



OPPAGA

Office of Program Policy Analysis and Government Accountability

Research Memorandum

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OPPAGA Review of Florida's Guardian ad Litem Program

EXECUTIVE SUMMARY

Florida law requires the appointment of a guardian ad litem (GAL) to any child abuse, abandonment, or neglect judicial proceeding. The Florida GAL Program is the state's mechanism for best interest representation for children involved in dependency proceedings. It provides oversight and technical assistance to GAL programs in each of Florida's 20 judicial circuits and recruits, trains, and supervises volunteers to serve on dependency cases across the state.

The Florida GAL Program adheres to national standards for court-appointed special advocate or GAL programs but differs from most other states' programs in its model of child representation. Florida employs a multi-disciplinary team approach, wherein a child receives the services of a GAL volunteer, a staff advocate, and a staff attorney that represents the program, not the child. Professional societies and academic literature recommend attorney representation for children in dependency proceedings. Florida's program follows state and national volunteer requirements, and while many stakeholders feel that staff and volunteer training and supervision is sufficient, some recommend training in additional areas, such as the realities of foster care and challenges of disadvantaged parents.

Over each of the past four fiscal years, the GAL Program provided best interest representation to 67% to 68% of children in dependency proceedings statewide. When local programs are unable to provide

SCOPE

The Legislature directed OPPAGA to review the Florida Guardian ad Litem Program, including whether the program

- fulfills statutory requirements to represent all children in dependency proceedings, and if not, how it prioritizes appointments;
- follows best practices for child advocacy;
- represents children in an effective and efficient manner;
- identifies areas where it can improve performance; and
- has adequate procedures to screen and supervise volunteers.

representation in all dependency cases, judges and staff reported prioritizing specific types of cases based on statutory criteria, the child's age, abuse severity, placement type, or presence of special circumstances, such as victims of human trafficking.

The GAL Program tracks performance using its own program data but relies on statewide dependency data for child welfare outcomes. We recommend that the program clarify that some of its measures include all children in the dependency system and are not specific to children served by the program. While the program engages in activities to improve performance, we recommend it implements additional program performance metrics, such as pre-and post-program well-being assessments and/or child outcomes specific to those served by the program.

GAL and dependency court data create limitations for analysis, and a unified data set that combines GAL case information with statewide child welfare outcomes does not exist. We recommend that the program improve its data management and staff understanding of program data to be better able to identify and address data problems. We also recommend that the program include a unique identification number in each child's case file to be better able to identify child placements and outcomes in statewide data.

Over the past four years, the number of children served in the dependency system and by the GAL Program has decreased. Although data issues limit our ability to analyze GAL Program outcomes, we identified similar trends when comparing GAL Program outcomes and statewide data. However, because GAL closure dates do not always align with Department of Children and Families (DCF) discharge dates for individual cases, comparing trends between GAL Program and DCF case outcomes is limited.

Stakeholder opinions regarding the effectiveness and efficiency of Florida's GAL Program split along professional lines. Several judges reported the program is effective and efficient due to the use of unpaid volunteers, volunteers' abilities to get to know the child better than others, volunteer provision of information not otherwise available, and the value of best interest advocacy in general. Conversely, several attorneys expressed concerns about the program, including the lack of legal representation for children; volunteers discharging off cases before they conclude; volunteers often reiterating DCF's recommendations; and lack of volunteer expertise. Despite these differing views, GAL volunteers were commended across stakeholder groups for obtaining needed services for children.

BACKGROUND

The federal Child Abuse Prevention and Treatment Act requires states to document in their state plan provisions for appointing a guardian ad litem (GAL) to represent the child's best interest in every case of abuse or neglect that results in a judicial proceeding. Depending on state requirements, GALs may be attorneys or volunteer court-appointed special advocates (CASAs) who have received appropriate training.^{1,2} GALs represent the child in all judicial proceedings related to the case, meet with the child on a regular basis, and investigate the circumstances of a child's case before submitting a recommendation to the court as to what they feel is in the child's best interests (e.g., family reunification or adoption).

The term "best interests of a child" generally refers to deliberations undertaken by courts in making decisions about the services, actions, and orders that will best serve a child and who is best suited to care for that child. The ultimate safety and well-being of the child are the predominant concerns of such determinations, and these decisions typically consider many factors related to the child and parent or caregiver's circumstances and capacity to parent.³ The best interests of a child may or may not align with a child's expressed wishes. Attorneys may be appointed instead of or in addition to a GAL to represent a child's expressed wishes, which is referred to as client-directed representation.

Florida law requires the court to appoint a GAL to any child abuse, abandonment, or neglect judicial proceeding, and the Florida Guardian ad Litem Program is the state's mechanism for best interest representation for children involved in dependency proceedings.^{4,5,6} Florida's GAL program is an independent entity responsible for providing oversight and technical assistance to all local GAL programs in each of Florida's 20 judicial circuits.^{7,8,9} (See Appendix A for a map of Florida's judicial circuits.) The Florida GAL Program recruits, trains, and supervises GAL volunteers to serve on dependency cases across the state. The program employs a multi-disciplinary team approach, wherein a child receives the services of a GAL volunteer, a staff advocate, and a staff attorney. This model has evolved over the years from what used to be a volunteer-only approach.

State funding for the program has increased by 21% over the past five years, from \$43.6 million in Fiscal Year 2015-16 to \$52.9 million in Fiscal Year 2019-20. Expenditures increased at a similar rate, from \$43.5 million in Fiscal Year 2015-16 to \$51.6 million in Fiscal Year 2019-20. (See Exhibit 1.)

¹ While GALs may serve in other types of proceedings, this review is specific to the role of a GAL in dependency (child abuse and neglect) cases.

² While CASAs may serve as GALs in some states, in states where GALs are required to be attorneys or professionals, a CASA may be appointed to assist the GAL or otherwise serve the court to determine the child's best interest.

³ Child Welfare Information Gateway. (2020). *Determining the best interests of the child*. Washington, DC: U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

⁴ Section [39.822\(1\)](#), *F.S.*

⁵ While Ch. 39, *F.S.*, requires the appointment of a GAL in all child abuse, abandonment, or neglect proceedings, the chapter also has specific provisions requiring GAL appointment in cases involving the termination of parental rights and placements in residential treatment centers (ss. [39.807\(2\)\(a\)](#) and [39.407\(6\)](#), *F.S.*).

⁶ Section [39.8296\(1\)\(a\)](#), *F.S.*

⁷ The Justice Administration Commission provides administrative services for the GAL Program.

⁸ The program was originally established in 1980 and coordinated by the Office of the State Courts Administrator. The 2003 Florida Legislature created an independent statewide GAL program housed administratively in the Justice Administrative Commission.

⁹ The Florida GAL Program provides advocacy to children in all counties except for Orange County, where the Orange County Legal Aid Society provides attorney GALs.

Exhibit 1

Over the Past Five Fiscal Years, State Funding for the GAL Program Has Increased by 21%

Fiscal Year	State Appropriations ¹	GAL Program Expenditures
2015-16	\$43.6 million	\$43.5 million
2016-17	46.4 million	46.6 million
2017-18	47.1 million	48.8 million
2018-19	51.5 million	51.1 million
2019-20	52.9 million	51.6 million
Total	\$241.4 million	\$241.5 million
Five-Year Percent Increase	21%	19%

¹ Funding includes both general revenue and the Grants and Donations Trust Fund.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

In addition to state funds, local GAL offices receive funds from various sources, including local governments, federal Victims of Crime Act funds, local nonprofit organizations, and other private sources. Over the last five years, funding from these sources more than doubled from \$4.6 million in Calendar Year 2015 to \$9.7 million in Calendar Year 2019. (See Exhibit 2.)

Exhibit 2

Over the Past Five Years, Funding for Local GAL Offices Has More Than Doubled

Calendar Year	Funding Sources				Total
	Local Governments	VOCA	NCASA	Non-Profits	
2015	\$3.6 million	\$136,826	\$20,500	\$910,762	\$4.6 million
2016	3.4 million	139,920	—	153,128 ¹	3.7 million
2017	3.7 million	1.1 million	290,000	1.5 million	6.5 million
2018	3.9 million	1.5 million	117,400	1.5 million	7.0 million
2019	4.8 million	2.5 million	—	2.4 million	9.7 million
Total	\$19.3 million	\$5.4 million	\$427,900	\$6.4 million	\$31.6 million

¹ The GAL Program was not able to provide the full amount of local non-profit donations for 2016.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

The number of GAL Program staff has increased, while the number of volunteers has remained relatively stable over the past several years; the number of children served has decreased. In Fiscal Year 2019-20, the Florida GAL Program served 36,506 children, employed 848 staff, and had 13,231 volunteers. (See Appendix B for circuit-level data on GAL Program staffing, volunteers, and children served.)

Over the past five years, the number of staff employed by the GAL Program has increased from 712.25 in Fiscal Year 2015-16 to 848 in Fiscal Year 2019-20. The number of volunteers remained relatively stable during this period, increasing from 12,980 in Fiscal Year 2016-17 to 13,231 in Fiscal Year 2019-20.¹⁰ Although the average length of time volunteers stay with the program increased (from 42 months in 2017 to 47 months in 2019), the monthly average of newly certified volunteers decreased from 228 in 2017 to 191 in 2019.

The number of children served decreased from Fiscal Year 2016-17 to Fiscal Year 2019-20 (40,032 to 36,506, respectively), but the number of closed cases that were reopened significantly increased (from 448 cases reopened in Calendar Year 2017 to 1,147 cases reopened in Calendar Year 2020). Over the last two years, the length of time children were served by the program increased from an average of 21 months in 2018 to an average of 24 months in 2019.¹¹

¹⁰ Due to a change in GAL Program data systems, OPPAGA's analysis of program data includes data from Fiscal Year 2016-17 through Fiscal Year 2019-20.

¹¹ The average length of time children were served by the program was only available in the program's 2018 and 2019 NCASA reports.

METHODOLOGY

OPPAGA's review of the Florida Guardian ad Litem Program included interviews with Florida dependency court stakeholders (including judges, attorneys, and local GAL Program staff and volunteers), representatives from nine states' court-appointed special advocate (CASA) associations, and national stakeholders (including the American Bar Association and the National CASA/GAL Association for Children); analysis of GAL Program, Office of the State Courts Administrator (OSCA), and Department of Children and Families (DCF) data; a 50-state review of dependency laws and rules, and CASA/GAL association funding; and a review of relevant literature.^{12,13}

CHILD REPRESENTATION MODELS

Florida's model differs from most other states; professional groups and some studies support attorney representation

While Florida's Guardian ad Litem Program follows standards set by the National CASA/GAL Association for Children (NCASA) and has a similar administrative structure to several other CASA/GAL programs, its team approach to best interest advocacy is different from other states.

The National CASA/GAL Association for Children sets program standards; Florida's program is similar to many other states' programs in administrative structure and funding sources. Including Florida, 49 states and the District of Columbia have court-appointed special advocate or guardian ad litem programs that are members of NCASA, which sets national program standards, including requirements for screening, training, and supervising volunteers, and provides grant funding.¹⁴ The Florida GAL Program adheres to these national standards.

State CASA/GAL organizations vary in their administrative structures, both in terms of the type of organization and in their authority over and relationship to their state's local offices. Four states do not have a formal CASA/GAL state organization, 10 states (including Florida) have publicly administered state organizations that provide direct services to children, and 30 states have nonprofit state organizations with separate local organizations that provide direct services to children. The remaining state programs are publicly administered state organizations with separate local organizations (5) or nonprofit organizations that provide direct services (1).

As part of our review of states' CASA/GAL programs, we reviewed available information on funding, children served, and volunteers. As with Florida's program, CASA/GAL programs nationwide receive funding through a variety of sources, including state and local funds; federal funds, including Victims of Crime Act and Temporary Assistance to Needy Families funds; and private donations. State CASA/GAL programs also vary widely in the amount of funding they receive due to the variation in the size of their service populations, administrative structures (programs where state and local offices are distinct entities may have different funding streams), the role of the CASA program in the state (those with attorney ad litem or attorney GAL models may have smaller budgets if their appointment is optional), and many CASA programs are not statewide (thus their funding may not be representative of the full cost to serve children across the state). For example, California statutes require children to

¹² We interviewed Florida dependency court stakeholders in eight judicial circuits that represent a mixture of urban and rural areas as well as those in the northern, central, and southern regions of the state. We also interviewed volunteers in four circuits.

¹³ As part of our review, we spoke with representatives from CASA/GAL associations in the following states: California, Illinois, New Hampshire, New York, North Carolina, Ohio, South Dakota, Texas, and Utah. These include states that are of a comparable size to Florida as well as a mixture of representation models and program administrative structures.

¹⁴ North Dakota does not have a NCASA-affiliated program.

be represented by attorneys in abuse and neglect proceedings, while the appointment of CASAs is optional.¹⁵ Additionally, the California state CASA program is a separate nonprofit from the local CASA programs and has separate revenue from its local programs. (See Appendix C for a complete listing of state CASA/GAL associations' funding and administrative structures.)

The Florida GAL Program differs from most other states' programs and uses a best interest team approach with lay volunteers supported by paid staff. Florida's GAL Program uses a multidisciplinary team approach to best interest advocacy, wherein a lay volunteer serves as the child's GAL and is supported by a child advocate manager (CAM) and a program attorney.¹⁶ When a volunteer is not available, the GAL Program may assign a CAM to serve as the child's GAL.¹⁷

A primary difference between child representation models is whether a child is entitled to attorney representation. While an attorney serves on a child's GAL team in Florida, the attorney provides advice and counsel to the GAL team and does not provide legal representation to the child.¹⁸ Florida is unlike states where attorneys represent the child in either a best interest or client-directed capacity.^{19,20} Florida statutes require the appointment of client-directed attorneys (referred to as attorneys ad litem) to represent children in specific types of dependency cases.²¹ Additionally, two circuits in Florida have programs wherein children receive attorneys through local legal aid programs. In the 9th Judicial Circuit, the Legal Aid Society of Orange County provides attorney GALs to children and has done so since the 1970s.²² The attorneys are either volunteers from the Orange County Bar or staff attorneys from Legal Aid. In contrast, in the 15th Judicial Circuit, the Legal Aid Society of Palm Beach County provides client-directed attorney representation to children in out-of-home care dependency cases in addition to the GALs provided by the Florida GAL Program. This model, known as the Foster Children's Project, began in 2001 to provide legal representation to children 3 years of age and younger and was later expanded to assist children up to 12 years of age.

States' requirements for children's representation in dependency proceedings include best interest and/or client-directed representation provided by attorneys, paid professionals, or lay volunteers. Representation for children in dependency proceedings may be best interest or client directed (or a hybrid approach) and is generally provided by an attorney and/or lay volunteer. While GALs (whether attorneys, professionals, or volunteers) make a recommendation to the court as to what they believe is in the child's best interest, client-directed attorneys may be appointed to represent a child's expressed wishes. Depending on a state's requirements (which may vary based on the circumstances of the case), a child may receive an attorney in addition to or instead of a GAL.

States' models of child representation generally fall into one of six categories.^{23,24} (See Exhibit 3.) There may be additional variation within these categories of representation because of differences across

¹⁵ California requires an attorney to represent the child's best interests unless the judge determines the child would not benefit from the appointment of an attorney, and a CASA may be appointed as GAL. According to California CASA staff, attorneys are appointed in all dependency proceedings.

¹⁶ The CAMs supervise and support the volunteers. The program attorneys attend hearings and depositions, negotiate outside of the courtroom, and handle appeals.

