litem Standards Task Force, Final Report, 2002.

CASA/GAL Standards

Ohio began implementation of the National CASA Association Standards of Practice in 1999. Ohio is the only state association within the National CASA Association network approved to conduct its own local program standards monitoring. The Association maintains a full-time Standards Coordinator on staff to administer standards implementation including administering a local program self-assessment, reviewing documents for compliance, providing on-site technical assistance and conducting on-site reviews.

Programs within the Association are required to submit annual data, participate in on-site reviews and complete a National CASA Association Self-Assessment and a review of supporting documentation every three years. The evaluation is comprised of over 300 questions and focuses on areas such as mission and purpose, program governance, human resource management, volunteer management, financial, facility and risk management and record keeping. Volunteer management standards include:

- Each volunteer must complete a vigorous application process prior to appointment. The application must include the following: criminal background check, written application detailing employment and personal information, three references and an in-person interview.
- The volunteer must complete a minimum of 30 hours of pre-service training using the National CASA Association training prior to being sworn-in and 12 hours of in-service training each year of service.
- Volunteers may not be appointed to more than four sibling groups at one time and supervisory review to determine appropriateness must occur in order for the volunteer to be appointed to more than two sibling groups.
- Volunteers must provide a written report for each hearing using a standardized report format, and each report is reviewed by a program supervisor prior to filing with the court.
- Each volunteer must be evaluated on no less than an annual basis.

- The volunteer must meet with the child in-person a minimum of once every 30 days.
- Volunteers are asked to commit to the case until resolution.

CASA/GAL Study Data Collection

As with most studies, the resources available impact the depth and nature of the data that are collected and analyzed. The GAL Study operated within a very small budget funded by the Association which was enhanced through the generous efforts of the Committee members, court personnel, local CASA/GAL program staff and volunteers and through Association staff, board members and volunteers.

Although the provision of GAL services to abused, neglected and dependent children in the court system is required by both federal and state statute, in Ohio they are administered locally through a wide variety of approaches and both funding sources and levels. Additionally, there is no statewide entity responsible for managing or providing oversight of GAL services and data on the most basic information such as the number of children who should be or are appointed a GAL, the nature, length and cost of these services are not collected.

When the CASA/GAL Committee began its work, it became clear that comprehensive collection of data regarding GAL services would be a challenge due to the above factors and would be cost prohibitive. Regardless, the Committee believes that the data collected through the study are successful steps towards gaining a better understanding of the current state of the provision of GAL services in Ohio and to inform decision making of the need for further study and enhancement.

Data Collection Methodology

The data supporting the examination of GAL services provided to abused and neglected children were collected through surveying guardians ad litem, juvenile/family court judges and through information contained in a sample of local court records.

Financial information to examine the cost of providing GAL services was provided by the Office of the Ohio Public Defender records, local court records and the National CASA Association Annual Survey instrument completed by local CASA/GAL programs.

GAL Survey

Unfortunately, there is no complete listing or database of persons who serve as guardians ad litem for abused and neglected children in Ohio. As a result, various approaches were enlisted to disseminate surveys to persons serving as GALs.

A survey was sent to 2,032 persons in the Association's database containing CASA/GAL volunteers; however, the database does not distinguish active from inactive volunteers. Of those surveys sent, 41 were returned with incorrect addresses and 443 surveys (22 percent) were completed and indicated that the respondent was or had recently served as a CASA/GAL volunteer.

The State Public Defender office provided mailing labels for the attorneys who had submitted invoices for payment during the previous 10 months. There were 502 surveys sent to attorney GALs using these labels, 114 were returned with incorrect addresses and 97 were returned completed, a 25 percent return rate.

Letters were sent to the Hamilton County Public Defender Office and the Butler County Legal Aid Office which provide GAL services to enlist their participation in the study. From this request, seven surveys were returned from Butler County Legal Aid. This was determined not

to be a large enough sample to stand alone therefore these data were combined with the attorney GAL data.

Judicial Survey

A survey was sent to judges in each of the 88 counties having responsibility for child abuse and neglect cases. Sixty one surveys were returned representing 69 percent of Ohio counties.

Case Data

Randomly selected cases in which an abused or neglected child was appointed a GAL were pulled from five counties (Carroll, Summit, Montgomery, Warren and Scioto). Each court was asked to identify the number of cases closed during 2005 so that final outcomes could be gathered. A random sample of these cases was pulled for data collection, except in Carroll County where all closed cases were reviewed. Several cases randomly selected to be reviewed were subsequently determined to not meet the sample criteria. These cases were removed from the sample and not replaced.

County	2005 Closed Cases	Cases Reviewed
Warren	33	16
Carroll	5	5
Montgomery	253	36
Scioto	117	25
Summit	486	46
Total		128

Financial data used are from the Office of the Ohio Public Defender office that reimburses local government for a portion of the payments made to attorney GALs, 2006 local CASA/GAL program data and through the court case review.

The Committee held four face-to-face, one day meetings and six meetings via teleconference to plan study activities, develop data collection instruments, analyze data, formulate recommendations and prepare the final report. Court case data collection was conducted during eleven collective days at the five different sites. Survey dissemination, data entry, data base development and data quality assurance were provided by Ohio CASA/GAL Association staff and volunteers. It is estimated that 880 hours were devoted to this study by Committee members, Association staff, volunteers and court personnel.

What is Known About the Children Served by GALs?

Most children who are appointed a GAL have been previously involved in the child welfare system; however, juvenile/family courts have indicated an increase in *pro se* filings made by family members. Generally, Children's Services has been working with the child's family and a decision is made to request either court ordered services, referred to as protective supervision, or for the children to be removed from their home for safety reasons. It is estimated that in over 90 percent of the cases appointed a GAL, the child is removed from their home at some time during the case. These children are either placed in foster homes, group homes, residential treatment centers or placed with a relative.

In order to estimate how many children in Ohio should be appointed a GAL, data collected from the Supreme Court were examined. It is estimated that around 23,000 abused and neglected children were in the juvenile/family court system during 2006. Local CASA/GAL programs served over 8,200 of those children, approximately 36 percent. Additionally, there were 295 children in the court cases reviewed for this study. The data describing the children served by GALs available to the CASA/GAL Study Committee are from these two sources.

Although gender was not collected in the court record case review, years of CASA data indicate that the children served are close to half female and half male. As demonstrated below, over one-third of the children served are between birth to five years of age. This population is quite vulnerable to abuse and neglect and in need of protection. The next largest age group served is the six to 11 year old children in both the CASA data as well as the court record review data.

Child's Age	Children Served by CASA 2006 *		Children in Court Record Case Review **	
	Number	Percent	Number	Percent
B to 5	3041	36.8%	101	34.2 %
6 to 11	2061	24.9 %	100	33.8%
12 to 17	1959	23.7 %	54	18.3 %
18 +	259	3.1 %	28	.09 %
Not Reported	0	0%	12	.04 %

* Source of data: Ohio CASA/GAL programs, National CASA Association Annual Local Program Survey, 2006.

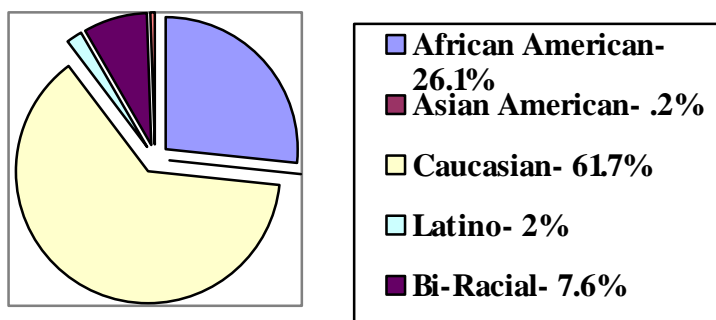
** Source of data: CASA/GAL Study Committee, Court Data, 2007.

