



Report to the Governor
C.L. "Butch" Otter
and the
1st Regular Session of the
64th Idaho Legislature

IDAHO JUDICIARY

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IDAHO'S GUARDIAN AD LITEM PROGRAMS: PROTECTING PRECIOUS RESOURCES

"There can be no keener revelation of a society's soul than the way in which it treats its children." – Nelson Mandela

For more than a quarter of a century, Idaho's seven Guardian ad Litem (GAL) programs have worked diligently to provide a GAL volunteer to advocate for the best interests of each child who is the subject of a child protection case in Idaho.

Program Mission and Responsibilities

The mission of Idaho's GAL programs, as defined by the Idaho Legislature, is: "[To] have each child brought within the purview of [the Child Protective Act] available to him a guardian ad litem throughout each stage of any Child Protective Act proceeding."¹ A GAL, as referenced in the Child Protective Act, refers to a volunteer appointed by the court to act as a special advocate for the child.² A volunteer GAL is required to conduct an independent factual investigation of the child's circumstances, file court reports conveying the results of the investigation, advocate for the child's best interest (as opposed to expressed wishes), and monitor the child's circumstances throughout the life of the case.³ Additionally, when the Legislature amended I.C. Code § 16-1629(8) in 2016, it gave GALs an enhanced role of serving as a check on placement decisions made by the Department of Health and Welfare. They are one of the parties that can challenge placement decisions and ask for a court review of the placement under the provisions of Idaho Juvenile Rule 43(3). This is a very important responsibility for the GAL and effectuates the intent of the 2016 legislation.

Each of Idaho's GAL programs has chosen to affiliate with the National Court Appointed Special Advocate Association (NCASAA). Court Appointed Special Advocates (CASAs) perform the same function and have the same responsibilities as GALs in Idaho, and in Idaho the terms "CASA" and "GAL" are used interchangeably.

NCASAA has compiled data that demonstrates the importance and effectiveness of GALs/CASAs in child protection cases. A child with a volunteer GAL/CASA is:

- More likely to find a safe, permanent home.
- More likely to receive needed services.
- Less likely to re-enter out-of-home care.
- Less likely to have placement changes while in out-of-home care.⁴

GAL volunteers must pass a fingerprint-based criminal records check⁵ and complete 30 hours of pre-service training on specific topics prior to being appointed to a child protection case.⁶ Each GAL program is tasked with recruiting volunteer GALs to provide services in each county in the program's judicial district.⁷

¹ I.C. § 16-1632(1)(d).

² I.C. § 16-1602(23).

³ I.C. § 16-1633.

⁴ See "Evidence of Effectiveness." http://www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.5332511/k.7D2A/Evidence_of_Effectiveness.htm (Last visited September 23, 2016).

⁵ I.C. § 16-1632(3).

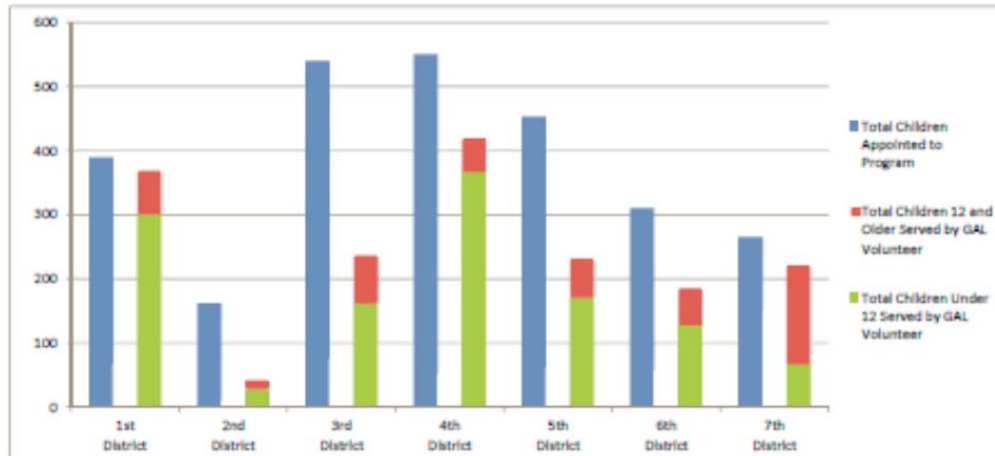
⁶ Idaho Juvenile Rule 35(2).

⁷ I.C. § 16-1632(1)(f).

Serving Idaho's Children and Families

Idaho's seven GAL programs exemplify a successful public/private partnership that greatly benefits Idaho children and families. The Idaho GAL programs are funded by a combination of funds from the Idaho Legislature and from community donors.

Volunteer GALs are appointed for children under age 12 and legal counsel is appointed for the volunteer GAL. An attorney is appointed for youth age 12 and over, and a GAL may, in addition, be appointed. Idaho's GAL programs, for the most part, serve children under the age of 12. In FY2016, the percentage of Idaho children served by a volunteer GAL (as opposed to staff) varied widely across the state:



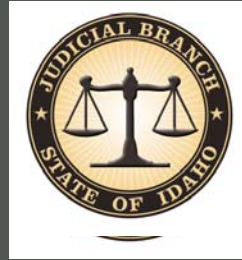
Youth not served by a GAL volunteer are served by court staff, who advocate for children in addition to their program responsibilities.

Despite the support of the Legislature and the citizens of Idaho, Idaho's GAL programs are struggling to provide a volunteer GAL for each of the children for whom the program is appointed. The programs continue to pursue funding sources so that they can meet their statutory mandate to recruit, train, and provide a volunteer GAL for every child under age 12 and youth age 12 and over for whom a GAL is appointed.

Much has been accomplished to improve outcomes for Idaho's most fragile children and families. Much remains to be done.

"Nothing you do for children is ever wasted." – Garrison Keillor

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Mission Statement of the Idaho Courts

As the Third Branch of Government, we provide access to justice by ensuring fair processes and the timely, impartial resolution of cases.

The Idaho Courts stand for:

*Integrity
Fairness
Independence
Respect
Excellence
Innovation*

The Idaho Courts strive to:

**Provide Timely,
Impartial Case
Resolution through
Legally Fair Procedures**

Ensure Access to Justice

**Promote Effective,
Innovative Services**

**Increase Public Trust
and Confidence in
Idaho Courts**

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April 25, 2016