¹⁷ In each year of our review period, approximately 30% of children were appointed a staff advocate when no volunteer was available or when the program determined the child's interests would be better served by staff.

¹⁸ According to the GAL Program's Standards of Operation, the GAL Program attorney represents the program; while there is no attorney-client relationship between the GAL attorney and the child, the GAL attorney has a fiduciary duty to the child as the beneficiary of the program's representation.

¹⁹ Florida's GAL model is most similar to North Carolina, where a three-person team approach is also used; however, in North Carolina's team model, the attorney provides best interest legal representation to the child.

²⁰ Idaho and South Carolina require attorneys to represent the GAL.

²¹ Section 39.01305(3), *F.S.*, requires the appointment of attorneys ad litem to represent the child's wishes in cases where the child resides in a skilled nursing facility (or is being considered for placement in such a facility); is non-compliant with prescribed psychotropic medication; is diagnosed as being developmentally disabled; is being placed in a residential treatment center (or is being considered for placement in such a facility); or is a victim of human trafficking.

²² The attorney GALs represent the best interest of the children and are not client directed.

²³ This includes the District of Columbia.

²⁴ These models of representation are based on OPPAGA analysis and categorization of state statute, rules of court and/or procedure, and interviews with state CASA association representatives. The categories include what is required for all children in dependency proceedings. In addition to

states in specific role definitions and regional variation within states where additional requirements exist at the local level. For example, when a judge appoints both an attorney and a volunteer, some states require the volunteer to assist the attorney, while others allow the two parties to work independently. Further, some states allow counties to develop their own rules around representation that may add requirements to those set at the state level. (See Appendix D for more information on states' models of child representation.)

Exhibit 3

States' Models of Representation for Children in Dependency Proceedings Fall Into Six Categories

Representation Model	Number of States That Use Model	Description
Age Dependent	4	Children in these states receive different types of representation depending on their age. In these states, older children receive a client-directed attorney, and younger children receive a GAL.
Best Interest (attorney or professional)	20	Children in these states always receive a GAL who is required to be either an attorney or a professional (e.g., professional GAL or mental health counselor). These states may also allow for the appointment of a client-directed attorney at the discretion of the judge or in certain circumstances.
Best Interest (lay volunteer)	12	Children in these states always receive a GAL, who is not required to be an attorney. These states may also allow for the appointment of a client-directed attorney at the discretion of the judge or in certain circumstances.
Client-Directed Attorney	7	Children in these states always receive a client-directed attorney. These states may also allow for the appointment of a separate GAL or CASA at the discretion of the judge or in certain circumstances.
Hybrid	6	Children in these states always receive both a client-directed attorney and a GAL.
Multidisciplinary Team	2	Children in these states are represented by a GAL team, made up of a volunteer, a staff advocate, and an attorney.

Source: OPPAGA analysis of state statutes and court rules.

Professional groups and federal agencies recommend attorney representation for children in dependency proceedings. Since at least 1995, national children's law experts have recommended children in abuse and neglect proceedings be represented by a client-directed attorney.²⁵ Further, the American Bar Association's Model Act for the representation of children in abuse and neglect proceedings recommends a client-directed attorney for each child and supports the use of best interest advocates as a complement to, and not a replacement for, legal representation.²⁶ Additionally, in 2002, the Florida Bar's Commission on the Legal Needs of Children recommended that Florida fully fund independent advocacy, including attorneys and GALs for children in certain legal and administrative proceedings, and create a Statewide Office of the Child Advocate to oversee and provide best interest and client-directed representation.²⁷

In addition to professional legal societies, federal child welfare agencies have also studied the representation of children in abuse and neglect proceedings. A study commissioned by the Administration for Children, Youth, and Families examined five GAL models to assess the types of activities performed under each model and whether the GALs were effective in serving children's best interests.²⁸ The five models were: 1) law school clinic model; 2) staff attorney model; 3) paid private attorney model; 4) CASA/paid attorney model; and 5) CASA/no attorney model. Both CASA models were highly recommended due to their performance on best interest outcome measures. The study

these requirements, states may have additional requirements for specific types of cases or children, or they may allow judges discretion in appointing additional advocates.

²⁵ Duquette, Donald N. et al. "Child Representation in America: Progress Report from the National Quality Improvement Center." *Family Law Quarterly* 46, no. 1 (Spring 2012): 87-137.

²⁶ American Bar Association. *ABA Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings*. 2011.

²⁷ The Florida Bar Commission on the Legal Needs of Children. *Final Report*. 2002.

²⁸ Condelli, Larry. *National Evaluation of the Impact of Guardians Ad Litem in Child Abuse or Neglect Judicial Proceedings*. Washington, DC: CSR, Incorporated, 1988.

also recommended the staff attorney model but did not recommend the private attorney and law student models.

The U. S. Children’s Bureau sponsored two studies to design and evaluate a best practice model. In the first study, the authors designed the National Quality Improvement Center on the Representation of Children in the Child Welfare System (QIC) Best Practice Model using the 1996 ABA Standards, information from academic literature, state laws, government reports, stakeholder interviews (e.g., judges, attorneys, caseworkers, CASAs, and children), and their own study group discussions.²⁹ The authors recommended that a child’s representative be an individual or office charged with providing legal representation to the child, stating the functions may be fulfilled by a multidisciplinary team, including a lawyer and social workers, paralegals, and/or lay advocates. Training was developed and emphasizes six core skills attorneys need in order to implement the model effectively.³⁰

A follow-up study evaluating this model was conducted in Washington and Georgia.³¹ Attorneys were randomly assigned to receive training on the core skills or continue practice as usual.³² The study found that the training resulted in behavioral changes among the attorneys that were aligned with the QIC Best Practice Model, including meeting with their child clients more frequently, contacting more parties relevant to the case, spending more time on cases, and making more efforts to initiate a non-adversarial case resolution process. There was no difference between attorney groups in the likelihood of children achieving permanency, being placed with kin, or having fewer placement changes; however, permanency outcomes had not been reached for approximately half of the children in the sample at the study’s conclusion.

Most literature reviewed favors legal representation and shows that lay advocates generally perform comparably to attorneys in several areas; lay advocate use is not an evidence-based practice due to significant limitations in available research. Much of the recent research on child representation acknowledges widespread consensus among academics, practitioners, and states favoring legal representation for children in dependency proceedings as a means to give children equal footing with other parties to a case.^{33,34} However, CASA programs are widely utilized throughout the U.S. and have been considered cost effective.³⁵ Most research measuring the effectiveness of CASA intervention compares cases with CASA advocacy to cases without CASA advocacy that are represented by paid private attorneys, staff attorneys, and/or law students on variables regarding court processes and case outcomes. Overall, findings suggest that CASA volunteers perform at least as well as, and in some respects better than, attorneys in certain areas, including higher provision of services for children and their families, higher adoption rates, and fewer placement changes.³⁶ However, there are some areas where CASAs do not perform as well, including more time spent in out-

²⁹ Duquette, Donald N. et al. (Spring 2012).

³⁰ Core skills include the ability to enter the child’s world and engage with the child; assess child safety; actively evaluate the child’s and family’s needs; advance case planning; develop a theory of the case that will direct advocacy; and effectively advocate for each need or goal.

³¹ Orlebeke, Britany et al. *Evaluation of the QIC-ChildRep Best Practices Model Training for Attorneys Representing Children in the Child Welfare System*. Chicago, IL: Chapin Hall at the University of Chicago, 2016.

³² The treatment group received a two-day training on the core skills identified above and had periodic follow-up meetings to receive supplemental training.

³³ The majority of the literature reviewed did not distinguish between client-directed and best interest legal representation.

³⁴ Duquette, Donald N. et al. (Spring 2012); Kelly, Lisa et al. “Until the Client Speaks: Reviving the Legal-Interest Model for Preverbal Children.” *Family Law Quarterly* 50, no. 3 (Fall 2016): 384-426; Miller, J. Jay, et al. “Conceptualizing Effective Legal Representation for Foster Youth: A Group Concept Mapping Study.” *Children and Youth Services Review* 91, (June 2018): 271-278; Dale, Michael J. “Providing Attorneys for Children in Dependency and Termination of Parental Rights Proceedings in Florida: The Issue Updated.” *Nova Law Review* 35 (Spring 2011): 305-362; Orlebeke, Britany et al. (2016); ABA (2011).

³⁵ Duquette, Donald N. et al. “Using Lay Volunteers to Represent Children in Child Protection Court Proceedings.” *Child Abuse and Neglect* 10 (1986): 293-308; Leung, Patrick. “Is the Court-Appointed Special Advocate Program Effective? A Longitudinal Analysis of Time Involvement in Case Outcomes.” *Child Welfare* LXXV, no. 3 (May-June 1996): 269-284; Poertner, John et al. “Who Best Represents the Interests of the Child in Court?” *Child Welfare League of America* LXIX, no. 6 (November-December 1990): 537-549.

³⁶ Youngclarke, Davin et al. “A Systematic Review of the Impact of Court Appointed Special Advocates.” *Journal of the Center for Families, Children and the Courts* 5, no. 109 (2004): 1-28; Lawson, Jennifer et al. “Establishing CASA as an Evidence-Based Practice.” *Journal of Evidence-Based Social Work* 10, no. 4 (2013): 321-337.

of-home care and lower reunification rates.³⁷ There are also several areas, including amount of time spent in the dependency system, where there are no significant differences or findings have been inconsistent.³⁸ Consistent with the ABA and Florida Bar, several authors recommend CASAs should work either under attorney supervision or as a team with attorneys.³⁹

Despite widespread use and research analyzing the effectiveness of CASA programs, lay advocacy is not an evidence-based practice.⁴⁰ Some authors posit that efficacy of lay advocacy programs cannot be reliably established due to research limitations, including methodological weaknesses such as selection bias, inconsistent study results, and difficulty comparing programs that utilize different models of advocacy.⁴¹ Because cases in which CASAs are appointed tend to be more complex, studies that analyze the effects of CASAs on cases must control for the variables that make these cases different, such as prior child welfare involvement, severity and type of abuse, and family characteristics.⁴² Despite statistical controls, there may still be unobserved or unmeasured differences between children with and without a CASA, which can limit the ability of studies to isolate the effects of CASA intervention.⁴³ Research reviewed focused largely on permanency outcomes, length of time in foster care, and several additional measures.

Permanency Outcomes

Research on the effect of CASAs on permanency have produced inconsistent findings, with many studies showing no significant differences in the likelihood of child permanency among different advocacy models.⁴⁴ One study found that, while most children in their sample achieved permanency regardless of CASA assignment, there were significant differences in the type of permanency achieved.⁴⁵ Children with a CASA were significantly less likely to be reunified or placed in permanent kin guardianship and were significantly more likely to be adopted. Among children who were not reunified or adopted, those with a CASA were less likely to experience permanency than those without a CASA.⁴⁶ These findings were supported by several other studies, which found that cases with a CASA were significantly less likely to end in reunification and significantly more likely to end in adoption.⁴⁷ Studies regarding kinship placement and permanent kin guardianship were mixed.⁴⁸

Length of Time in Care

Research results are mixed regarding the length of time children with a CASA spend in the dependency system. Several studies found that children with a CASA spend more time in the child welfare system,

³⁷ Poertner, John et al. (1990); Condelli, Larry (1988); Caliber Associates. *Evaluation of CASA Representation, Final Report*. Fairfax, VA: Caliber Associates, 2004; Osborne, Cynthia et al. "The Effect of CASA on Child Welfare Permanency Outcomes." *Child Maltreatment* 25, no. 3 (2019): 1-11; U.S. Department of Justice Office of the Inspector General Audit Division. *National Court-Appointed Special Advocate Program: Audit Report 07-04*. Washington, DC: U.S. Department of Justice, 2006.

³⁸ Caliber Associates (2004); Youngclarke, Davin et al. (2004); Litzelfelner, Pat. "The Effectiveness of CASAs in Achieving Positive Outcomes for Children." *Child Welfare* LXXIX, no. 2 (March/April 2000): 179-193; Lawson, Jennifer et al. (2013); Duquette, Donald N. et al. (1986); Condelli, Larry (1988).

³⁹ Duquette, Donald N. et al. (1986); Poertner, John et al. (1990); Youngclarke, Davin et al. (2004).

⁴⁰ At the time of our review, NCASA reported being in the final stages of two studies in an effort to become evidence based and for the development of best practices. These include a judicial impact study and a volunteer retention study.

⁴¹ Lawson, Jennifer et al. (2013); Litzelfelner, Pat (2000).

⁴² Litzelfelner, Pat (2000); Lawson, Jennifer et al. (2013).

⁴³ Osborne, Cynthia et al. (2019).

⁴⁴ Osborne, Cynthia et al. (2019); Litzelfelner, Pat (2000); Orlebeke, Britany et al. (2016).

⁴⁵ Osborne, Cynthia et al. (2019).

⁴⁶ Osborne, Cynthia et al. (2019).

⁴⁷ Caliber Associates (2004); Poertner, John et al. (1990); Lawson, Jennifer et al. (2013); Zinn, Andrew E. et al. *Expediting Permanency: Legal Representation for Foster Children in Palm Beach County*. Chicago, IL: Chapin Hall at the University of Chicago, 2008; Youngclarke, Davin et al. (2004); U. S. Department of Justice Office of the Inspector General Audit Division (2006); Abramson, Shareen. "Use of Court-Appointed Special Advocates to Assist in Permanency Planning for Minority Children." *Child Welfare League of America* LXX, no. 4 (July-August 1991): 477-487; Brennan, Kathy et al. *Washington State Court Appointed Special Advocate Program Evaluation Report*. Washington: University of Washington School of Social Work and Washington State Center for Court Research, 2010.

⁴⁸ Caliber Associates (2004); Orlebeke, Britany et al. (2016); Youngclarke, Davin et al. (2004); Brennan, Kathy et al. (2010).

though differences were not significant or consistent.⁴⁹ Some studies indicated children with a CASA, staff attorney, or trained advocate have shorter times between hearings or between the filing of the petition and the first major disposition.⁵⁰ Two studies reported youth with a CASA spent less time in out-of-home care placements.⁵¹ One study found that children with a CASA spent three months longer outside of the home, on average, but the difference was not statistically significant.⁵²

Additional Measures

The literature has considered a number of additional measures, including placement changes, services, and rates of subsequent maltreatments. Most of the reviewed studies that examined placement changes concluded that youth with a CASA had fewer placement changes, though three studies found no significant difference.⁵³ One of the most consistent findings across studies was that children with a CASA or trained advocate, as well as their families, received more services, such as medical and mental health, legal, and family support services, and found that services were more likely to be related to the child's case plan.⁵⁴ Although differences were not significant, a few studies found that children with a CASA were less likely to experience subsequent maltreatments or re-enter the dependency system than children who did not have a CASA.⁵⁵ Additionally, research suggests CASA involvement may be associated with other positive factors, such as increased chances of sibling groups remaining together, increased likelihood of mothers appearing in court, and more orders related to visitation.⁵⁶ (See Appendix E for more information on the literature reviewed.)

VOLUNTEER SCREENING, TRAINING, AND SUPERVISION

Florida's GAL Program follows state and national volunteer requirements; volunteers reported receiving sufficient training and supervision, but stakeholders reported concerns

The Florida GAL Program reported adhering to statutory and national association requirements for volunteer screening, training, and supervision. In addition to background screening and investigation requirements in Florida statutes, the National CASA/GAL Association sets standards for its member organizations for volunteer screening, training, and supervision. (See Exhibit 4.) To assess volunteer screening, training, and supervision, OPPAGA examined Florida GAL Program data and documentation, reviewed national standards, and interviewed 37 dependency attorneys, 21 GAL Program volunteers, 9 dependency judges, and 8 local GAL Program offices.