The table above illustrates that GALs serve very young children. Because of this, it is critical that GALs receive sufficient training regarding the developmental and communication issues involved in working with children of this age. Effective communication with children is much different than with adults and generally requires both training and practice.

The CASA/GAL study survey indicates that 24 percent of paid private attorney GALs and 48 percent of CASA/GAL volunteers have received training in child development in the past year and 28 percent of attorney GALs and 41 percent of CASA/GALs have completed training in the past year on communication and interview skills.

As indicated in the following table, of the children served by CASA/GAL during 2006, over 61 percent were Caucasian and over 26 percent were African American indicating that there are a disproportionate number of African American children represented in this population. The GAL survey indicated that 12 percent of paid private attorney GALs and 35 percent of CASA/GAL volunteers completed training on multicultural awareness in the past year.

Ethnicity of Children Served by CASA/GAL 2006



Source of data: Ohio CASA/GAL programs, National CASA Association Annual Local Program Survey, 2006.

In the 128 court case records reviewed for this study, data collectors were asked to identify child issues. The following indicates the frequency of cases where child issues were

documented for at least one child. Behavioral and educational issues were documented in nearly one-third of the cases followed by physical injury.

Child Issues Identified in Court Record Case Review	Number of Cases Out of 292 Children	Percent of Cases
Behavior	37	28.9 %
Educational	35	27.3 %
Physical Injury	28	21.8 %
Mental Health	25	19.3 %
Medical	23	17.9 %
MR/DD	22	17.1 %
Attachment Bonding	17	13.2 %
Unruly or Delinquent	12	9.3 %
Grief	9	7 %
Substance Abuse	9	7 %
Vision, Hearing or Speech	8	5.4 %
Fetal Alcohol Syndrome	4	3.1 %
Minor Parent	4	3.1%
Sexual Abuse	3	2.3 %
Exposed to Domestic Violence	1	.7 %
Child Neglect	1	.7 %
Sexual Abuse Perpetrator	1	.7 %

Source of data: CASA/GAL Study Committee, Court Data, 2007.

The table below shows the length of time a CASA/GAL was appointed to cases closed in 2005. For the 128 court cases reviewed, the average length the case was open was slightly more than eighteen months.

LENGTH OF CASA/GAL SERVICE FOR CASES CLOSED DURING 2005	NUMBER	PERCENT
0 – 3 Months	600	15.0%
4 -6 Months	375	14.9%
7 – 12 Months	72	23.5%
1-2 Years	674	21.1%
Longer than 2 years	360	46.6%
Total	2081	100%

Source of data: Ohio CASA/GAL programs, National CASA Association Annual Local Program Survey, 2006.

The two most common final outcomes for the children in the 128 cases reviewed were: (1) returned home and (2) legal custody to a relative. In 44.5 percent of the cases the children were returned home and in 32.8 percent legal custody was awarded to a relative. In only two cases, Permanent Planned Living Arrangement (PPLA) was a final outcome. Generally, PPLA is not a desirable outcome for children. It is a permanent placement in a foster home;

however, it is not legally the child's family nor a permanent family for the children now and throughout their lives.

What is Known About the Families of Children Served by GALs

Little data are collected regarding the families of the children served by GALs in Ohio. In the child welfare population, of which this is a subset, substance abuse, poverty and lack of adequate parenting skills were often cited as contributing to the abuse and neglect of children. In the 128 court cases reviewed for this study, parental substance abuse and inadequate parenting skills were the most frequently documented parental/family issue.

Parental/Family Issues Identified in Court Records	Number of Cases out of 128	Percent
Substance Abuse	77	60.1 %
Inadequate Parenting Skills	73	57.0 %
Criminal History	54	42.1 %
Mental Health	54	42.1 %
Domestic Violence	52	40.6 %
Unsafe/Inadequate Housing	49	38.2 %
Provides Inadequate Supervision	48	37.5 %
Incarceration	42	32.8 %
Poverty	38	29.6 %
Uses Inappropriate Discipline	31	24.2 %
Homeless	13	10.1 %
Prostitution	4	3.1 %

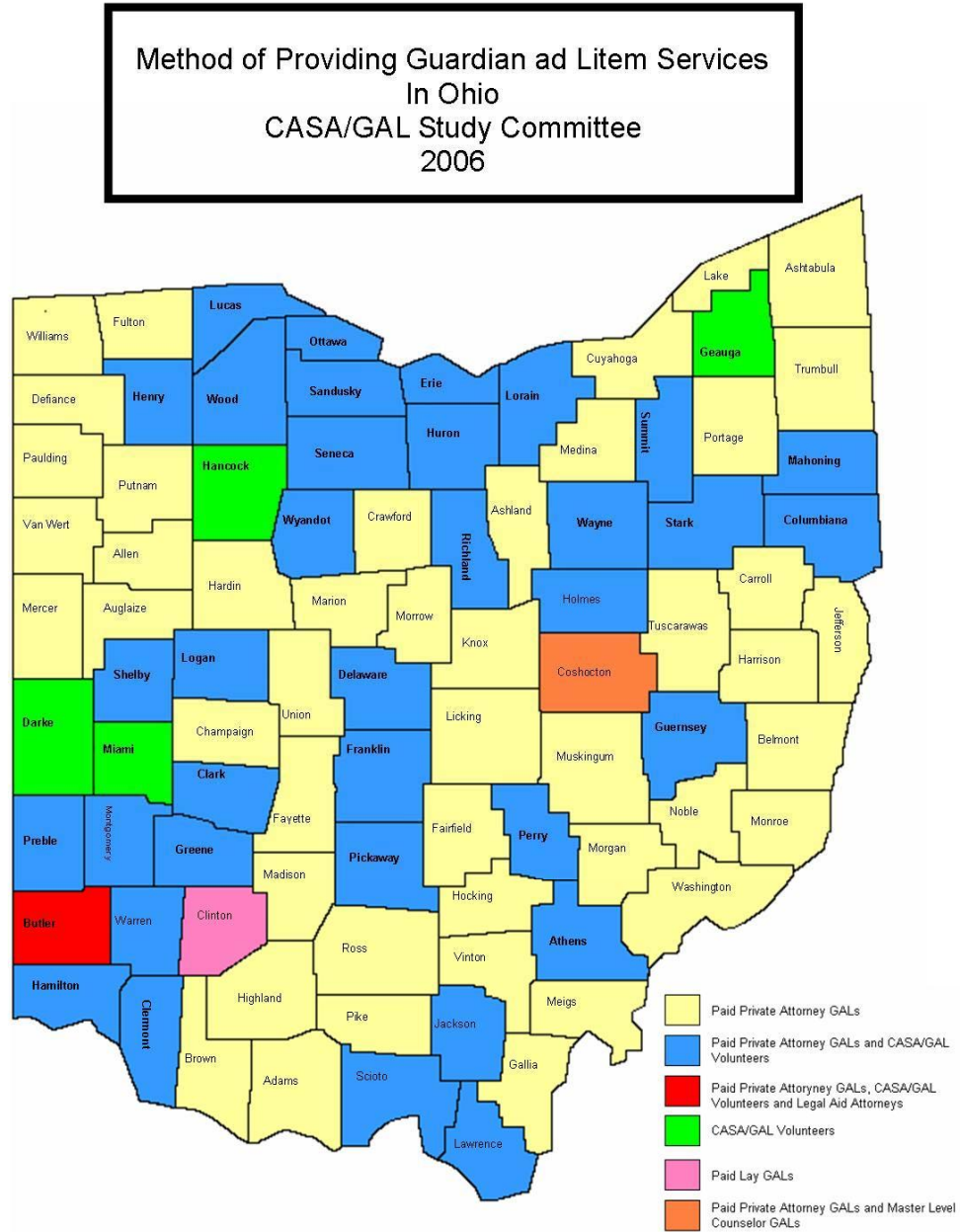
Source of data: CASA/GAL Study Committee, Court Data, 2007.

Who is Serving in the Role of Guardian ad Litem in Ohio?

There are limited data available to answer the question of who or how many individuals are serving as GALs to Ohio's abused and neglected children in the court system. The Supreme Court collects data from each court regarding the numbers of abuse or neglect filings; however, statewide data are not collected on who is serving as a guardian ad litem. Using data reported to the Supreme Court, the Committee estimates that in 2006 there were approximately 23,000 children meeting the statutory requirement for appointment of a GAL.

Local CASA/GAL programs served over 8,200 abused and neglected children in 2006, approximately 36 percent. General belief is that the majority of the children are served by a pool of private attorney GALs managed by the courts. Data of payments made to attorney GALs provided by the Office of the State Public Defender during the period of March 2006 to February 2007, support this understanding. These data, collected by the Public Defender in order to process the partial reimbursement of fees paid by local government to attorney GALs, indicate that there were 13,314 cases served by attorney GALs. However, there are indications that other types of cases such as delinquency are included in this count. Additionally, there are abuse and neglect cases known not to be included in the 13,314 cases such as those where the documentation did not meet the requirements for reimbursement. Information is also not available regarding how many children were involved in the 13,314 cases. There is also an unknown number of cases served by attorney GALs providing *pro bono* services and cases served by both paid and non-paid lay persons not affiliated with CASA.

The following map illustrates the information collected by the Committee regarding the various methods of GAL service provision (i.e. CASA/GAL volunteers and paid private attorneys) utilized by each county.



Source of data: Ohio CASA/GAL Study Committee, 2007.

The table below shows the years experience serving as a GAL for those who completed the GAL survey. Over 14 percent of the respondents indicated they have more than 10 years of experience.

Years of Experience as a Guardian ad Litem	Number of CASA/GAL Volunteers	Percent of CASA/GAL Volunteers	Number of Attorney GALs	Percent of Attorney GALs
Less Than One Year	89	23%	6	6%
Two to Five Years	195	51%	33	34%
Six to Ten Years	69	18%	19	20%
Eleven to Fifteen Years	22	6%	17	17%
More that Fifteen Years	7	2%	22	23%
Total	382	100%	97	100%

Source of data: Ohio CASA/GAL Study Committee, GAL Survey, 2007.

Generally, it is believed that the case load size of attorney GALs are larger than those of CASA/GAL volunteers. The GAL survey data supports this however the survey data also indicate that for many of the attorneys with the larger caseloads this represents over 25 percent of their legal practice.

Current Number of Children in Caseload	CASA/GAL Volunteers	Attorney GALs
0	17%	5%
1-3	53%	9%
4-10	27%	42%
11-20	3%	26%
21-30	0	8%
31+	0	9%

Source of data: Ohio CASA/GAL Study Committee, GAL Survey, 2007.

In the GAL survey, information was gathered regarding the type of training completed by GALs in the past year. The topics identified in the survey were the training topics proposed to become required pre-service content a statewide basis. Generally, more CASA/GAL volunteers than attorneys indicated receiving training in each of the training topics in the past year.

What Services are Abused and Neglected Children Receiving From Their GAL?

One of the challenges in gathering information regarding GAL services provided is the lack of consistency in the documentation available. The best source of this information is the GAL report to the court; however, many attorneys do not submit a written report except at permanency custody hearings.

The following table uses information from the judicial survey, GAL survey and the court case review to examine the activities performed by GALs in gathering information/conducting an investigation. For nine specified GAL investigation duties, judges were asked to rate their importance using “very important,” “somewhat important” and “not important.” The GAL survey asked GALs to indicate which of the nine duties they “always or nearly always complete.” Documented completion of these same duties was gathered during the court case

review. The source of this confirmation in the case records was typically contained in the GAL report to the court or in the court journal entry for the hearing.

For each of the GAL investigation duties (except one), a higher percentage of both CASA/GAL volunteers and attorney GALs indicated on the GAL survey that they “always or nearly always” complete the activity than was documented in the court case record review. The extent to which lack of documentation impacted this data is unknown. For a portion of the cases with an attorney GAL, a written report was not submitted to the court and in these cases there was generally less information available regarding the duties performed by the GAL. Additionally, case reviewers had access to additional records for CASA/GAL cases and although these records were not used as documentation for completion of the GAL duties, the volunteer’s activity log indicated that additional duties were completed but not contained in the report to the court.

The highest percent of judges indicated that a face-to-face interview/meeting with the child was a very important GAL duty. Both CASA/GAL volunteers (99 percent) and attorney GALs (83 percent) indicated that they “always or nearly always” completed this activity. In 100 percent of the cases reviewed documentation of a face-to-face interview/meeting was found in CASA/GAL cases and in 63 percent in attorney GAL cases. Although not an acceptable practice in the CASA/GAL network, some believe that when the child is not verbal a face-to-face interview/meeting is not needed.

GAL Investigation Duty	Judicial Opinion of Importance	Percentage of Duty Completed by the CASA/GAL	Percentage of Duty Completed by the Attorney GAL
Review the child's Children Service's case record	Very 83% Somewhat 8% Not 2%	Self Reported 95% Documented 77%	Self Reported 83% Documented 32%
Have a face-to-face interview/meeting with the child	Very 97% Somewhat 3% Not 0%	Self Reported 99% Documented 100%	Self Reported 90% Documented 63%
Observe the child interact with the parent(s)	Very 83% Somewhat 17% Not 0%	Self Reported 94% Documented 70%	Self Reported 82% Documented 41%
Interview the child's siblings if applicable	Very 43% Somewhat 55% Not 2%	Self Reported 79% Documented 36%	Self Reported 72% Documented 28%
Have face to face interview with the child's parent(s)	Very 90% Somewhat 7% Not 3%	Self Reported 94% Documented 83%	Self Reported 87% Documented 58%
Interview the child's current caretaker if removed from their own home	Very 74% Somewhat 26% Not 0%	Self Reported 94% Documented 78%	Self Reported 80% Documented 32%
Conduct a public records check of the parent(s) or potential child caretaker(s)	Very 39% Somewhat 39% Not 23%	Self Reported 62% Documented 53%	Self Reported 54% Documented 28%
Contact the child's teacher or other school official, if the child is school age	Very 60% Somewhat 37% Not 3.33%	Self Reported 85% Documented 47%	Self Reported 77% Documented 11%
Review the child's medical records or speak with the child's medical provider	Very 48% Somewhat 50% Not 2%	Self Reported 76% Documented 32%	Self Reported 69% Documented 7%

Source of data: Ohio CASA/GAL Study Committee, GAL Survey, Judges' Survey, Court Data, 2007.

The judge's survey requested respondents to rate the quality of GAL services provided by the attorney GALs and the CASA/GAL volunteers operating in their courts. There were 35 judges indicating that CASA/GAL volunteers are appointed as GALs in their court and 61 indicating that attorney GALs serve in their court. For each GAL duty, a higher percent of the judges rated the CASA/GAL volunteers as excellent than the attorney GALs. The table below shows the responses from the survey.