⁴⁹ Caliber Associates (2004); Litzelfelner, Pat (2000); Lawson, Jennifer et al. (2013); Youngclarke, Davin et al. (2004); U.S. Department of Justice Office of the Inspector General Audit Division (2006).

⁵⁰ Condelli, Larry (1988); Duquette, Donald N. et al. (1986).

⁵¹ Leung, Patrick (1996); Brennan, Kathy et al. (2010).

⁵² Poertner, John et al. (1990).

⁵³ Leung, Patrick (1996); Litzelfelner, Pat (2000); Lawson, Jennifer et al. (2013); Youngclarke, Davin et al. (2004); Caliber Associates (2004); Orlebeke, Britany et al. (2016); Brennan, Kathy et al. (2010).

⁵⁴ Caliber Associates (2004); Condelli, Larry (1988); Poertner, John et al. (1990); Litzelfelner, Pat (2000); Duquette, Donald N. et al. (1986); Lawson, Jennifer et al. (2013); Youngclarke, Davin et al. (2004); U.S. Department of Justice Office of the Inspector General Audit Division (2006).

⁵⁵ Caliber Associates (2004); Abramson, Shareen (1991); Lawson, Jennifer et al. (2013); Duquette, Donald N. et al. (1986); Poertner, John et al. (1990); Youngclarke, Davin et al. (2004); U.S. Department of Justice Office of the Inspector General Audit Division (2006).

⁵⁶ Condelli, Larry (1988); Youngclarke, Davin et al. (2004); Duquette, Donald N. et al. (1986).

Exhibit 4

Florida Statutes, NCASA, and the Florida GAL Program Set Requirements for Staff and Volunteers

	Florida Statutes	NCASA	Florida GAL Program
Volunteer Screening	<ul style="list-style-type: none"> ✓ Level 2 background check ✓ Security background investigation 	<ul style="list-style-type: none"> ✓ Reference check ✓ SSN verification ✓ Review of law enforcement databases ✓ Interview 	<ul style="list-style-type: none"> ✓ NCASA and Florida statutes requirements ✓ Local offices permitted to have additional requirements
Volunteer Training	<ul style="list-style-type: none"> ✓ Must include training on the recognition of and responses to head trauma and brain injury in a child under six years of age 	<ul style="list-style-type: none"> ✓ 30 hours pre-service ✓ 12 hours in-service annually ✓ Specified topics 	<ul style="list-style-type: none"> ✓ NCASA requirements ✓ Supervised fieldwork
Volunteer Supervisor Training	<ul style="list-style-type: none"> ✓ Must include training on the recognition of and responses to head trauma and brain injury in a child under six years of age 	<ul style="list-style-type: none"> ✓ Volunteer training ✓ 12 hours in-service annually 	<ul style="list-style-type: none"> ✓ NCASA requirements ✓ Certification process ✓ 40 hours of continuing education every two years
Volunteer Supervision		<ul style="list-style-type: none"> ✓ Supervisor must meet with volunteer at least monthly ✓ Supervisor should supervise a maximum of 30 volunteers at a time ✓ Volunteers assigned to no more than two cases at a time 	<ul style="list-style-type: none"> ✓ Volunteer supervisor serves on GAL team with volunteer ✓ No standard for volunteer supervisor caseloads ✓ Volunteers assigned to no more than two cases at a time

Source: OPPAGA analysis of Florida statutes, NCASA standards for state and local programs, and Florida GAL Program Standards of Operation.

Volunteer Screening

Chapter 435 and s. 39.821, *Florida Statutes*, require the GAL Program to conduct a level 2 background screening as well as a security background investigation before certifying a volunteer to serve. The security background investigation must include employment history checks, checks of references, local criminal history records checks through local law enforcement agencies, and statewide criminal history records checks through the Department of Law Enforcement.⁵⁷ The Florida GAL Program also follows the National CASA/GAL Association’s requirements and guidelines for screening prospective volunteers, which include aspects such as references, social security number verification, checks against several law enforcement databases, and an interview. Local Florida GAL offices may have additional screening requirements, such as the submission of a writing sample.

Volunteer Training

NCASA requires that all volunteers receive 30 hours of pre-service training and 12 hours of annual in-service training. The pre-service training includes topics such as the roles and responsibilities of a CASA/GAL volunteer, court processes, relevant state and federal laws and regulations, cultural competency, and effective advocacy. The Florida GAL Program adheres to the NCASA requirements and has established a three-phase pre-service training, which is standardized across the state but allows for local additions based on aspects of dependency unique to specific judicial circuits. The three-phase training includes both online and classroom instruction, followed by supervised fieldwork, which includes a home visit, court observation, and report writing. Additionally, local programs have

⁵⁷ In analyzing and evaluating the information obtained in the security background investigation, the program must give particular emphasis to past activities involving children, including, but not limited to, child-related criminal offenses or child abuse.

partnerships with community groups to provide training on topics relevant to their local areas. After completing pre-service training, the volunteer is certified and sworn in. After one year of service, volunteers must annually complete 12 hours of in-service training and undergo an annual recertification review.^{58,59}

Staff Training and Volunteer Supervision

NCASA requires volunteer supervisors to attend volunteer pre-service training and receive a minimum of 12 hours of annual continuing education. Supervisors must meet with volunteers at least once per month and regularly review progress on each case. In addition to these requirements, the Florida GAL Program certifies volunteer supervisors (i.e., CAMs) via a three-week training program, a certification exam, and an agreement to follow a standard Code of Ethical and Professional Conduct.^{60,61} A certified supervisor must hold a bachelor's degree or higher, complete 1,500 hours of work as a CAM, conduct three field visits/observations, and be supervised for 20 hours. Maintaining certification requires 40 hours of continuing education every two years.⁶²

While there are no in-service training requirements for GAL program attorneys, the attorneys must complete 33 hours of continuing legal education every three years to maintain a Florida Bar license.⁶³ The GAL program also encourages attorneys to pursue board certification in juvenile law; 24 of the approximately 200 program attorneys are board certified.⁶⁴

Volunteer and Staff Caseloads

NCASA sets standards for caseloads for volunteers and volunteer supervisors. Volunteers are to be appointed to no more than two cases at one time, though exceptions may be granted.⁶⁵ The Florida GAL Program's Standards of Operations set the same standard, though program staff reported that the standard expectation is that a volunteer be appointed to 1.8 cases or 2.1 children at a time. According to program data, the program meets this standard, with volunteers averaging 1.7 cases in Calendar Year 2019. (See Appendix B for volunteer caseloads by circuit.)

NCASA requires that volunteer supervisors oversee no more than 30 active volunteers (or 45 cases) at one time. In cases where staff is required to perform duties other than supervising volunteers, the number of volunteers the staff can supervise is reduced proportionally. While the GAL Program's Standards of Operation do not address caseloads for CAMs, program staff reported that the expectation is for CAMs to supervise approximately 36 volunteers and have caseloads of 76 children at one time. If a CAM is serving as the advocate (with no volunteer assigned), the expected caseload is 38.^{66,67} Program data show that in Calendar Year 2019, volunteer supervisors' caseloads were slightly higher than this standard (109%).

⁵⁸ The annual recertification reviews include the CAM providing feedback to the volunteer, asking what additional supports or training the volunteer might need, and discussing their overall experiences as a volunteer.

⁵⁹ Attorneys serving as GAL volunteers who are active members of the bar are exempt from in-service training requirements.

⁶⁰ The GAL Program developed the certification program in partnership with the Florida Board of Certification and the University of South Florida's School of Social Work.

⁶¹ Training topics include roles of advocacy team members, trauma-informed care, and court preparation.

⁶² During the first renewal period, the 40 hours must be completed by October 31st of the renewal year.

⁶³ There is no specific requirement for completing courses in juvenile or dependency law to satisfy continuing legal education (CLE) requirements.

⁶⁴ A study comparing attorneys trained in the QIC Best Practice Model to those who had not received the training found that older children with a trained attorney were 40% more likely to reach permanency within six months.

⁶⁵ Under the exception, the volunteer shall be appointed to no more than five cases.

⁶⁶ If a CAM is both managing volunteers and serving as a staff advocate, an individualized, blended workload is generated wherein cases without a volunteer are double weighted.

⁶⁷ While NCASA does not set standards for attorney caseloads, the Florida GAL Program has a standard expectation of 150 children per full-time attorney.

Many stakeholders feel that the training and supervision volunteers and staff receive is sufficient; however, some stakeholders believe training in additional areas would be beneficial. We spoke with 21 GAL volunteers from four judicial circuits.⁶⁸ Twenty volunteers reported that the training and supervision they receive from the local program is adequate. Six volunteers described the training provided by program attorneys or more experienced volunteers as being particularly helpful. Five volunteers reported that the quality of the supervision they receive varies somewhat by the CAM assigned to the case, and four reported that many of the supervisors appear to be overworked.

Seven of the nine dependency judges and staff at all eight local GAL Program offices we spoke with also reported that the GAL volunteers and staff are adequately trained.^{69,70} One judge cited the training's thoroughness, while another stated that the program does a good job of having volunteers observe court proceedings as well as pairing new volunteers with experienced staff. One local GAL office reported that it would like a larger training budget, more time to attend trainings, and more National Institute for Trial Advocacy-style trainings.

Among the attorneys from Children's Legal Services (who represent DCF) and the Office of Criminal Conflict and Civil Regional Counsel (who represent parents in dependency proceedings) who provided responses regarding training, 18 mentioned a need for additional volunteer and/or staff training in multiple areas.⁷¹ Some attorneys would like more training on family reunification as the primary goal in dependency. This could include increased awareness of the benefits of preserving the family, consequences of terminating parental rights, realities of foster care, and difficulties faced by disadvantaged parents. Six of the attorneys also reported that volunteers need more training on what actions or options are legal within the dependency system. Finally, three attorneys in one judicial circuit felt that GAL program attorneys need more preparation, such as a trial techniques program focused on dependency court.⁷²

REPRESENTATION OF CHILDREN IN DEPENDENCY PROCEEDINGS

Florida's GAL Program does not represent children on all dependency cases; when resources are limited, local offices prioritize cases

Over each of the past four fiscal years, the GAL Program provided best interest representation to approximately two-thirds of children in the dependency system statewide; wide variation exists among circuits. While Florida statute requires judges to appoint a GAL at the earliest possible time to represent the child in any abuse, abandonment, or neglect judicial proceeding, not all children in these proceedings receive a GAL. The percentage of children in the dependency system assigned to the GAL Program remained the same from Fiscal Year 2016-17 through Fiscal Year 2018-19, decreasing slightly in Fiscal Year 2019-20. (See Exhibit 5.) The percentage of dependent children who received a GAL varied greatly by judicial circuit. In Fiscal Year 2019-20, the percentage of dependent

⁶⁸ OPPAGA selected a random sample of 80 volunteers from 4 of Florida's 20 judicial circuits and interviewed 21 volunteers.

⁶⁹ OPPAGA staff interviewed nine dependency judges in eight circuits.

⁷⁰ OPPAGA staff interviewed local GAL Program offices in eight circuits.

⁷¹ OPPAGA staff interviewed 37 dependency attorneys in eight circuits.

⁷² Our review identified six states that require training in excess of the national association's requirements. All six of these states require 40 hours of pre-service training for volunteer advocates.

children represented by the GAL Program ranged from 45% in the 4th Circuit to 93% in the 16th Circuit. (See Appendix B for additional analyses of circuit-level data.)

Exhibit 5

The Percentage of Children in the Dependency System Assigned to the GAL Program Has Remained Stable Across the Four Fiscal Years

Fiscal Year	Number of Children Served	Number of Children in Dependency System	Percentage of Children in Dependency Served by GAL Program
2016-17	40,032	58,784	68%
2017-18	39,562	58,375	68%
2018-19	38,997	57,355	68%
2019-20	36,506	54,695	67%

Source: Florida Guardian ad Litem Program and Department of Children and Families data.

Stakeholders and GAL Program staff at the state and local levels reported that the program sometimes has to discharge from a case before its conclusion, which some attributed to insufficient resources. Local program staff also reported that a GAL may not be appointed due to a determination at a shelter hearing that the child’s safety risk is low or because the judge does not appoint a GAL to the case. The majority of the dependency judges we spoke with in eight judicial circuits reported that while their preference is to appoint a GAL on all cases, various factors affect their ability to do so, including a lack of resources (too few volunteers and too few GAL attorneys), conflicts of interest, or a child being placed outside of the circuit.⁷³

When local programs are unable to provide representation in all dependency cases, judges and staff reported prioritizing specific types of cases. Each circuit determines how to prioritize the appointment of GALs when resources do not allow their appointment on all dependency cases. Judges reported prioritizing appointments based on a child’s age (with younger children being the priority). One judge also reported certain cases being a lower priority for GAL appointment, including cases where the child has an attorney ad litem and those where the child appears to be in a stable placement. Most local GAL Program staff reported prioritizing cases based on statutory requirements (which specifically require GALs in cases involving the termination of parental rights and placements in residential treatment centers), the child’s age, abuse severity, placement type, or whether any special circumstances are present (such as victims of human trafficking, children with disabilities, and children prescribed psychotropic medications). One program reported using a scoring matrix to determine the severity of a case and assist with case prioritization; another circuit uses a case prioritization list.

PROGRAM OUTCOMES AND PERFORMANCE

The GAL Program uses data from multiple sources to measure performance; Florida’s performance activities differ from those of other states

The GAL Program tracks circuit performance using its own data but relies on DCF statewide dependency data for all children for child welfare outcomes; the program engages in activities to improve performance. The program uses a case management data system to manage and monitor its cases in each circuit. Program effectiveness is measured through reports that are published monthly

⁷³ OPPAGA staff interviewed nine dependency judges in eight circuits.

on the program’s website—Performance Advocacy SnapShots and Representation Reports. The SnapShot reports include two categories of measures—Individual GAL Circuit Program Performance and GAL Influence on Child Welfare Outcomes. The Representation Reports include the percentages of children in the dependency system who are represented by the GAL Program.

The individual circuit program performance measures (e.g., percentage of active volunteers, ratio of children to volunteers, and 12-month rolling certified volunteer retention rate) use data from the program’s case management system. However, for its child welfare outcome measures, the program does not use its own data but instead monitors the performance of the child welfare system as a whole through the Department of Children and Families Florida Safe Families Network (FSFN) reports.⁷⁴ These reports include many of the federally required child welfare measures, such as the number of children achieving permanency within 12 months and the number of children not re-entering out-of-home care within 12 months. While program staff reported that the GAL Program affects the child welfare system as a whole, these larger measures (that include data for children who were not served by the program) may not be indicative of the program’s actual performance.

In addition to the above measures, GAL Program staff reported that the state and local GAL offices use a variety of tools to monitor and improve performance, including employee performance evaluations, annual volunteer re-certifications, specialized trainings in needed areas (e.g., substance abuse, domestic violence, psychotropic medications, and legal advocacy), and Advocacy, Collaboration, and Teamwork (ACT) reviews. ACT reviews are a qualitative review process wherein teams (made up of leadership and staff from other local offices) conduct local office site visits and perform file reviews. Program staff reported that by reviewing these files, the teams assess the program’s overall effectiveness, whether the child’s needs were met, and what could be improved upon.

CASA/GAL performance metrics are similar across states; several states report additional performance information. To gather information on how other states’ CASA/GAL programs report performance data, OPPAGA reviewed publically available information from the 49 state CASA/GAL associations and conducted interviews with staff from nine associations.⁷⁵ Most states reported having service metrics, such as number of volunteers and ratio of children to volunteers, which are similar to Florida’s metrics. Several states report additional performance information related to services and child welfare outcomes that differs from the information reported by Florida’s GAL Program.