GAL Duty	GAL Type	Judicial Rating Excellent	Judicial Rating Good	Judicial Rating Average	Judicial Rating Poor
Conducting Thorough Investigations	CASA/GAL	69%	23%	8%	0
	Attorney	29%	47%	21%	3%
Analyzing Best Interest Factors	CASA/GAL	61%	31%	8%	0
	Attorney	51%	43%	6%	0
Collaborating With Others in Child Welfare/Court System	CASA/GAL	52%	32%	14%	2%
	Attorney	31%	37%	31%	1%
Providing Objective, Fact-based Information to the Court	CASA/GAL	54%	37%	8%	0
	Attorney	37%	39%	24%	0
Monitoring the Cases	CASA/GAL	57%	30%	11%	2%
	Attorney	31%	33%	28%	8%
Making Recommendations for Specific Services for the Child and Family	CASA/GAL	51%	30%	17%	2%
	Attorney	41%	34%	21%	4%
Providing Comprehensive Reports to the Court	CASA/GAL	50%	34%	14%	2%
	Attorney	28%	38%	31%	5%

Source of data: Ohio CASA/GAL Association, Judges Survey, 2006.

What is the Cost of GAL Services and Source of Funds?

The Committee's efforts to examine the cost of GAL services in a comprehensive manner using comparable data, was a huge challenge. The sources of data used are CASA/GAL local program funding data, assigned counsel fee payment data for attorney GALs provided by the Office of the Ohio Public Defender and attorney fee information collected through the court case review. What was found regarding the cost of GAL services is that significant data are not available at a state level and the data that are available for both CASA/GAL program costs and attorney GAL costs are not collected in a manner consistent enough to use for any legitimate comparisons. The by-county costs for the provision of attorney GAL services and for CASA/GAL services are in Appendix B and C respectively.

Although an unknown portion of the local cost for the provision of GAL services is not captured through either the Public Defender data examined nor the CASA/GAL data available,

it is clear that the majority of the funding for GAL services for abused and neglected children in Ohio is local money. For attorney GALs where state reimbursement is provided, 72 percent of the funds that pay the attorney fees and 45 percent of the funding for CASA/GAL programs are local government funds.

The cost for the provision of local CASA/GAL services during 2006 was \$4,827,501. This cost includes the majority of the administrative costs for the ten non-profit CASA/GAL programs and a portion of the administrative costs for the court-based programs. The attorney GAL fees paid by local government and submitted for state reimbursement for GAL services from March 2006 to February 2007 was \$5,886,751. This figure does not include any administrative costs which includes involvement of multiple staff at the local level to process appointments and payments or the cost of GAL services not eligible for reimbursement for a variety of reasons.

Attorney GAL Costs

How are Attorney GALs Paid?

In order to answer the above question an understanding is needed of how indigent defense is structured in Ohio. In essence, the counties select the type of delivery system they want to employ. If the counties wish to receive state reimbursement for a portion of the costs of providing indigent defense, of which the provision of attorney GAL services to abused and neglected children is included, guidelines must be followed. The general responsibilities and duties involved are found in R.C. Chapter 120 Section 120 and Ohio Adm. Code 120-1-01. The Office of the Ohio Public Defender also has additional rules and guidelines for the processing of reimbursement requests.

Counties can contract with the Office of the Ohio Public Defender to provide defense services or establish a county public defender office (which may mean hiring county employees or contracting with an authorized not-for-profit corporation); provide assigned counsel or a combination of these authorized systems. Even if a county chooses a state or county public defender system, conflicts usually require that some assigned counsel be utilized.

When this system was established in 1976, the state reimbursed counties for 50 percent of their costs. In the early 1980's, however, the legislature changed the law from a guaranteed 50 percent to the current prorated language that provides reimbursing up to 50 percent. Since 1992, the rate has been below 50 percent. In state fiscal year 2007, the rate was 28 percent.

In juvenile/family court, when parents or custodians have been charged with an abuse/dependency/neglect petition involving children in their care, they are entitled to an attorney. The court is concerned with the needs of the children and may or must appoint a GAL to represent the child's best interests. This GAL may or may not be an attorney. The state will only reimburse time expended for GAL services if the provider is an attorney authorized under a county's assigned counsel program or as an attorney in the county's public defender's office.

In the majority of cases, the guardian ad litem is either an attorney appointed as assigned counsel or a person outside of the county's indigent defense system. The state does not provide monetary support for those individuals outside of the authorized reimbursement indigent defense systems (such as CASA/GAL volunteers). State reimbursement for all assigned counsel including attorney GALs is anticipated to be 25 percent in the next fiscal year, or half the original commitment. Therefore, not only do the counties pick up any direct cost of many GAL programs, the cost of providing attorney GALs is increasingly the counties' responsibility with less and less state support.

In overall dollars for indigent defense, costs for local systems were \$53.7 million in 1997 and state support was \$26 million. Ten years later, the cost has grown to \$115.3 million and state funding is \$31.1 million. Adjusted for inflation, this is a 4.6 percent *decline* in purchasing power compared with 1997, at the same time costs are up 114.7 percent. Reimbursable GAL fees suffer the same decline as the entire assigned counsel program and probably more so due to the fact that many counties have low fee caps for GAL work.

Although the Office of the Ohio Public Defender, in conjunction with the County Commissioners Association of Ohio, had a number of increased funding initiatives before the General Assembly in the 2008-2009 budget bill, none of the amendments were adopted by either the House or Senate. The funding source that was adopted is not anticipated to produce enough revenue to raise the reimbursement rate by 1 percent.

How Much are Attorney GALs Paid?

Each county sets the rate for GAL payment which ranges significantly. If the county will be requesting reimbursement through the Public Defender Office, the case fee cap can be as low as \$150 but generally is \$1,000. These fees are generally well below a private attorney's hourly billing rate which frequently limits the number of attorneys, particularly experienced attorneys, who are willing and able to take appointments as GALs in juvenile cases.

Case Review Cost Data

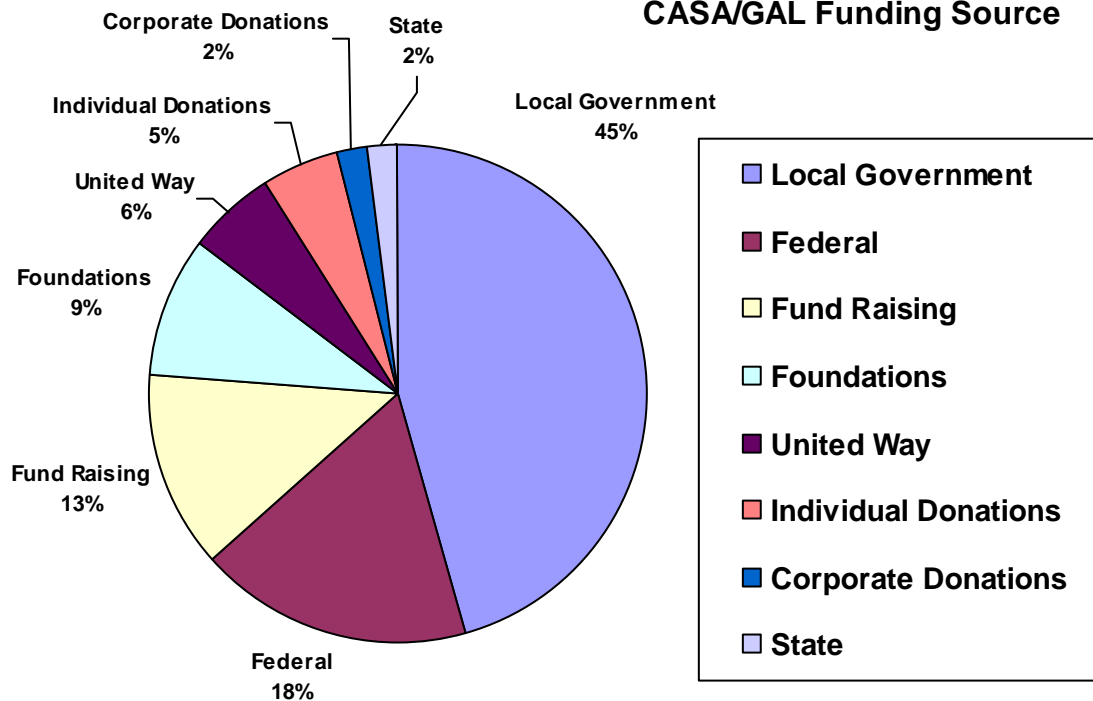
The court case review included 81 attorney GAL cases. In 21 of these cases or 26 percent, the case contained no records of fees paid to the GAL. In the remaining 60 cases, the average time the case was open was 540 days or approximately 18 months. The average in-court service hours billed during that 18 months was 3.8 hours and the average out-of-court duties for the same period was 8.4 hours. The average cost per case was \$567.36.

CASA/GAL Funding/Costs

There is significant variance in the funding available to local CASA/GAL programs due to many variables including program structure (non-profit or court-based) and the degree to which the program seeks additional funding through donations, foundation funding and grants. For 2006, the median annual cost for serving one child was \$450.82 and the average annual cost for serving one child was \$604.77.

The table below shows the source of CASA/GAL funds for 2006. As was previously mentioned, local funds represent the largest source of funds, followed by federal funds which are primarily Victim of Crime Act (VOCA) funds administered by the Ohio Attorney General's Office. VOCA funds represent approximately 70 percent of the federal funds received by CASA/GAL programs. Other smaller sources of federal funds include grant dollars through the Ohio Department of Job and Family Services for training, grants through the National CASA Association for time limited projects such as program expansion, new program development or diversity initiatives and through the Supreme Court for new program start up.

CASA/GAL Funding Source



Local Issues

Guardian ad litem services in Ohio are provided through a patchwork of methods and supported through a patchwork of funding. Judges state that they have requested additional funds to support GAL services which are generally denied because county government is struggling to pay for mandated services. The result is that GAL services provided to Ohio's abused and neglected children are quite varied in nature and quality.

All juvenile/family courts are facing significant budgetary challenges in providing GALs to represent children as mandated under Ohio statute and under Juv.R. 4. The attorney fees local government pays are generally well below a private attorney's hourly billing rate which frequently limits the number of attorneys, particularly experienced attorneys, who are willing and able to take appointments in juvenile cases. In some instances attorneys will serve as guardian ad litem on a *pro bono* basis in support of their community and court.

Courts and community members frequently contact the Ohio CASA/GAL Association wanting to establish a CASA program in their community; however, funds to do so are very limited. Current CASA/GAL programs would like to serve more children in their community, as would their judges; but, lacking additional resources, they are currently at their capacity without compromising quality practices for volunteer supervision and caseload size of volunteers.

A challenge faced by small/rural counties because of attorneys who will serve as appointed counsel and GAL is finding an attorney that has no conflict of interest in any particular case. In many juvenile cases, there are multiple parties including the mother, one or multiple fathers of the children in the family, and appointed counsel and/or guardians ad litem for all of the children involved in the family. In small counties, especially when the list of attorneys who can or will take appointments in the juvenile court is small, there may be no attorney left without a conflict of interest that can be appointed as GAL.

Models for the Provision of GAL Services

The judge’s survey asked respondents to identify the best model for the provision of GAL services. Some judges indicated more than one response. The highest percent of the judges identified “CASA/GAL volunteers with legal counsel” as the best model closely followed by “Attorney guardians ad litem.” The following table illustrates the judges’ responses:

Identified as Best Model	Percent of Judges
CASA/GAL volunteers with legal counsel	78%
Attorney GALs	70%
CASA without legal counsel	38%
Others	8%
Public Defenders	6%
Non-CASA Lay volunteers	0%

Enhancing GAL Services in Ohio

The table below shows the responses of judges and GALs gathered through their prospective surveys who were asked to rate the same five methods for enhancing the quality of GAL services in Ohio. A larger percentage of both judges and GALs rated “Clarification of GAL Responsibilities” as “very important” followed by “Allocation of increased resources”.

Enhancement	Judges’ Rating of Importance			GALs’ Rating of Importance		
	Very	Somewhat	Not	Very	Somewhat	Not
Increased training requirements for GALs	35%	56%	9%	45%	45%	10%
Clarification of GAL Responsibilities	61%	31%	8%	68%	27%	5%
Increased accountability for GALs	22%	58%	20%	49%	45%	6%
Availability of quality supervision to GALs	40%	35%	25%	66%	26%	8%
Allocation of increased resources	58%	35%	7%	66%	30%	4%

Committee Recommendations

1. Mandating minimum GAL responsibilities, including but not limited to:

- Face-to-face contact with the child
- When practical, interview biological parent(s) if location is known
- Review Children’s Services case records and contact child’s caseworker
- Request and review all available medical and school records

Currently R.C. 2151.281 offers little direction for GALs regarding duties: “***[T]he guardian ad litem***shall perform whatever functions are necessary to protect the best interest of the child, including, but not limited to, investigation, mediation, monitoring court proceedings, and monitoring the service provided the child.***” Every abused and neglected child in Ohio should have a GAL that fulfils minimum responsibilities. The Guardian ad Litem Standards Task Force recommendations which were forwarded to the Supreme Court’s Advisory Committee on Children, Families and the Court issued a report to the Supreme Court in December of 2005 with recommendations about standards for GALs. The Committee supports timely implementation of these recommendations.

2. Dedicate new sources of funding for GAL programs for the provision of quality and cost-efficient services.

Increased funding will allow local GAL programs to serve more children with more effective services. These dollars should be seen as an investment in the future of abused and neglected children and in the long run save public dollars. The costs are enormous for young children languishing in foster care without appropriate services. The state currently participates financially with a small portion of the local cost of GAL services through the assigned counsel reimbursement program managed by the Office of the Ohio Public Defender. The state should also participate financially when local government has selected other quality and cost-efficient GAL programs such as CASA/GAL programs. A dedicated source of funds should be established for CASA/GAL programs.

3. Enumerate best interest factors in Ohio statute and require GALs to address factors in written report.

Currently best interest considerations for abused and neglected children do not exist except for permanent custody hearings. Clarification of best interest factors will begin to address the current lack of consistency in practice. The Family Law Committee and the Juvenile Law Committees of the Ohio State Bar Association should address and make recommendations in developing this language.

4. Make mandatory the submission of written GAL reports at the first dispositional hearing after adjudication, annual review hearings or any hearing to determine the legal custody of a child in order that the relevant facts gathered by the GAL, relevant observations of the GAL and recommendations made to the court are documented.

Currently GAL reports differ greatly; while some are written, others are given orally in court. This allows for a lack of documentation regarding the GAL's investigation and the basis for recommendations to the court.

5. Establish a pilot program to support legal advisory services in several CASA/GAL programs to assess the effectiveness and benefit of experienced legal consultation for CASA/GAL volunteers.

To examine the quality and cost-effectiveness of CASA volunteers with legal advisors which was rated most frequently by judges surveyed as "best model for the provision of GAL services".