- Colorado CASA conducts pre- and post-program wellbeing assessments of children served by the program, gathering information in areas such as foster care placements, education, and health.
- New Hampshire CASA reported conducting additional analyses related to youth with a permanency goal of another planned permanent living arrangement (APPLA).⁷⁶
- New York CASA uses a child outcomes tool with questions to measure the program’s effectiveness in the areas of education, health care, mental health, placement stability, and safety. With every six-month permanency hearing, a staff member or volunteer answers a series of questions regarding the child’s status and services received and enters the information into the program’s data system.
- Ohio CASA reported that some of their local offices monitor child outcomes and compare them to the state child welfare agency and its services.

⁷⁴ FSFN is the data system for DCF’s Office of Child Welfare.

⁷⁵ Five states did not have any publically available performance information.

⁷⁶ APPLA, is a permanency goal for youth who are expected to be in foster care until they reach adulthood. APPLA is a permanency option only when other options such as reunification or legal guardianship have been ruled out.

This additional level of detailed performance information can help states better assess program effectiveness and thus identify potential areas of improvement. Florida's GAL Program could consider identifying areas where performance information could be further developed to better monitor program effectiveness.

While data issues limit analysis of GAL Program outcomes, records show some similarities with statewide trends; stakeholder opinions of the program are mixed

To examine program outcomes and performance, OPPAGA analyzed GAL Program, Office of the State Courts Administrator, and Department of Children and Families data pertaining to children involved in dependency proceedings from Fiscal Year 2016-17 through Fiscal Year 2019-20. OPPAGA also interviewed dependency judges and attorneys to assess their perceptions of GAL Program efficiency and effectiveness.

GAL and dependency court data problems create limitations for analysis; a unified data set that combines GAL case information with DCF child welfare outcomes does not exist. The GAL Program uses a vendor to manage its case management system. The vendor creates reports that the program uses to produce case numbers (e.g., the number of children served per year). Due to the program's reliance on the vendor to create these reports and manage the system as a whole, program staff does not have a strong understanding of the system's underlying data. When OPPAGA requested that program staff export all raw program data for Fiscal Year 2015-16 through Fiscal Year 2019-20, program staff was only able to provide a vendor programmed report, which made it difficult to determine the completeness and accuracy of the data and hindered analysis. Further, due to a data system change in mid-2016, staff reported that the data prior to this time may not be reliable.⁷⁷ Because GAL program staff lack in-depth knowledge of the data in the system and lack direct access to the data other than through automated reports, it appears that they are unable to assess the accuracy of all system data.

In addition, OPPAGA staff found several problems with the data received from the program, including not having a unique identifier for children receiving services as well as issues with dates contained within the system (e.g., children with more closure dates than open dates). Limitations to the data provided to us by the GAL Program prevented us from conducting original analyses to calculate figures such as the number of children served and number of volunteers involved with the program. For such measures, we used figures produced by the GAL Program in lieu of OPPAGA original analyses. Further, because the GAL Program does not use its own data system to collect child outcomes information, supplemental datasets are required to conduct a complete analysis.

Other entities have information systems that may be used to supplement GAL Program data; however, these sources also have limitations. OSCA's dependency court data system, the Florida Dependency Court Information System, is limited as a data source for GAL Program information. The system was designed for use by court staff and keeps real-time data, overwriting historical records in cases where a child has subsequent removals. Several years ago, data quality issues led OSCA staff to remove some records, resulting in incomplete GAL data prior to 2018. DCF's Florida Safe Families Network data system maintains data on children involved in dependency cases; however, the database does not identify which children were assigned a GAL. In addition, GAL program data do not include the unique FSFN identifying number for each child's case, creating issues for matching children's files in the two systems.

⁷⁷ Due to this change in data systems, OPPAGA's analysis includes data from Fiscal Year 2016-17 through Fiscal Year 2019-20.

The following analysis of children's outcomes includes children served by the GAL Program who OPPAGA staff were able to match to records within FSFN. Matched records represent 80% of children with a closed case in the GAL Program's data and are not representative of all GAL children. The incomplete match across databases hindered our ability to compare children served by the GAL program to those who did not receive program services.

Over the past four years, the number of children served in the dependency system and by the GAL Program has decreased; the most frequent GAL case closure reason has been reunification.

From Fiscal Year 2016-17 through Fiscal Year 2019-20, the number of children served in the dependency system decreased (from 58,784 in Fiscal Year 2016-17 to 54,695 in Fiscal Year 2019-20). Correspondingly, the number of children served by the GAL Program also decreased during this time (from 40,032 in Fiscal Year 2016 to 36,506 in Fiscal Year 2019-20). OPPAGA's analysis of GAL Program and DCF data identified 43,135 children, with 45,568 court-ordered removals, who had a closed case with the GAL Program over the past four fiscal years (Fiscal Year 2016-17 through Fiscal Year 2019-20). The children served were primarily white (62%), ranged in age from 0 to 17 at the time of removal, were equal shares male and female, and were most often initially placed with a relative caregiver; in addition, the majority had no prior removals. Of the 45,568 removals, 43,768 were closed and had a discharge reason during this time.⁷⁸

When a child must be removed from their family, it is important that child welfare agencies find a safe, permanent home as quickly as possible.⁷⁹ The first goal is to reunite the child with their family, referred to as reunification. When family reunification is not an option, children may achieve permanency through adoption or permanent guardianship.⁸⁰ Children who do not achieve permanency by their 18th birthday may enter Extended Foster Care or age out of the foster care system. During the time of our review, the average time children appointed to the GAL Program spent in DCF out-of-home care increased slightly. In Fiscal Year 2016-17, the average removal duration was nearly 17 months; in Fiscal Year 2019-20 this increased to 18 months. The removal duration also varied by circuit, with the 8th Circuit having the shortest average removal episodes (14 months) and the 9th Circuit having the longest (24 months).

GAL Program data for these children over the past four fiscal years shows that the majority of cases were closed by the program because the child achieved reunification (30%), had an established permanency goal and was seen as stable in their placement (21%), or was adopted (19%).⁸¹ These closure reasons have remained somewhat stable across the four years, with the largest shifts among cases closed to permanent guardianship and those closed because the child had an established permanency goal. The number of cases closed to permanent guardianship decreased from 17% in Fiscal Year 2016-17 to 12% in Fiscal Year 2019-20; the percentage of cases closed because the child had an established permanency goal increased from 18% to 22%. (See Exhibit 6.)

⁷⁸ While a GAL may be appointed to a child in in-home care, program staff reported that out-of-home cases are their priority. As such, our analysis of child outcomes is focused on children who were placed in out-of-home care at any point during their removal episode.

⁷⁹ According to federal and state law, a permanency hearing must be held no later than 12 months after the date the child is considered to have entered foster care. The hearing determines the permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent; placed for adoption and the state will file a petition for termination of parental rights; referred for legal guardianship; or, in the case of a child who has attained 16 years of age, placed in another planned permanent living arrangement. A permanency hearing must be held at least every 12 months for any child who continues to be supervised by the department or awaits adoption.

⁸⁰ A court may appoint a relative or other kin as a permanent guardian when that person has been caring for the child as a foster parent. Kinship guardianship can be a permanency option when reunification with the child's parents or permanency through adoption is not feasible. Guardianship creates a legal relationship between a child and caregiver that is intended to be permanent and self-sustaining and can provide a permanent family for the child without terminating parental rights.

⁸¹ The GAL Program does not always keep a case open until it is closed through the courts. In some cases, the program may discharge off a case if the child's permanency goal has been established by the court, and the child is stable in the placement.

Exhibit 6

Closure Reasons Reported by GAL Program Remained Stable From Fiscal Year 2016-17 Through the First Half of Fiscal Year 2019-20¹

GAL Program Closure Reason for GAL Program Closures	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 ¹	Four-Year Total
Reunification	29%	31%	29%	31%	30%
Adoption	18%	18%	20%	19%	19%
Permanency Goal Established ²	18%	19%	23%	22%	21%
Permanent Guardianship	17%	15%	13%	12%	15%
Other ³	9%	9%	6%	6%	8%
Insufficient Program Resources ⁴	5%	4%	4%	4%	5%
Aged Out of Care	3%	4%	4%	4%	4%
Total	100%	100%	100%	100%	100%

¹ To control for differences between GAL Program closures and DCF discharges, we limited the Fiscal Year 2019-20 data to the first six months (July 1, 2019–December 31, 2019).

² Closure reasons of APPLA are included here.

³ Other includes children who ran away, were transferred to or placed in another circuit, and cases that were either consolidated or bifurcated by the courts.

⁴ This includes cases to which the GAL Program was appointed where the program was either unable to staff the case at all or had to discharge from a case before it concluded. Closure reasons of APPLA are included here.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data representing 80% of GAL children with a closed case.

To determine the child’s ultimate outcome in the dependency system, OPPAGA analyzed trends in DCF discharge data for the matched children served by the GAL Program. Of the children who were discharged from the GAL Program, 30% were ultimately adopted, 44% were reunified, 16% went into permanent guardianship, and 5% aged out of care. Of the 21% of children who were discharged from the GAL Program due to achieving permanency goals and being in a stable placement, 50% were ultimately adopted, 32% were reunified, 7% went into permanent guardianship, and 4% aged out of care. From Fiscal Year 2016-17 through Fiscal Year 2019-20, the percentage of removals that ended in adoption remained somewhat stable, while the percentage of removals that ended in reunification decreased (from 45% to 43%). From Fiscal Year 2016-17 through Fiscal Year 2019-20, between 2% and 9% of cases remained open or had a missing discharge reason; therefore, closure reasons in other categories may be slightly underrepresented. (See Exhibit 7.)

Exhibit 7

During the Same Time Period, DCF Discharges for GAL Program Closures Have Remained Fairly Stable, but Some Discharge Reasons May Be Underrepresented Due to Incomplete Discharge Data¹

DCF Out-of-Home Care Discharge Reason for GAL Program Closures	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 ²	Four-Year Total
Reunification	45%	45%	43%	43%	44%
Adoption	28%	30%	31%	28%	30%
Permanent Guardianship	18%	16%	14%	13%	16%
Aged Out of Care	6%	6%	5%	5%	5%
Removal Still Open/No Discharge Reason	2%	2%	5%	9%	4%
Other ³	1%	1%	1%	1%	1%
Total⁴	100%	100%	100%	100%	100%

¹ Analysis is on GAL closures that matched to a DCF removal episode. Discharge reason is reported by the fiscal year of the GAL closure.

² To control for differences between GAL Program closures and DCF discharges, we limited the Fiscal Year 2019-20 data to the first six months (July 1, 2019–December 31, 2019).

³ Other includes death of a child, children living with other relatives, and children who were transferred to another agency.

⁴ Totals do not sum to 100% due to rounding.

Source: OPPAGA analysis of Florida Guardian ad Litem Program and Department of Children and Families data representing 80% of GAL children with a closed case.

While statewide trends in discharge reasons for GAL closures have been fairly stable over the past several years, large variation can be seen across judicial circuits. Over the four fiscal years, 47% of removals in the 4th Circuit resulted in adoption, compared to only 19% in the 10th Circuit. Examining reunifications, the 13th Circuit had the highest rate (51%), while the 6th and 8th Circuits had the lowest (37%). (See Appendix B for child outcomes by circuit.) There were slight differences when examining child outcomes by race. A greater percentage of removals involving white children ended in adoption (31% of white children vs. 26% of black children), with a smaller percentage ending in the child aging out of care (5% of white children vs. 7% of black children). On average, black children also tended to stay in care longer. GAL-assigned removals involving black children lasted an average of 573 days, while removals involving white children lasted an average of 534 days.

GAL closure dates do not always align with DCF discharge dates for individual cases, and this creates limitations for comparing trends between GAL closure and DCF discharge reasons. The date on which the GAL Program closes a case may not always align with the date on which DCF discharges a case. This may happen in cases where there are limited program resources, and the GAL Program closes a child’s case before the case is closed by the courts and DCF. In such cases, the closure reason in the GAL Program’s data system may be different from that in DCF’s system. Additionally, Florida statutes require the court to retain jurisdiction over dependency cases for a minimum of six months following reunification, and in these cases, the GAL Program may remain on the case and close it after DCF has closed the out-of-home care case.⁸² Consistent with this state requirement, OPPAGA analysis of GAL Program data for matched children suggests that GALs remained on many reunification cases after the child was discharged from out-of-home care, as opposed to adoptions, where the GAL Program often closed the case prior to the DCF discharge.

Examining all DCF out-of-home care cases from Fiscal Year 2016-17 through Fiscal Year 2019-20, discharges to reunification decreased from 50% to 45%, and adoptions increased from 22% to 31%. (See Exhibit 8.) OPPAGA analyses showed similar but less pronounced trends among those children served by the GAL Program (as seen in Exhibit 7). However, because trends among GAL cases are based on the GAL Program closure date, and trends among the foster care system as a whole are based on DCF discharge date, results between Exhibit 7 and Exhibit 8 are not directly comparable year to year.

Exhibit 8

DCF Discharges to Reunification and Permanent Guardianship Have Decreased Over the Past Four Years, While Adoptions Have Increased

DCF Discharge Reason for All Out-of-Home Care Discharges	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	Four-Year Total
Reunification	50%	48%	46%	45%	48%
Adoption	22%	25%	29%	31%	27%
Permanent Guardianship	20%	19%	18%	16%	18%
Aged Out of Care	6%	6%	6%	6%	6%
Other	1%	1%	1%	2%	1%
Total¹	100%	100%	100%	100%	100%

¹ Totals do not sum to 100% due to rounding.

Source: OPPAGA analysis of Department and Children and Families data.

Stakeholder opinions regarding the effectiveness and efficiency of Florida’s GAL Program were split along professional lines. Most judges we interviewed reported that the program is effective and efficient due to several factors, including use of unpaid volunteers; GALs being able to get to know the child better than other parties; and GALs providing judges with information that would not otherwise be brought to their attention, as well as the general benefit of someone advocating for the child’s best interests. Judges also described GALs as independent and impartial voices.

⁸² Section 39.701(1)(b), F.S.

Conversely, dependency attorneys expressed several concerns with the program. Concerns included the lack of legal representation for GAL children; GALs discharging off cases before they conclude; GALs often reiterating DCF's recommendations; and lack of volunteer expertise. Some also stated the program seems biased against and often delays reunification. Attorneys and one judge expressed concern that volunteers' personal experiences and biases may lead them to confound the safety of the parents' home with what they think is a better home environment with a foster parent, resulting in more frequent recommendations for termination of parental rights. Attorneys also reported that there are sometimes issues with GAL team cohesion. For example, some stated that child advocate managers direct what gets reported to the court regardless of whether the volunteer agrees, or volunteers are asked not to come to court if their opinion differs from the program's opinion.⁸³

Many of these attorneys also reported issues with GAL efficiency, including difficulty in scheduling court dates around volunteers' schedules, irrelevant court filings by the GAL (such as requests for parent to undergo a psychological evaluation when there is no history of mental health issues), or not bringing issues regarding the child's needs to the court's attention in a timely manner. These attorney stakeholders reported that while the original intent of the program is reasonable, the execution has not always been successful.

Despite these differing views, stakeholder groups commended GALs for obtaining needed services for children. This is consistent with several studies demonstrating that children with a CASA and their families are more likely to receive services.⁸⁴ Most stakeholder groups, including volunteers, also reported that the program is effective in that judges often listen to and follow the GAL's recommendation, though there was disagreement as to whether that had a positive or negative impact.