6. Establish a statewide data collection mechanism to collect basic information regarding the provision of GAL services.

To support data necessary to further study and document the services rendered to abused and neglected children in Ohio. Currently, no entity is charged with maintaining statewide data.

Acknowledgments

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The following courts participated in the data collection and provided support for the report:

- Carroll County Juvenile Court, The Honorable John H. Weyand

- Montgomery County Juvenile Court, The Honorable Nick Kuntz and The Honorable Anthony Capizzi
- Scioto County Juvenile Court, The Honorable James W. Kirsch
- Summit County Juvenile Court, The Honorable Linda Tucci Teodosio
- Warren County Juvenile Court, The Honorable Mike Powell

Contributed in the collection of data in their respective counties:

- Barbara Buddendeck, Mary Beyer and Jennifer Petrella, with the Montgomery County Juvenile Court
- Tamara Stiles, Summit County Juvenile Court and Ethel Seiberling Fox, CASA/GAL Volunteer in Summit County and Ohio CASA/GAL Association Board of Directors
- Jessica Lane, Scioto County Juvenile Court
- Laura Sutherland, Warren County Juvenile Court

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Ohio CASA/GAL Study Committee

Members of the Committee include:

- **Jackie Wilson**, Chair, representing the **Ohio CASA/GAL Association**, appointed by Governor Bob Taft;
- **Judge Ron Spon, Richland County Juvenile Court**, representing the **Ohio Juvenile Judges Association**, appointed by President of the Senate, Senator Bill Harris;
- **Kathleen Allmon Stoneman** representing the **Ohio State Bar Association**, appointed by Speaker Jon Husted;
- **Kathryn Smith** representing the **Office of the Ohio State Public Defender**, appointed by Minority Leader of the Senate, Senator CJ Prentiss; and
- **Lenny Eliason, Athens County Commissioner**, representing the **County Commissioner's Association of Ohio**, appointed by Minority Leader of the House of Representatives, Representative Chris Redfern.

Glossary

Adjudication: the process of giving a judicial decision as to whether the facts alleged in a petition or other pleading are true.

Adjudicatory Hearing: the full court proceeding in which it is determined whether the allegations of the petition are supported by legally admissible evidence. In juvenile court matters, an adjudicatory hearing is held to determine if the child is in fact abused, neglected or dependent as alleged in the Complaint.

Best Interest: standard used for deciding the disposition of a case involving a minor child. In juvenile court, and in the context of this report, best interest is the standard that the GAL or CASA/GAL volunteer uses in choosing a course of advocacy for every child.

Court Appointed Special Advocate (CASA): a volunteer child advocate who works to see that a child's best interest is served in a court case. CASA/GAL volunteers must belong to a local program in good standing with the Ohio CASA/GAL Association and National CASA Association to use the CASA name.

Dispositional Hearing: the juvenile court hearing in which evidence is presented and arguments made to design the most appropriate treatment and choose the most appropriate placement for the child. In many courts, the dispositional hearing immediately follows the adjudicatory hearing.

Dual Appointment: when a court appoints an attorney to serve as both the guardian ad litem and legal counsel for a minor child. The attorney must advocate for both the child's best interest as guardian ad litem and the child's wishes as legal counsel. When a conflict exists between the roles, the attorney must request the court to resolve the conflict by appointing a new guardian ad litem to the child.

Guardian ad litem (GAL): A guardian ad litem is appointed by the court to assist the court in its determination of a child's best interest. To further this goal, the guardian ad litem meets with and establishes a relationship with the child, contacts those persons significantly affecting or having relevant knowledge of the child's life, gathers information, examines records and otherwise investigates the child's situation in order to provide the court with pertinent information and an informed recommendation as to the child's best interest.

GAL report: a written or oral report given to the court by the GAL regarding the GAL's investigation and recommendations for the child. Statute only requires a written report at permanent custody hearings.

Indicators of Compliance: a checklist located at the end of the Self-Assessment Tool which requires supporting documents and materials that demonstrate compliance.

Legal Aide: the Office of the Ohio Public Defender is the state agency responsible for providing legal representation and other services for those accused of crime but who cannot afford to hire their own attorney. Courts appoint attorneys to represent children in the dual role of GAL and legal counsel and in some instances appoint legal counsel to the CASA/GAL volunteer. In each instance, the attorneys is partially paid from legal aide funds, and partially paid from county funds.

Legal Custody: an award of legal custody does not terminate the residual rights of either parent, and allows future court rulings rewarding legal or permanent custody of the child.

Legal custody is intended to be permanent, and the custodian awarded legal custody has full authority to act as a parent (i.e.: the legal custodian may make all healthcare and educational decisions on behalf of the child).

Paid, Private Attorneys: attorneys appointed and paid by the court to serve as guardian ad litem to children in abuse, neglect and dependency cases. The local juvenile courts are reimbursed by the State of Ohio Public Defender's Office for a percentage of the bill submitted by the paid, private attorneys.

Permanent Custody Hearing: a hearing to determine if it is in the best interest of the child to permanently terminate parental rights and grant permanent custody to the agency that filed the motion.

Planned Permanent Living Arrangement (PPLA): formerly called long-term foster care, PPLA is an alternative form of custody in which the child is placed in a foster home or institution, with the intention that the child will remain in that home or institution until he is no longer in the county child services system. This arrangement does not sever parental involvement.

Pro bono: Latin term referring to attorney services rendered at no charge.

Pre-Service Training: training required before serving as a GAL. CASA/GAL volunteers must complete 30 hours of pre-service training. Attorney/GALs are not currently required to attend pre-service training, however the Supreme Court plans to implement a mandatory, six hour pre-service training sometime in 2007.

Pro se: Latin term meaning to act as one's own legal counsel.

Self-Assessment Tool: a document comprised of over 200 "yes" or "no" questions to determine compliance with National CASA Standards. The Tool includes a checklist located at the end of the Self-Assessment Tool which requires supporting documents and materials that demonstrate compliance called Indicators of Compliance.

Shelter Care Hearing: hearing held within 24 – 72 hours of the initial filing in order for the court to determine whether continued placement is necessary pending the adjudicatory hearing on the complaint.

Temporary Custody: taking physical custody from the parent and providing personal care and supervision by the state.

Appendix B

Assigned Counsel Fees Paid to Court Appointed Attorney GALs For March 2006 through February 2007 6/21/07

County	Cost	Case Count
Adams (1)	\$374.00	1
Allen (2)	\$62,465.55	148
Ashtabula (4)	\$129,048.97	201
Athens * (5)	\$1,700.00	7
Auglaize (6)	\$300.00	1
Belmont (7)	\$35,002.88	44
Brown (8)	\$19,746.00	58
Butler * (9)	\$36,090.89	81
Champaign (11)	\$6,425.06	21
Clark * (12)	\$103,552.29	240
Clermont * (13)	\$50,425.00	207
Clinton (14)	\$918.00	2
Crawford (17)	\$32,856.00	109
Cuyahoga (18)	\$790,545.00	2,823
Darke * (19)	\$536.72	2
Defiance (20)	\$1,179.50	2
Erie * (22)	\$1,375.00	3
Fairfield (23)	\$112,831.00	192
Fayette (24)	\$21,577.94	44
Franklin * (25)	\$1,691,173.33	2,518
Fulton (26)	\$3,491.80	7
Gallia (27)	\$4,072.00	15
Geauga * (28)	\$1,214.00	3
Guernsey * (30)	\$17,231.00	24
Hamilton * (31)	\$61,200.50	182
Hancock * (32)	\$796.00	4

Hardin (33)	\$6,714.94	21
Harrison (34)	\$3,058.00	7
Henry * (35)	\$5,563.00	10
Highland (36)	\$9,267.50	59
Hocking (37)	\$18,145.50	46
Holmes * (38)	\$8,787.50	15
Huron * (39)	\$5,317.00	8
Jackson (40)	\$27,971.39	61
Jefferson (41)	\$11,094.00	39
Lake (43)	\$177,220.32	324
Lawrence * (44)	\$10,554.90	22
Licking (45)	\$73,758.18	244
Logan * (46)	\$25,642.18	67
Lorain * (47)	\$39,624.85	173
Lucas * (48)	\$328,440.67	814
Madison (49)	\$3,840.00	10
Mahoning * (50)	\$22,367.65	63
Marion (51)	\$25,947.00	120
Medina (52)	\$52,494.00	86
Mercer (54)	\$12,971.50	34
Miami * (55)	\$6,387.89	13
Monroe (56)	\$631.00	1
Montgomery * (57)	\$662,219.39	1,485
Morgan (58)	\$6,098.62	9
Morrow (*59)	\$12,460.00	29
Muskingum (60)	\$70,316.50	150
Ottawa * (62)	\$2,941.00	10
Paulding (63)	\$176.00	1
Pike (66)	\$547.00	1
Protage (67)	\$58,943.81	149
Preble * (68)	\$26,942.25	50
Putnam (69)	\$2,860.34	15
Richland * (70)	\$26,502.25	88

Ross (71)	\$46,604.79	141
Sandusky * (72)	\$24,690.75	49
Scioto * (73)	\$25,998.94	93
Seneca * (74)	\$54,934.07	78
Stark * (76)	\$116,482.34	463
Summit * (77)	\$333,935.10	539
Trumbull (78)	\$22,768.50	82
Tuscarawas (79)	\$62,949.10	123
Van Wert (81)	\$1,369.00	14
Vinton (82)	\$6,553.53	40
Warren * (83)	\$65,281.57	101
Washington (84)	\$9,859.18	30
Wayne * (85)	\$36,108.86	69
Williams (86)	\$6,483.20	22
Wood * (87)	\$8,277.00	46

* Indicates CASA Program

Source: Ohio Public Defender
Commission Charge Code Analysis
Report

Appendix C

Ohio CASA/GAL Association Expense/Children By County 2006 Data

County	Total Expense	Children Served
Athens * (5)	\$31,945.07	148
Butler * (9)	\$262,247.00	190
Clark * (12)	\$100,750.00	66
Clermont * (13)	\$140,079.00	61
Columbiana * (15)	Program data not available	
Darke * (19)	\$20,990.00	111
Delaware * (21)	\$74,644.04	259
Erie * (22) Ottawa * (62)	\$126,249.18	226
Franklin * (25)	\$505,404.00	603
Geauga * (28)	\$113,309.68	135
Greene * (29)	\$101,434.42	225
Guernsey * (30)	\$44,675.00	105
Hamilton * (31)	\$739,843.00	323
Hancock * (32)	\$145,510.00	153
Henry * (35)	\$36,410.76	40
Holmes * (38)	new program, no data available	
Huron * (39)	\$59,328.00	112
Jackson * (40)	new program, no data available	
Lawrence * (44)	new program, no data available	
Logan * (46)	\$3,500.00	16
Lorain * (47)	\$163,800.36	569
Lucas * (48)	\$367,572.76	704
Mahoning * (50)	\$47,940.32	129
Miami * (55)	\$98,923.75	142
Montgomery * (57)	\$132,451.00	465
Perry * (64)	\$5,789.00	18
Pickaway * (65)	\$18,743.10	54
Preble * (68)	\$19,128.80	57
Richland * (70)	\$179,519.00	275
Sandusky * (72) Seneca * (74) Wyandot * (88)	\$207,337.48	391
Shelby * (75)	\$11,872.65	100

Scioto * (73)	\$19,927.00	34
Stark * (76)	\$102,918.00	644
Summit * (77)	\$828,839.00	1,613
Warren * (83)	\$0.00	9
Wayne * (85)	\$26,000.00	130
Wood * (87)	\$90,420.20	148

Source: 2006 Annual Local Program
Survey

Appendix D
In the Best Interest of Abused and Neglected Children:
Ohio CASA/GAL Study Committee
Executive Summary
Presented to: Governor Ted Strickland
Bill Harris, President of the Ohio Senate
Jon Husted, Speaker of the Ohio House of Representatives
July 1, 2007

The 126th Ohio General Assembly created the Ohio Court Appointed Special Advocate/Guardian ad Litem (CASA/GAL) Study Committee in Ohio Revised Code section 2151.282 as passed in Amended House Bill 66 (the Budget Bill). As set forth in the statute, membership of the Committee includes a representative of the Ohio CASA/GAL Association, the Ohio Juvenile Judges Association, the Ohio State Bar Association, the Office of the Ohio Public Defender and the County Commissioner's Association of Ohio.

The charge of the Committee is to collect data associated with state and local costs by county, by child and by the different methods (CASA/GAL programs, public defender offices and paid private attorneys) of the provision of guardian ad litem (GAL) services for abused, neglected or dependent children and to analyze the GAL services provided to these children. The final report prepared by the Committee containing all relevant data and information is presented herein to the Governor, Speaker of the House of Representatives and the President of the Senate on July 1, 2007.

The appointment of a GAL to any child who is the subject of abuse or neglect proceedings is one requirement of the Child Abuse and Neglect Prevention and Treatment Act (CAPTA), passed by Congress in 1974. In order to receive funding provided through CAPTA, states must demonstrate compliance with each of the programmatic mandates. R.C. 2151.281 requires the court to appoint a GAL to protect the interest of a child in any proceeding concerning alleged abuse or neglect. The statute provides broad objectives in addressing GAL responsibilities which includes but is not limited to: performing whatever functions are necessary to protect the best interest of the child, investigation, mediation, monitoring court proceedings and monitoring the services provided the child by the public children services agency or private child-placing agency that has temporary or permanent custody and to file any motions and other court documents in the best interest of the child.

Most children who are appointed a GAL have been previously involved in the child welfare system. Generally, Children's Services has been working with the child's family and a decision is made to request either court ordered services (protective supervision) or for the child to be removed from their home for safety reasons. It is estimated that in over 90 percent of the cases appointed a GAL the child is removed from their home.

In a best practice model, a GAL is a trained and committed adult appointed to thoroughly research and inform the court of the child's circumstances and needs and to support informed court decision making. The GAL provides one-on-one advocacy driven by the child's best interests and monitors the case, the court's orders and informs the court of relevant information. The GAL is charged with making sure the child does not get lost in the overburdened system or languish in foster care and advocates that the system finds a safe and permanent home for the child in a timely manner.

The impact of quality GAL services can make a difference in the child's life and future; and the financial and emotional cost of not providing such advocacy is significant.

The data collected for the CASA/GAL Study Committee to support the examination of GAL services were collected through a GAL survey, juvenile/family court judge survey and through information contained in a randomly selected sample of local court records. The case sample included abuse and neglect cases closed in 2005 where a GAL was appointed by the court in Carroll, Montgomery, Scioto, Summit and Warren counties.

Highlighted Study Findings:

- GAL services to abused and neglected children in the court system in Ohio are delivered by a pieced together system where practice varies greatly, and there is little to no statewide data collected regarding any aspect of GAL services.
- Using court data gathered by the Supreme Court, it is estimated that 23,000 abused and neglected children were in the juvenile/family court system during 2006 that should have been appointed a GAL.
- Local CASA/GAL programs served 8,255 abused and neglected children in 2006.
- Data provided by the Office of the Ohio Public Defender of payments made to attorney GALs indicates that there were 13,314 cases served by attorney GALs from March 2006 to February 2007.
- There are an unknown number of cases served by attorney GALs providing *pro bono* services and cases served by both paid and non-paid lay persons not affiliated with CASA.