OPTIONS

OPPAGA's review of Florida's Guardian ad Litem Program identified several issues with program data and performance measurement that could be addressed. To address these issues, we present several options for the program's consideration.

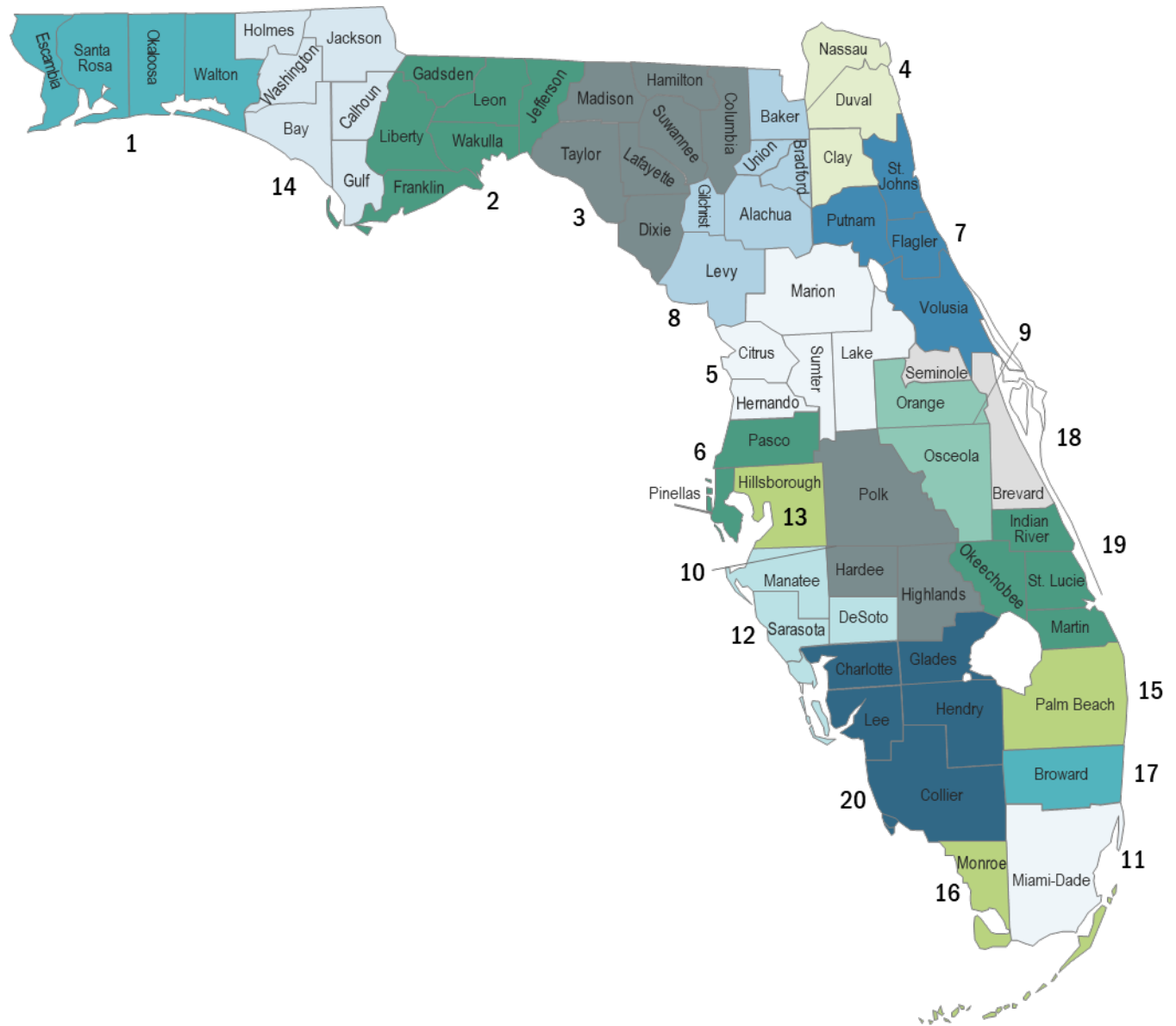
- Implement additional program performance metrics similar to those of other states, such as pre-and post-program well-being assessments and/or child outcomes specific to those served by the GAL Program.
- If the GAL Program continues to report Department of Children and Families outcomes data as part of its SnapShot measures, clarify that the data includes all children in the dependency system and is not specific to children served by the GAL Program.
- Improve GAL data management, including program staff developing a better understanding of the case management system's underlying data to help identify and address data errors.
- Include a Florida Safe Families Network unique identification number in each child's case file to facilitate accurate tracking of child placements and outcomes in DCF's data system.

⁸³ GAL Program Standards of Operation address team conflict, stating that if a difference of opinion regarding a case issue or advocacy decision arises, the team should discuss the issue, conduct a staffing if necessary, and develop a consensus position. When a conflict arises as to an issue of fact, the team shall defer to the GAL volunteer and CAM. When a conflict arises as to an issue of law, the team shall defer to the GAL Program attorney. If team members cannot reach consensus, they should consult with circuit leadership. Circuit leadership can confer with regional and state office staff if needed.

⁸⁴ Caliber Associates (2004); Condelli, Larry (1988); Poertner, John et al. (1990); Litzelfelner, Pat (2000); Duquette, Donald N. et al. (1986); Lawson, Jennifer et al. (2013); Youngclarke, Davin et al. (2004); U.S. Department of Justice Office of the Inspector General Audit Division (2006).

APPENDIX A

Map of Florida's Judicial Circuits



Source: Florida Office of the State Courts Administrator.

APPENDIX B

Guardian ad Litem Circuit-Level Data

GAL Program Staffing, Volunteers, and Children Served by Circuit

In Fiscal Year 2019-20, the GAL Program employed 848 staff across Florida's 20 judicial circuits. State, county, federal, and private sources fund staff positions. The number of staff employed by the program's local offices ranged from 9 in the 16th Circuit to 103.5 in the 11th Circuit. Each office has volunteers that are certified and sworn in by their circuit to serve as GALs to children in abuse and neglect proceedings. The number of volunteers in Fiscal Year 2019-20 ranged from 85 in the 16th Circuit to 1,203 in the 6th Circuit, with a total of 13,231 volunteers statewide. (See Exhibit B-1.)

Exhibit B-1

Fiscal Year 2019-20 GAL Staff and Certified Volunteers by Circuit

Circuit	FTEs (all funding sources) ¹	Volunteers
1	46	832
2	19.5	473
3	18.5	207
4	43.75	628
5	48	755
6	56.5	1,203
7	42.5	735
8	21.5	481
9	16	221
10	45	931
11	103.5	889
12	32.5	718
13	64	1,187
14	21	321
15	52.5	721
16	9	85
17	56	976
18	38.75	650
19	28	454
20	46	764
State Office	39.5	-
Total	848	13,231

¹ Program staff are funded through general revenue, the GAL Foundation, local GAL fundraising organizations, Victims of Crime Act and other federal grants, state grants, and county funds.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

GAL Program Circuit-Level Performance Measures

The GAL Program reports its circuit performance data monthly. Due to the numbers of children and volunteers that remain with the program across months, the data in this format cannot be summed across months. To report these data by fiscal year, OPPAGA staff averaged the monthly data for each fiscal year. The program's circuit performance measures presented below are averages per month, by fiscal year.

From Fiscal Year 2016-17 through Fiscal Year 2019-20, there was wide variation across circuits in GAL Program monthly performance metrics, including in the average monthly percentage of children in the dependency system who were appointed to the GAL Program, the average monthly percentage of children in the program who received volunteer GALs, and the average monthly number of children per volunteer in each circuit. Across the four years, the percentage of children in the dependency system who were assigned to the program ranged from 53% in the 13th Circuit to 106% in the 2nd Circuit.^{85,86} The percentage of children appointed to a volunteer ranged from a low of 32% in the 16th Circuit to a high of 95% in the 2nd Circuit. Further, the number of children per volunteer in each circuit ranged from a low of 0.6 in the 16th Circuit, to a high of 2.5 in the 7th Circuit. (See Exhibit B-2 through Exhibit B-16).

Exhibit B-2

GAL Statewide Program Performance Metrics¹

Statewide Performance Metrics	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Average number of children in dependency per month	30,967	30,716	30,116	30,956
Average number of children assigned to GAL Program per month	24,160	23,905	23,312	22,035
Average percentage of children in dependency assigned to program per month	78%	78%	78%	71%
Average number of volunteers per month	9,634	10,021	10,028	10,717
Average number of children assigned to volunteers per month	17,277	16,756	17,200	15,596
Average percentage of children assigned to a volunteer per month	72%	72%	72%	71%
Average number of children per volunteer per month	1.8	1.7	1.7	1.5

¹ Monthly data averaged by fiscal year.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

⁸⁵ The data in this table are included in the GAL Program's monthly performance reports. Due to the issues with the program's data system, OPPAGA was not able to produce annual calculations. This exhibit presents the monthly figures averaged across each fiscal year.

⁸⁶ According to GAL Program staff, representation percentages above 100% are due to differences in when the different agencies close a case. Further, the GAL Program's policy is to keep a case open during the 30-day appellate window following the closure of a dependency case, in case an appeal is filed.

Exhibit B-3

Average Number of Children in Dependency per Month¹

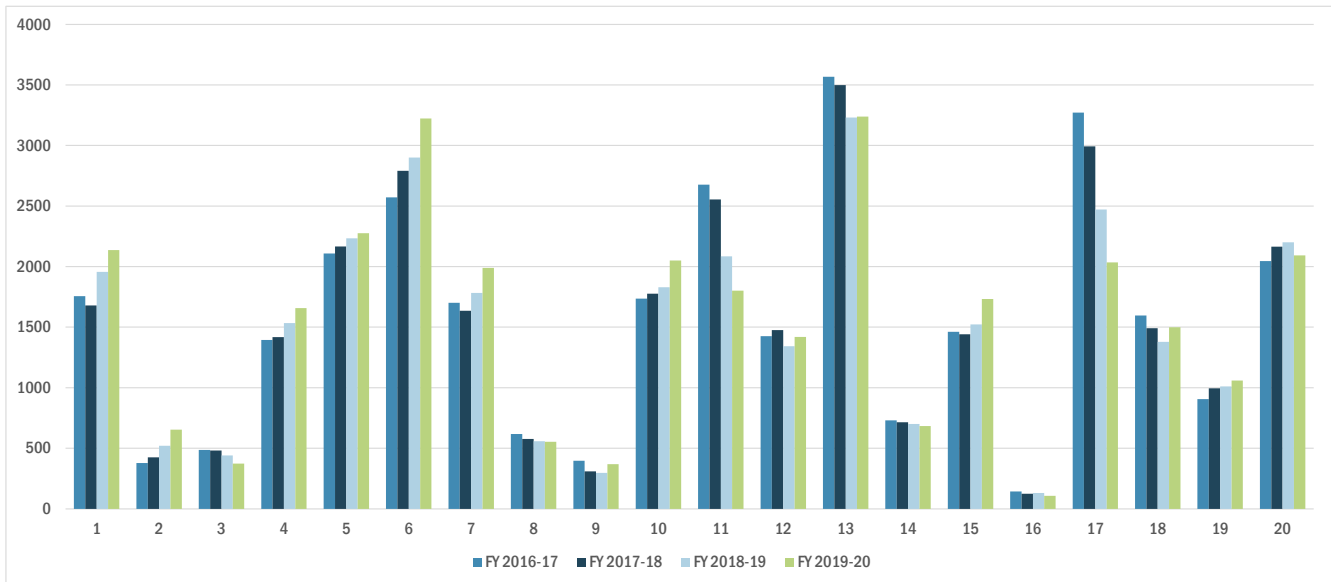
Circuit	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
1	1,756	1,680	1,956	2,137
2	378	425	520	654
3	486	481	439	370
4	1,395	1,418	1,534	1,657
5	2,108	2,166	2,233	2,275
6	2,571	2,791	2,900	3,223
7	1,701	1,636	1,783	1,989
8	617	577	558	553
9	397	310	297	368
10	1,735	1,776	1,829	2,050
11	2,677	2,555	2,084	1,802
12	1,426	1,476	1,340	1,420
13	3,568	3,499	3,231	3,254
14	731	715	700	683
15	1,461	1,442	1,523	1,732
16	144	125	128	102
17	3,271	2,993	2,471	2,035
18	1,594	1,491	1,379	1,499
19	906	995	1,011	1,060
20	2,046	2,165	2,201	2,093

¹ Monthly data averaged by fiscal year.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

Exhibit B-4

Average Number of Children in Dependency per Month¹



¹ Monthly data averaged by fiscal year.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

Exhibit B-5

Average Number of Children Assigned to the GAL Program per Month¹

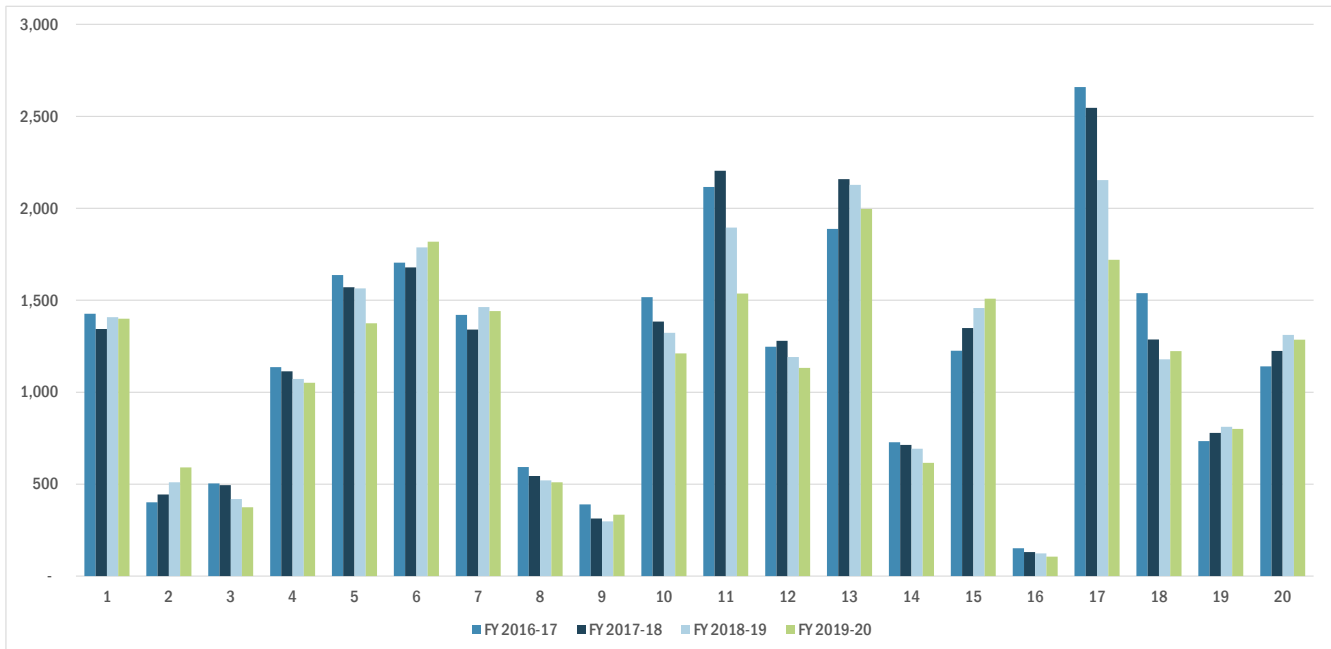
Circuit	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
1	1,427	1,344	1,408	1,400
2	401	444	510	591
3	504	495	419	374
4	1,136	1,114	1,072	1,051
5	1,637	1,571	1,565	1,375
6	1,705	1,679	1,787	1,819
7	1,420	1,341	1,463	1,441
8	593	545	521	510
9	390	313	298	334
10	1,517	1,384	1,323	1,211
11	2,116	2,204	1,895	1,537
12	1,247	1,280	1,191	1,132
13	1,888	2,159	2,128	1,997
14	728	714	693	616
15	1,226	1,349	1,458	1,509
16	152	131	124	106
17	2,659	2,546	2,153	1,720
18	1,539	1,287	1,179	1,224
19	734	779	812	801
20	1,141	1,225	1,312	1,286

¹ Monthly data averaged by fiscal year.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

Exhibit B-6

Average Number of Children Assigned to the GAL Program per Month¹



¹ Monthly data averaged by fiscal year.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

Exhibit B-7

Average Percentage of Children in Dependency Assigned to the GAL Program per Month^{1,2}

Circuit	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
1	81%	80%	74%	66%
2	106%	105%	100%	90%
3	104%	103%	96%	101%
4	81%	79%	72%	64%
5	78%	73%	71%	60%
6	66%	60%	62%	56%
7	83%	82%	83%	72%
8	96%	94%	94%	92%
9	98%	101%	101%	91%
10	88%	78%	73%	59%
11	79%	86%	91%	86%
12	87%	87%	89%	80%
13	53%	62%	66%	61%
14	100%	100%	99%	90%
15	84%	93%	97%	87%
16	105%	105%	96%	100%
17	81%	85%	87%	85%
18	97%	86%	86%	82%
19	81%	78%	81%	76%
20	56%	57%	60%	62%

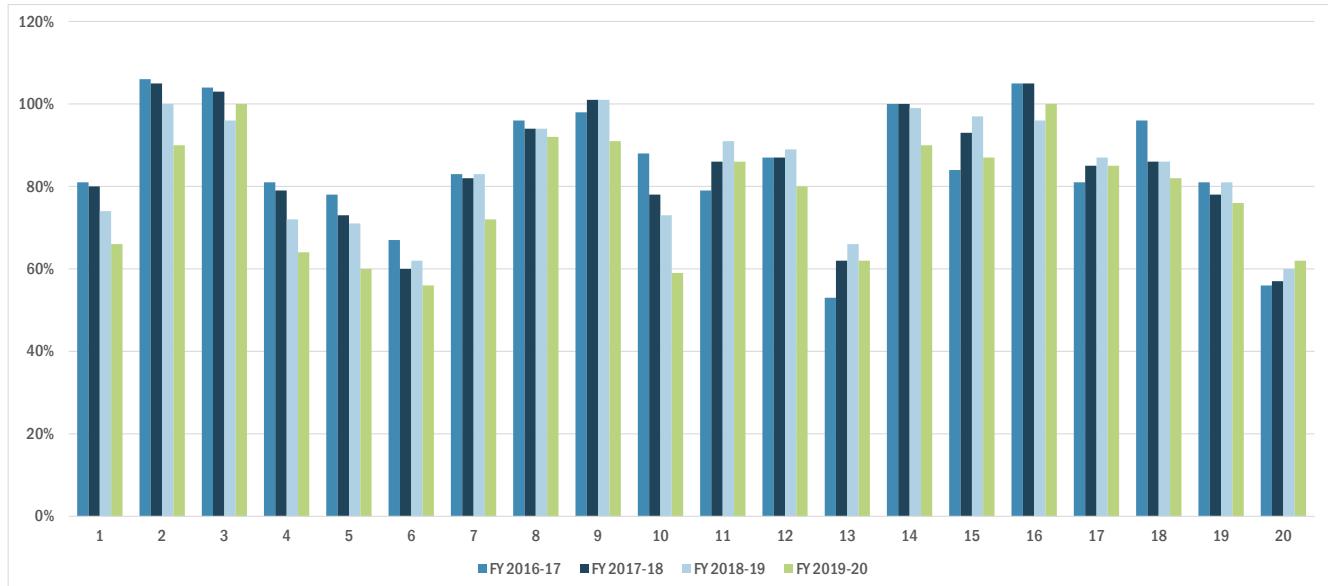
¹ Monthly data averaged by fiscal year.

² According to GAL Program staff, representation percentages above 100% are due to differences in when the different agencies close a case. Further, the GAL Program’s policy is to keep a case open during the 30-day appellate window following the closure of a dependency case, in the event an appeal is filed.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

Exhibit B-8

Average Percentage of Children in Dependency Assigned to the GAL Program per Month¹



¹ Monthly data averaged by fiscal year.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

Exhibit B-9

Average Number of Volunteers per Month¹

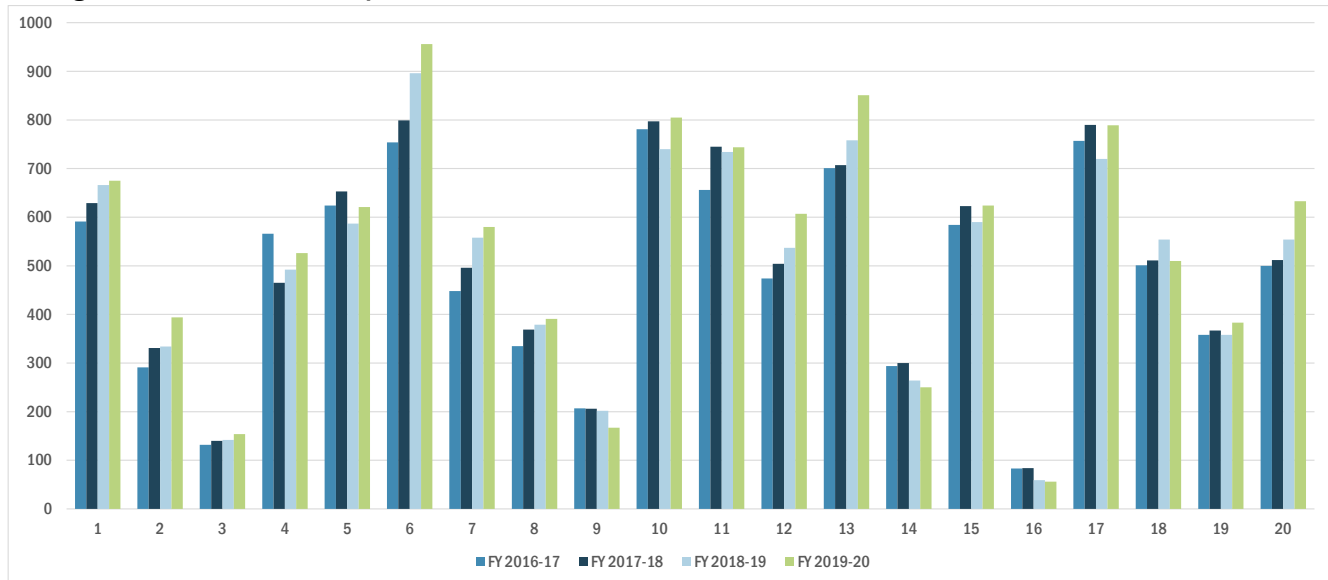
Circuit	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
1	591	629	666	675
2	291	331	334	394
3	132	140	142	154
4	566	465	492	526
5	624	653	587	621
6	754	799	896	956
7	448	496	558	580
8	335	369	379	391
9	207	206	202	167
10	781	797	740	805
11	656	745	734	744
12	474	504	537	607
13	701	707	758	851
14	294	300	264	250
15	584	623	590	624
16	83	84	59	56
17	757	790	720	789
18	501	511	554	510
19	358	367	358	383
20	500	512	554	633

¹ Monthly data averaged by fiscal year.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

Exhibit B-10

Average Number of Volunteers per Month¹



¹ Monthly data averaged by fiscal year.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

Exhibit B-11

Average Number of Children Assigned to Volunteers per Month¹

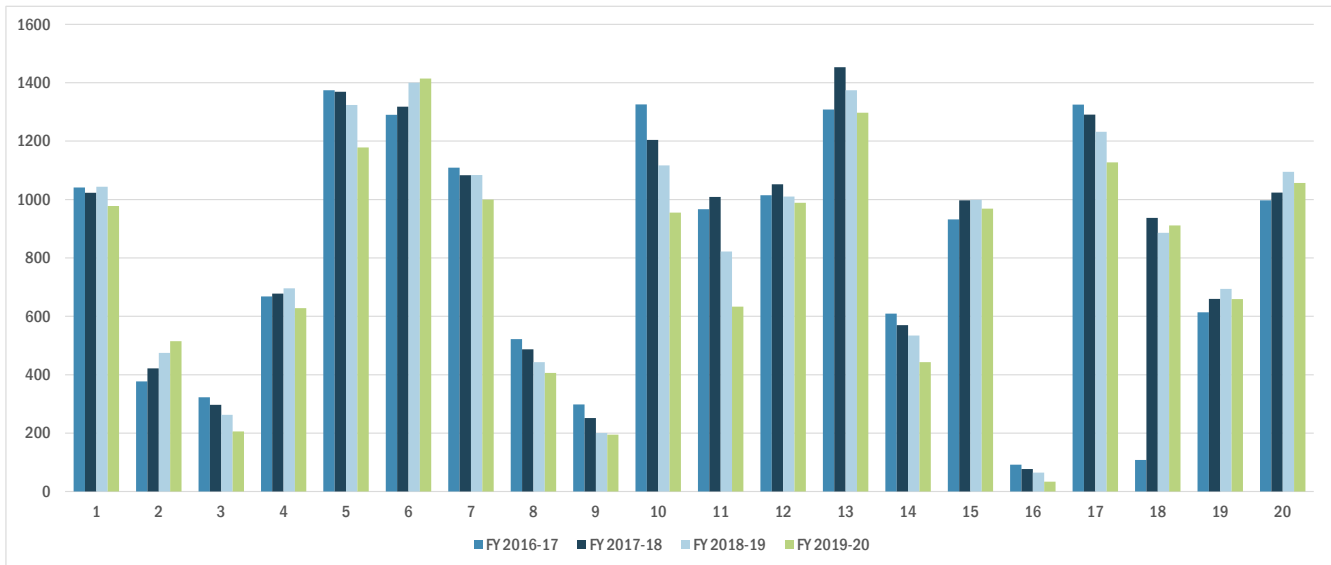
Circuit	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
1	1,041	1,023	1,044	978
2	377	422	475	515
3	323	297	263	206
4	668	678	696	628
5	1,374	1,369	1,324	1,178
6	1,290	1,318	1,400	1,414
7	1,109	1,083	1,084	1,000
8	522	487	443	406
9	298	252	201	195
10	1,326	1,204	1,117	955
11	967	1,009	822	633
12	1,015	1,052	1,010	989
13	1,308	1,453	1,374	1,297
14	609	570	534	443
15	932	997	999	969
16	92	77	65	34
17	1,325	1,291	1,232	1,127
18	108	937	886	911
19	614	660	694	659
20	997	1,024	1,095	1,057

¹ Monthly data averaged by fiscal year.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

Exhibit B-12

Average Number of Children Assigned to Volunteers per Month¹



¹ Monthly data averaged by fiscal year.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

Exhibit B-13

Average Percentage of Children Assigned to a Volunteer per Month¹

Circuit	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
1	73%	76%	74%	70%
2	94%	95%	93%	87%
3	64%	60%	63%	55%
4	59%	61%	65%	60%
5	84%	87%	85%	86%
6	76%	79%	78%	78%
7	78%	81%	74%	69%
8	88%	89%	85%	80%
9	76%	80%	67%	58%
10	87%	87%	84%	79%
11	46%	46%	43%	41%
12	81%	82%	85%	87%
13	69%	67%	65%	65%
14	84%	80%	77%	72%
15	76%	74%	69%	64%
16	61%	58%	53%	32%
17	50%	51%	57%	66%
18	71%	73%	75%	75%
19	84%	85%	85%	82%
20	87%	84%	83%	82%

¹ Monthly data averaged by fiscal year.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

Exhibit B-14

Average Percentage of Children Assigned to a Volunteer per Month¹



¹ Monthly data averaged by fiscal year.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

Exhibit B-15

Average Number of Children per Volunteer per Month¹

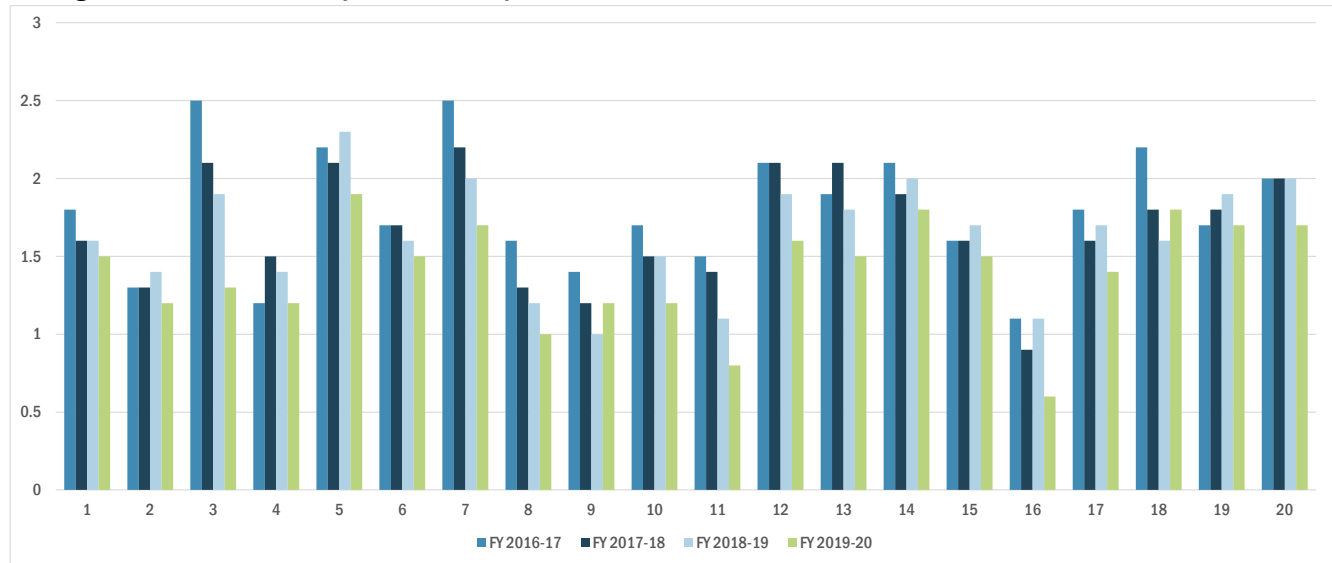
Circuit	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
1	1.8	1.6	1.6	1.4
2	1.3	1.3	1.4	1.3
3	2.4	2.1	1.9	1.3
4	1.2	1.5	1.4	1.2
5	2.2	2.1	2.3	1.9
6	1.7	1.6	1.6	1.5
7	2.5	2.2	1.9	1.7
8	1.6	1.3	1.2	1.0
9	1.4	1.2	1.0	1.2
10	1.7	1.5	1.5	1.2
11	1.5	1.4	1.1	0.9
12	2.1	2.1	1.9	1.6
13	1.9	2.1	1.8	1.5
14	2.1	1.9	2.0	1.8
15	1.6	1.6	1.7	1.5
16	1.1	0.9	1.1	0.6
17	1.8	1.6	1.7	1.4
18	2.2	1.8	1.6	1.8
19	1.7	1.8	1.9	1.7
20	2.0	2.0	2.0	1.7

¹ Monthly data averaged by fiscal year.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

Exhibit B-16

Average Number of Children per Volunteer per Month¹



¹ Monthly data averaged by fiscal year.