Child and Family

- Children appointed a GAL are quite vulnerable based on age alone. Over one-third are between birth to five years of age and over one-quarter are ages six to 11.
- Of the children served by CASA/GAL programs, over 61 percent were Caucasian and over 26 percent African American indicating a disproportionate number of African American children represented in the population.
- In nearly one-third of the 128 court case records reviewed for the study child behavioral and educational issues were documented in the case. A child had received physical injuries in over 20 percent of the cases.
- The two most common final child outcomes in the cases reviewed were returned home (44.5 percent) and legal custody to a relative (32.8 percent).
- Parental/family issues most frequently identified were substance abuse (60.1 percent) and inadequate parenting skills (57 percent). Thirty-eight percent of the families lived in unsafe or inadequate housing, and 29 percent were living in poverty.

GAL Services

- For nine specified GAL investigation duties, judges were asked to rate their importance using “very important,” “somewhat important” and “not important.” The GAL survey asked GALs to indicate which of the same nine duties they “always or nearly always complete.” Documented completion of these duties was gathered during the court case review. A face-to-face interview/meeting with the child was most frequently rated by the judges as a very important GAL duty. Both CASA/GAL volunteers (99 percent) and attorney GALs (83 percent) indicated that they “always or nearly always” completed this activity. Documentation of a face-to-face interview/meeting was found in 100 percent of the CASA/GAL cases and in 63 percent in attorney GAL cases.
- The judge’s survey requested respondents to rate the quality of GAL services provided by attorney GALs and CASA/GAL volunteers operating in their courts. There were 35 judges indicating that CASA/GAL volunteers are appointed as GALs in their court and 61 indicating that attorney GALs serve in their court. For each GAL duty, a higher percent of the judges rated the CASA/GAL volunteers as excellent than the attorney GALs.

Cost of GAL Services

- The data used to examine costs are from local CASA/GAL programs, assigned counsel fee payments for attorney GALs provided by the Office of the Ohio Public Defender and attorney fee information collected through the court case review. It was determined that there is significant data not readily available and the data that were examined is not collected in a manner consistent enough to use for any legitimate comparisons.
- For attorney GALs where state reimbursement is provided, 72 percent of the funds for attorney fees and 45 percent of the funding for CASA/GAL programs are local funds.
- The cost for the provision of CASA/GAL services during 2006 to 8,255 children was \$4,827,501. This cost includes the majority of the administrative costs for non-profit CASA/GAL programs and a portion of the administrative costs for court-based programs.
- The attorney GAL fees paid by local government and submitted for state reimbursement from March 2006 to February 2007 was \$5,886,751 for 13,314 cases. This data contains some cases other than child abuse and neglect cases such as GALs appointed in delinquency matters. This figure does not include administrative costs to process appointments and payments nor the cost of GAL services determined to not be eligible for reimbursement for a variety of reasons.
- Each county sets the attorney GAL fee caps generally ranging from \$150 to \$1,500. These fees are well below a private attorney’s hourly billing rate which frequently limits the number of attorneys, particularly experienced attorneys, willing and able to take GAL appointments.
- For the 81 court cases with an attorney GAL, 26 percent contained no record of fees paid to the GAL. In the remaining 60 cases, the average time the case was open was 18 months. The average in-court service hours billed by the GALs was 3.8 hours and the average hours billed for out-of-court duties was 8.4. The average attorney fees paid per case was \$567.36.
- There is significant variance in the level of funding of CASA/GAL programs due to many variables including program structure (non-profit or court-based) and the degree to which the program seeks additional funding through donations, foundation funding and grants. For 2006, the median annual cost for serving one child was \$450.82 and the average annual cost for serving one child was \$604.77.

- The primary source of funds for CASA/GAL programs in 2006 were 45 percent local, 18 percent federal, 13 percent from fund raising, nine percent from foundations, and five percent from individual donors. Two percent were state funds.
- The judge's survey asked respondents to identify the best model for the provision of GAL services. Some judges indicated more than one response. Seventy-eight percent of the judges identified CASA/GAL volunteers with legal counsel as the best model followed by attorney GALs (70 percent), CASA/GAL volunteers without legal counsel (38 percent), other (8 percent), public defender (6 percent) and non-CASA lay volunteers (0).
- Judges and GALs through their prospective surveys were asked to rate the same five methods for enhancing the quality of GAL services in Ohio. A larger percentage of both judges and GALs rated "Clarification of GAL Responsibilities" as "very important" followed by "Allocation of Increased Resources."

Committee Recommendations

7. Mandating minimum GAL responsibilities, including but not limited to:

- **Face-to-face contact with the child**
- **When practical, interview biological parent(s) if location is known**
- **Review Children's Services case records and contact child's caseworker**
- **Request and review all available medical and school records**

Currently the statute offers little direction for GALs regarding duties. Every abused and neglected child in Ohio should have a GAL that fulfills minimum responsibilities. The Guardian ad Litem Standards Task Force recommendations which forwarded to the Supreme Court's Advisory Committee on Children, Families and the Court issued a report to the Supreme Court in December of 2005 with recommendations about standards for GALs. This committee supports timely implementation of these recommendations.

8. Dedicate new sources of funding for GAL programs for the provision of quality and cost-efficient services.

Increased funding will allow local GAL programs to serve more children with more effective services. These dollars should be seen as an investment in the future of abused and neglected children and in the long run save public dollars. The costs are enormous for young children languishing in foster care without appropriate services. The state currently participates financially with a small portion of the local cost of GAL services through the assigned counsel reimbursement program managed by the Office of the Ohio Public Defender. The state should also participate financially when local government has selected other quality and cost-efficient GAL programs such as CASA/GAL programs. A dedicated source of funds should be established for CASA/GAL programs.

9. Enumerate best interest factors in Ohio statute and require GALs to address factors in written report.

Currently best interest considerations for abused and neglected children do not exist except for permanent custody hearings.

10. Make mandatory the submission of written GAL reports at the first dispositional hearing after adjudication, annual review hearings or any hearing to determine the legal custody of a child in order that the relevant facts gathered by the GAL, relevant observations of the GAL and recommendations made to the court are documented.

Currently GAL reports differ greatly; while some are written, others are given orally in court. This allows for a lack of documentation regarding the GAL's investigation and the basis for recommendations to the court.

11. Establish a pilot program to support legal advisory services in several CASA/GAL programs to assess the effectiveness and benefit of experienced legal consultation for CASA/GAL volunteers.

To examine the quality and cost-effectiveness of CASA volunteers with legal advisors which was rated most frequently by judges surveyed as “best model for the provision of GAL services.”

12. Establish a statewide data collection mechanism to collect basic information regarding the provision of GAL services.

To support data necessary to further study and document the services rendered to abused and neglected children in Ohio. Currently, no entity is charged with maintaining statewide data.

Ohio CASA/GAL Study Committee Members

Jackie Wilson, Chair
Ohio CASA/GAL Association

Judge Ron Spon
Richland County Juvenile Court
Ohio Juvenile Judges Association

Kathleen Allmon Stoneman
Ohio State Bar Association

Kathryn Smith
Office of the Ohio Public Defender

Lenny Eliason
Athens County Commissioner
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For a copy of the Final Report visit www.OhioCASA.org