Source: OPPAGA analysis of Florida Guardian ad Litem Program data.

Department of Children Families Child Outcomes for Children Served by the GAL Program by Circuit

Circuit-level variation is also evident in GAL children’s DCF outcomes. Across the four fiscal years, 47% of removals in the 4th Circuit for which a GAL was appointed resulted in adoption, compared to only 19% of removals in the 10th Circuit. Examining reunifications, the 13th Circuit had the highest reunification rate (51%), while the 6th and 8th Circuits had the lowest (37%). (See Exhibits B-17 through B-21.)

Exhibit B-17

Percentage of GAL Closures That Ended With a DCF Discharge Reason of Adoption¹

Circuit	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 ²	Four-Year Total
1	38%	37%	33%	27%	35%
2	42%	36%	29%	33%	35%
3	31%	31%	37%	43%	34%
4	39%	50%	52%	47%	47%
5	20%	23%	26%	20%	23%
6	31%	35%	39%	0%	35%
7	31%	43%	37%	37%	37%
8	27%	29%	46%	36%	34%
9	38%	28%	41%	35%	36%
10	18%	17%	24%	16%	19%
11	35%	30%	31%	26%	31%
12	20%	25%	26%	26%	24%
13	25%	21%	21%	23%	22%
14	41%	42%	40%	43%	41%
15	20%	24%	25%	15%	22%
16	23%	35%	28%	38%	31%
17	27%	26%	29%	27%	27%
18	18%	25%	25%	26%	23%
19	34%	37%	41%	42%	38%
20	29%	28%	27%	33%	29%
State	28%	30%	31%	28%	30%

¹ Analysis is on GAL closures that matched to a DCF removal episode. Discharge reason is reported by the fiscal year of the GAL closure.

² To control for differences between GAL Program closures and DCF discharges, we limited the Fiscal Year 2019-20 data to the first six months (July 1, 2019–December 31, 2019).

Source: OPPAGA analysis of Florida Guardian ad Litem Program and Department of Children and Families data representing 80% of GAL children with a closed case.

Exhibit B-18

Percentage of GAL Closures That Ended With a DCF Discharge Reason of Aging Out of Care¹

Circuit	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 ²	Four-Year Total
1	6%	4%	4%	2%	4%
2	6%	12%	6%	4%	7%
3	1%	3%	2%	3%	2%
4	6%	4%	3%	2%	4%
5	3%	6%	4%	5%	4%
6	6%	7%	6%	0%	6%
7	5%	5%	4%	4%	4%
8	3%	3%	4%	2%	3%
9	10%	9%	11%	9%	10%
10	4%	3%	6%	6%	5%
11	8%	10%	11%	9%	10%
12	4%	5%	4%	5%	4%
13	5%	4%	4%	4%	5%
14	3%	2%	4%	6%	3%
15	7%	8%	8%	9%	8%
16	8%	13%	7%	4%	8%
17	7%	7%	6%	6%	7%
18	5%	5%	4%	7%	5%
19	7%	6%	5%	4%	6%
20	7%	4%	5%	7%	6%
State	6%	6%	5%	5%	5%

¹ Analysis is on GAL closures that matched to a DCF removal episode. Discharge reason is reported by the fiscal year of the GAL closure.

² To control for differences between GAL Program closures and DCF discharges, we limited the Fiscal Year 2019-20 data to the first six months (July 1, 2019–December 31, 2019).

Source: OPPAGA analysis of Florida Guardian ad Litem Program and Department of Children and Families data representing 80% of GAL children with a closed case.

Exhibit B-19

Percentage of GAL Closures That Ended With a DCF Discharge Reason of Permanent Guardianship¹

Circuit	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 ²	Four-Year Total
1	10%	13%	12%	12%	12%
2	4%	7%	14%	7%	9%
3	26%	25%	24%	12%	24%
4	15%	5%	3%	2%	7%
5	31%	22%	21%	15%	23%
6	18%	15%	12%	0%	15%
7	16%	12%	14%	15%	14%
8	28%	21%	15%	24%	22%
9	13%	8%	8%	20%	11%
10	24%	29%	22%	18%	24%
11	11%	12%	12%	11%	12%
12	20%	18%	18%	22%	19%
13	10%	12%	10%	9%	11%
14	9%	7%	4%	9%	7%
15	21%	18%	18%	15%	18%
16	13%	28%	13%	2%	14%
17	21%	16%	16%	17%	18%
18	25%	24%	20%	15%	22%
19	8%	6%	3%	4%	5%
20	22%	24%	21%	16%	21%
State	18%	16%	14%	13%	16%

¹ Analysis is on GAL closures that matched to a DCF removal episode. Discharge reason is reported by the fiscal year of the GAL closure.

² To control for differences between GAL Program closures and DCF discharges, we limited the Fiscal Year 2019-20 data to the first six months (July 1, 2019–December 31, 2019).

Source: OPPAGA analysis of Florida Guardian ad Litem Program and Department of Children and Families data representing 80% of GAL children with a closed case.

Exhibit B-20

Percentage of GAL Closures That Ended With a DCF Discharge Reason of Reunification¹

Circuit	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 ²	Four-Year Total
1	42%	39%	39%	43%	40%
2	44%	42%	46%	45%	45%
3	40%	39%	35%	36%	38%
4	38%	38%	35%	40%	38%
5	43%	45%	41%	44%	43%
6	41%	39%	32%	0%	37%
7	46%	37%	42%	37%	41%
8	39%	42%	32%	34%	37%
9	38%	54%	37%	36%	42%
10	52%	50%	44%	53%	49%
11	44%	45%	43%	47%	44%
12	54%	50%	49%	40%	49%
13	54%	55%	51%	42%	51%
14	42%	44%	47%	36%	43%
15	49%	49%	47%	57%	50%
16	56%	24%	50%	53%	46%
17	42%	48%	44%	43%	44%
18	48%	44%	48%	43%	46%
19	48%	50%	48%	42%	48%
20	39%	41%	42%	41%	41%
State	45%	45%	43%	43%	44%

¹ Analysis is on GAL closures that matched to a DCF removal episode. Discharge reason is reported by the fiscal year of the GAL closure.

² To control for differences between GAL Program closures and DCF discharges, we limited the Fiscal Year 2019-20 data to the first six months (July 1, 2019–December 31, 2019).

Source: OPPAGA analysis of Florida Guardian ad Litem Program and Department of Children and Families data representing 80% of GAL children with a closed case.

Exhibit B-21

Percentage of GAL Closures That Are Still in Care or Missing a Discharge Reason^{1,2}

Circuit	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 ³	Four-Year Total
1	3%	5%	11%	13%	7%
2	1%	1%	2%	10%	3%
3	2%	2%	1%	5%	2%
4	1%	2%	6%	7%	4%
5	1%	2%	7%	17%	6%
6	3%	4%	8%	0%	5%
7	1%	2%	3%	5%	3%
8	1%	4%	3%	4%	3%
9	0%	0%	1%	0%	0%
10	1%	1%	3%	7%	2%
11	1%	1%	2%	6%	2%
12	0%	1%	2%	6%	2%
13	4%	6%	13%	21%	10%
14	3%	2%	3%	5%	3%
15	1%	0%	2%	4%	2%
16	0%	0%	0%	2%	1%
17	2%	2%	4%	4%	3%
18	2%	1%	2%	8%	3%
19	2%	1%	1%	6%	2%
20	1%	1%	4%	3%	2%
State	2%	2%	5%	9%	4%

¹ Analysis is on GAL closures that matched to a DCF removal episode. Discharge reason is reported by the fiscal year of the GAL closure.

² Removals were still open as of the DCF data pull date of 08/31/2020. Only a small percentage (0.1%) of DCF removals were discharged but missing a discharge reason.

³ To control for differences between GAL Program closures and DCF discharges, we limited the Fiscal Year 2019-20 data to the first six months (July 1, 2019–December 31, 2019).

Source: OPPAGA analysis of Florida Guardian ad Litem Program and Department of Children and Families data representing 80% of GAL children with a closed case.

APPENDIX C

State Court-Appointed Special Advocate/Guardian ad Litem Associations

State CASA/GAL State Associations' Administrative Structures

State CASA/GAL organizations vary in their administrative structures, both in terms of organization type and in their authority over and relationship to their state's local offices; four states do not have a formal CASA/GAL state organization. Florida and nine other states are publicly administered state organizations that provide direct services to children, while 30 programs are nonprofit state organizations, with separate local organizations that provide direct services to children. The remaining state programs are publicly administered state organizations with separate local organizations (5) or nonprofit organizations that provide direct services (1). (See Exhibit C-1.)

Exhibit C-1

State CASA/GAL Associations' Administrative Structures¹

Nonprofit, No Direct Service	Nonprofit, Direct Service	Publicly Administered, Direct Service	Publicly Administered, No Direct Service
Alabama	New Hampshire	Alaska	Arkansas
California		Delaware	Arizona
Colorado		Florida	Indiana
Connecticut		Iowa	South Dakota
Illinois		Maine	Virginia
Georgia		North Carolina	
Kansas		Rhode Island	
Kentucky		South Carolina	
Louisiana		Utah	
Massachusetts		Vermont	
Maryland			
Michigan			
Minnesota			
Mississippi			
Missouri			
Montana			
Nebraska			
New Jersey			
New Mexico			
Nevada			
New York			
Ohio			
Oklahoma			
Oregon			
Pennsylvania			
Tennessee			
Texas			
Washington			
West Virginia			
Wisconsin			

¹ Hawaii, Idaho, and Wyoming have local CASA/GAL offices but no state association. North Dakota does not have an NCASA-affiliated CASA/GAL association.

Source: National CASA/GAL Association for Children.

State CASA/GAL State Associations' Funding and Service Provision

According to the National Court Appointed Special Advocate/Guardian ad Litem Association's 2018 surveys (completed annually for all state and local CASA/GAL associations), the median total revenue for state CASA/GAL associations was \$627,390 in Calendar Year 2018; the median state revenue for state organizations was approximately \$350,000. For local CASA/GAL offices, the median total revenue in 2018 was \$198,339; the median state revenue for individual local organizations (not including state funds passed through from their state offices) was approximately \$88,726.^{87,88} OPPAGA requested funding and service information from all states with an NCASA-affiliated state office and received comprehensive information from 11 states.⁸⁹ It is important to note that states have different requirements for representation of children in abuse and neglect proceedings, and state CASA/GAL associations have varying structures. These differences affect the amount of funding reported by the state CASA/GAL association, as these associations may not have full access to funding and service information of their local offices, and, in some cases, states may have funding for child representation that does not go through the CASA/GAL association (e.g., funding for attorney representation). (See Exhibit C-2.)

Exhibit C-2

Other States' CASA/GAL State Associations Vary on Numerous Factors¹

State CASA Association ¹	Representation Model	CASA/GAL Asso. Structure	Total Funding	State Funding	Number of Children Served	Number of Active Volunteers
Delaware	Best interest (attorney)	Publically administered, direct service	\$2.6 million	\$2.4 million	464	240
Florida	Multidisciplinary team	Publically administered, direct service	60.7 million	51.4 million	37,947	9,938
Georgia	Hybrid	Nonprofit, no direct service	16 million	3.2 million	11,000	2,700
Illinois ²	Best interest (lay volunteer)	Nonprofit, no direct service	11.5 million	1.4 million ³	6,447	2,436
Iowa	Hybrid	Publically administered, direct service	2.8 million	2.8 million	1,376	505
Kentucky	Best interest (attorney)	Nonprofit, no direct service	1.5 million	1.4 million	3,818	1,313
Nebraska	Best interest (attorney)	Nonprofit, no direct service	4.7 million	500,000	2,031	912
North Carolina	Multidisciplinary team	Publically administered, direct service	17.8 million	15.5 million	18,036	5,539
Ohio	Best interest (lay volunteer)	Nonprofit, no direct service	14.1 million	226,361	10,189	2,491
South Dakota	Best interest (attorney)	Publically administered, no direct service	1.8 million	760,596 ⁴	1,628	348
Texas	Hybrid	Nonprofit, no direct service	33.5 million	13.6 million	30,432	10,874
Utah	Best interest (attorney)	Publically administered, direct service	8.7 million	8.7 million	1,659	736
Median values			\$10.1 million	\$2.6 million	5,133	1,875

¹ Depending on the CASA/GAL association's administrative structure and the state's model of representation, some states may have revenue for child representation that does not go through the state CASA/GAL association. State fiscal year date ranges may vary.

² Figures are for 2018.

³ Includes both state and local funds.

⁴ Includes both state and federal funds.

Source: OPPAGA analysis of state documents.

⁸⁷ This includes funding from state court administration.

⁸⁸ Local programs received an average of \$47,383 in state funds passed through their state associations.

⁸⁹ While OPPAGA received state funding information from 16 states, five state programs without administrative authority over local offices were not able to provide complete program funding information and are not included in this analysis.

APPENDIX D

State Models of Child Representation

Based on a review of states' statutes, rules of court, and interviews with several state stakeholders, OPPAGA organized states' requirements for child representation in dependency proceedings into six categories: best interest representation by an attorney or professional (20); best interest representation by a lay volunteer (12); client-directed attorney representation with an optional best interest advocate (7); hybrid model that requires children be appointed both a client-directed attorney and a best interest advocate (6); age-dependent model wherein younger children tend to receive a GAL and older children receive an attorney (4); or multi-disciplinary team approach (2).⁹⁰ States may have additional requirements for specific types of cases or children, or they may allow judges or local governments discretion in requiring the appointment of additional advocates. (See Exhibit D-1.)

Exhibit D-1

State Requirements for Child Representation in Abuse and Neglect Proceedings

State	Who can serve as GAL? ¹	Does child always get a best interest advocate? ²	When does child receive client-directed representation?	Primary representation model ³
Alabama	Attorney	Y	N/A	Best interest (attorney)
Alaska	Professional GAL ⁴	Y	Discretionary basis	Best interest (professional)
Arizona	Attorney or volunteer	Y	Specific types of cases	Best interest (lay volunteer)
Arkansas	Attorney	Y	N/A	Best interest (attorney)
California	Attorney or volunteer ⁵	Y	N/A	Best interest (attorney)
Colorado	Attorney	Y	Discretionary basis	Best interest (attorney)
Connecticut	Volunteer	N	Required for all	Client directed
District of Columbia	Attorney	Y	Discretionary basis	Best interest (attorney)
Delaware	Attorney	Y	N/A	Best interest (attorney)
Florida	Volunteer	N	Specific types of cases	Multidisciplinary team
Georgia	Attorney or volunteer	Y	Required for all	Hybrid
Hawaii	Volunteer	Y	Upon request	Best interest (lay volunteer)
Idaho	Volunteer	N	Children 12 and older, and children under 12 if no GAL available	Age dependent
Illinois	Attorney or volunteer	Y	Discretionary basis	Best interest (lay volunteer)
Indiana	Attorney or volunteer	N	Discretionary basis	Best interest (lay volunteer)
Iowa	Attorney or volunteer	Y	Required for all	Hybrid
Kansas	Attorney	Y	Discretionary basis	Best interest (attorney)
Kentucky	Attorney	Y	N/A	Best interest (attorney)
Louisiana	Volunteer	N	Required for all	Client directed
Maine	Attorney or volunteer	Y	Upon request	Best interest (lay volunteer)

⁹⁰ A total of 33 states require the court to appoint an attorney to represent children in abuse and neglect proceedings (including both best interest and client-directed representation).

State	Who can serve as GAL? ¹	Does child always get a best interest advocate? ²	When does child receive client-directed representation?	Primary representation model ³
Maryland	Volunteer	N	Required for all	Client directed
Massachusetts	Varies based on role	N	Required for all	Client directed
Michigan	Attorney	Y	Discretionary basis	Best interest (attorney)
Minnesota	Volunteer or professional GAL	Y	Children 10 and older	Age dependent
Mississippi	Attorney or suitable layperson ⁶	Y	If GAL is not an attorney	Best interest (attorney)
Missouri	Attorney	Y	Discretionary basis	Best interest (attorney)
Montana	Attorney or volunteer	Y	If no GAL available, and on a discretionary basis	Best interest (lay volunteer)
Nebraska	Attorney	Y	Discretionary basis	Best interest (attorney)
Nevada	Volunteer	Y	Required for all	Hybrid
New Hampshire	Attorney or volunteer	Y	Discretionary basis	Best interest (lay volunteer)
New Jersey	Volunteer ⁷	N	Required for all	Client directed
New Mexico	Attorney	N	Children 14 and older	Age dependent
New York	Volunteer ⁸	N	Required for all	Client directed
North Carolina	Volunteer	Y	N/A	Multidisciplinary team
North Dakota	Volunteer	Y	Only at certain stages of proceedings	Best interest (lay volunteer)
Ohio	Attorney or volunteer	Y	Discretionary basis	Best interest (lay volunteer)
Oklahoma	Volunteer	N	Required for all	Client directed
Oregon	Volunteer	Y	Upon request	Best interest (lay volunteer)
Pennsylvania	Attorney	Y	Discretionary basis	Best interest (attorney)
Rhode Island	Attorney	Y	Only for youth in extended foster care	Best interest (attorney)
South Carolina	Attorney or volunteer	Y	Discretionary basis	Best interest (lay volunteer)
South Dakota	Attorney	Y	N/A	Best interest (attorney)
Tennessee	Attorney	Y	Discretionary basis	Best interest (attorney)
Texas	Attorney or volunteer	Y	Required for all	Hybrid
Utah	Attorney	Y	N/A	Best interest (attorney)
Vermont	Volunteer	Y	Required for all	Hybrid
Virginia	Attorney	Y	Discretionary basis	Best interest (attorney)
Washington ⁹	Attorney or volunteer	N	Upon request, court discretion, and specific circumstances	Best interest (lay volunteer)
West Virginia ¹⁰	Attorney	Y	Required for all	Hybrid
Wisconsin ¹¹	Attorney	N	Children 12 and older	Age dependent
Wyoming	Attorney	Y	Discretionary basis	Best interest (attorney)

¹ In states with requirements for attorneys to serve as GALs, the appointment of a CASA volunteer is often optional.

² This includes GALs as well as CASAs that do not legally serve as the child's GAL.

³ The primary representation model is based on OPPAGA analysis of state documents, and, in some cases, discussion with state CASA association staff. While the models appear to be the primary representation model for each state, there may be variation in rules of court by county and/or circuit. Additionally, many states give judges discretion in which parties to appoint in dependency proceedings.

⁴ Alaska employs professional GALs through their Office of Public Advocacy, which also oversees the state's CASA association.

⁵ California requires an attorney to represent the child's best interests unless the judge determines the child would not benefit from the appointment of an attorney, and a CASA may be appointed as GAL. According to California CASA staff, attorneys are appointed in all dependency proceedings.

⁶ The suitable layperson is not a CASA volunteer, though the court may appoint a CASA volunteer in addition to the GAL.

⁷ While the court may appoint a CASA volunteer, they do not legally serve as the child's GAL. The child's official representation in abuse and neglect proceedings is the child's attorney.

⁸ Ibid.

⁹ Washington statutes require the appointment of a GAL unless the court finds the appointment unnecessary.

¹⁰ West Virginia Rules of Procedure in Child Abuse and Neglect Cases expressly state that the child's attorney serves a dual role, both as the child's attorney and representing the child's best interests.

¹¹ Any child in abuse and neglect proceedings may be appointed a GAL. Children 12 years of age and older shall be appointed client-directed representation, while children less than 12 years of age may be appointed a GAL instead of counsel.

Source: OPPAGA analysis of state statutes and court rules; GAL program documents; and interviews with state CASA association staff in California, New York, South Dakota, Texas, Ohio, and Utah.

APPENDIX E

Child Advocacy and Representation Literature Review

The following table presents the results of studies evaluating different models of child representation in dependency proceedings, including lay advocacy and attorney representation. Studies are presented in reverse chronological order. (See Exhibits E-1 and E-2.)

Exhibit E-1

Studies of Child Representation Models in Dependency Proceedings

Study	Program Type	Methods	Sample Size	Measured Outcomes	Findings
Osborne, Cynthia, Hilary Warner-Doe, McKenna LeClear, and Holly Sexton. "The Effect of CASA on Child Welfare Permanency Outcomes." <i>Child Maltreatment</i> 25, no.3 (2019): 1-11.	Texas CASA	Quasi-experimental intent-to-treat design	31,754 children in foster care in Texas (56.17% received a CASA)	Effect of CASA assignment on final case outcomes of children in foster care	About 91% of children with a CASA and 92% of children without a CASA achieved permanency; however, CASA children were significantly less likely to be reunified or placed in permanent kin guardianship and significantly more likely to be adopted than non-CASA children. Age and first placement type among CASA children affected permanency outcomes—older children and children first placed with kin had significantly lower odds of experiencing any type of permanency than similar non-CASA children. Overall, children with a CASA had significantly lower odds of achieving legal permanency.
Orlebeke, Britany, Xiaomeng Zhou, Ada Skyles, and Andrew Zinn. <i>Evaluation of the QIC-ChildRep Best Practices Model Training for Attorneys Representing Children in the Child Welfare System</i>. Chicago, IL: Chapin Hall at the University of Chicago, 2016.	Legal representation at different sites in Washington and Georgia	Multisite cluster randomized control design to assign attorneys to receive the training intervention or continue practice as usual. Children were not randomly assigned to attorneys. Impact comparison utilized intent-to-treat analyses.	146 attorneys and 2,318 children in Georgia; 118 attorneys and 1,956 children in Washington; 131 attorneys were assigned to the treatment group	Impact of core skills training on attorney behaviors and case-level outcomes compared to attorneys who did not receive training	Attorneys who received training had changes in behavior that were more aligned with the QIC-ChildRep Best Practice Model. They met with their child client more often, contacted more parties relevant to the case, spent more time on cases, engaged in more advocacy activities, contacted foster parents and substitute caregivers more, spent more time developing the theory of the case, made more efforts to initiate a non-adversarial case resolution process, and were more likely to have family team meetings and motion hearings. There were no differences between treatment attorneys and non-treatment attorneys regarding the likelihood of permanency, placement with kin, or placement change among the children represented. In Washington, older children with a trained attorney were 40% more likely to reach permanency within six months than older children with attorneys who did not receive training.
Lawson, Jennifer and Jill Duerr Berrick. "Establishing CASA as an Evidence-Based Practice." <i>Journal of Evidence-Based Social Work</i> 10, no. 4 (2013): 321-337.	Variable, depending on study reviewed	Literature review of published articles using treatment and comparison groups to evaluate indicators of CASA efficacy	Number of studies analyzed not reported	Case characteristics; process-related outcomes (e.g., services received, case duration, number and type of placements); and child outcomes (e.g., permanency plans, permanency outcomes, maltreatment recurrence and reentry into care, well-being)	There is currently not enough evidence to establish CASA as an evidence-based practice, but there are benefits to CASA programs. CASA cases tend to be more difficult than non-CASA cases. Studies show CASA volunteers perform at least as well as attorneys on representing best interests. Children with a CASA and their families receive more services. CASA cases may be more likely to end in adoption, but other permanency outcomes have been inconsistent, or no significant differences were found. Studies regarding case duration are mixed, with some showing cases with a CASA open longer, open less, or no difference; most studies show no significant differences, though CASA cases do tend to stay open longer. Placement data are unclear, though available research shows CASA cases may have fewer placements. CASA children tend to have lower referral rates due to maltreatment recurrence, but differences are not significant. Regarding child well-being, youth with a CASA may have more protective factors, better family function, fewer school problems, and better school performance.

Study	Program Type	Methods	Sample Size	Measured Outcomes	Findings
Duquette, Donald N., and Julian Darwall. “Child Representation in America: Progress Report from the National Quality Improvement Center.” <i>Family Law Quarterly</i> 46 no. 1, (Spring 2012): 87-137.	N/A	Development of a best practice model for attorney representation	N/A	N/A	A best practice model for attorney representation (QIC-Best Practice Model of Child Representation) was developed based on the 1996 ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases, academic literature, state laws, government reports, stakeholder interviews (judges, attorneys, caseworkers, CASAs, state regional office directors, tribes, and children), other research and descriptive studies, and their own study group discussions. Authors concluded children should have legal representation and determined attorneys should possess six core skills to be effective in their role: (1) enter the child’s world; (2) assess child safety; (3) actively evaluate needs; (4) advance case planning; (5) develop case theory; and (6) advocate effectively.
Brennan, Kathy, Dee Wilson, Tom George, and Oma McLaughlin. <i>Washington State Court Appointed Special Advocate Program Evaluation Report.</i> Washington: University of Washington School of Social Work and Washington State Center for Court Research, 2010.	CASA, CASA staff, Contract GAL, Mixed Representation (when a case transferred from CASA to CASA staff or vice versa), and No CASA/GAL (children with attorneys were categorized as No CASA/GAL)	Retrospective case comparison Case outcomes: CASA cases were placed in the intervention group and all other forms of representation were the comparison groups. Court administrative data was linked to child welfare agency records and to case assignment data from CASA programs. CASA representation activities: Case record review of CASA reports to the court and the social worker’s Individual Social Service Plan	Case outcomes analyses: 3,013 dependent children ages 0-12; 48% represented by a CASA CASA representation activities: 215 cases (22%) selected from the case outcomes cohort for an in-depth case review	Permanency outcomes and placement stability associated with different types of representation for children in dependency proceedings	Case outcomes varied by age, race, and ethnicity, as well as type of representation. Infants had the most timely permanency outcomes. Children ages 6-12 were most likely to remain in care four or more years after a dependency petition was filed; they were more likely to be reunified but much less likely to be adopted compared to younger children. Black and Native American children were less often reunified and more often placed in guardianships compared to Caucasian and Latino children. Native American and Latino children were less often adopted than Caucasian children, who were adopted slightly less often than black children. Caucasian children were the least likely, and Native American children were almost twice as likely, to have an open case still. Children assigned a CASA staff were significantly more likely to be reunified than children assigned a CASA; no other representation groups were statistically significant. All representation groups had significantly higher adoption rates than the no CASA/GAL group. Regarding guardianship rates, there were no significant differences between groups. Children with no CASA/GAL were significantly more likely to still be in care than children with a CASA, who were more likely to be in care than those with a CASA staff or mixed representation. There were no consistent differences among time in care; however, among cases that ended in adoption, those with a CASA and CASA staff were finalized 5-6 months sooner than those with a contract GAL or no CASA/GAL. Analyses did not reveal significant differences in number of placements by type of representation; children who were still in out-of-home care had more placements than children who were adopted, reunified, or placed in guardianships. Most children (68%) had just one CASA, but only 10% had the same social worker throughout their case; children with fewer social workers and CASAs had shorter lengths of stay, whereas children with multiple social workers or CASAs were more likely to still have an open case by study’s end. CASAs advocated in 24% of cases for sibling visits when siblings did not all live together. CASAs disagreed with social workers about current placement in 7% of cases and about the permanency plan in 11% of cases. CASA recommendations were mostly aligned with courts’ decisions regarding permanency planning in most cases; there was disagreement in 8% of cases. Services recommended by CASAs were consistent with social workers’ recommendations; services were recommended in 87% of cases, though services were more often recommended for mothers (89%) than fathers (60%).

Study	Program Type	Methods	Sample Size	Measured Outcomes	Findings
Zinn, Andrew E., and Jack Slowriver. <i>Expediting Permanency: Legal Representation for Foster Children in Palm Beach County</i>. Chicago, IL: Chapin Hall at the University of Chicago, 2008.	Legal representation	Natural experimental condition; analysis of data from the Florida Department of Children and Families' administrative database, court files, and qualitative interviews of informed participants (judges, attorneys, DCF and social service agency staff), youth, and parents	Children age 12 and under in the dependency system who were referred to the Legal Aid Society of Palm Beach County's Foster Children's Project's (FCP) representation FCP group: 1,496 Comparison group: 905	Impact of FCP representation on the nature and timing of children's permanency outcomes; program elements and practices that define the FCP; and the broader impact of FCP on the child protective system in the county	Children represented by the FCP had higher permanency rates via adoption and long-term custody than children not served by FCP but did not have significantly lower reunification rates. Age appeared related to the type of permanency achieved; older children were less likely to be adopted or placed in long-term custody but more likely to be reunified. Differences in adoption or long-term custody between children with and without FCP representation were higher for children between the ages of 4-7 years and for children between the ages of 1-3 years than for infants and children over age 8 years. Adoption and long-term custody rates were much lower for black than white children, but rates of reunification were not significantly different. Cases of children with FCP representation moved from case plan approval to permanency at approximately twice the rate of the comparison group, but the difference was not significant. There were no differences in reentry rates between FCP children and comparison children.
U.S. Department of Justice Office of the Inspector General Audit Division, <i>National Court-Appointed Special Advocate Program: Audit Report 07-04</i>. Washington, DC: U. S. Department of Justice, 2006.	Nationwide CASA programs	Review of available literature Analyses of data available from state and local CASA program case-tracking databases compared to national data maintained by the U.S. Department of Health and Human Services (HHS) for all child protective services (CPS) cases; data from an Office of the Inspector General (OIG) survey sent to all state, local, and tribal CASA program offices; most recent Adoption and Foster Care Analysis and Reporting System (AFCARS) data available on all children in the state and local CPS for comparison purposes	CASA data request: 339 programs OIG survey: 491 responses	Length of time a child spent in foster care; the extent to which there was in increased provision of services; the percentage of cases permanently closed; and achievement of the permanent plan for reunification or adoption	Children with a CASA volunteer spent more time in foster care compared to cases without a CASA volunteer and compared to the national average for all CPS cases. Due to data issues, the study was unable to determine whether there were any differences in services ordered for children with and without a CASA volunteer among their own data sets, but their literature review indicated children with CASAs and their parents received more services than those without a CASA volunteer. Only 1.4% of children with a CASA reentered the child welfare system during the study period. Children with a CASA were more likely to be adopted and less likely to be reunified with their parents than children without a CASA and as compared to the national AFCARS averages; however, children were usually placed in foster care for 4-5 months prior to referral to the CASA program.
Caliber Associates. <i>Evaluation of CASA Representation, Final Report</i>. Fairfax, VA: Caliber Associates, 2004.	Nationwide CASA programs	Analysis of combined data collected through NCASAA's management information system and through the National Survey of Child and Adolescent Well-being (NSCAW).	3,774 children from 25 CASA sites	Provision of descriptive statistics on children, volunteers, case activities, trainings, and court activities and comparison of characteristics of and outcomes for children who had and did not have a CASA volunteer	Children with a CASA were significantly more likely to receive medical and mental health services, and their parents received significantly more services (health care, legal, alcohol/drug, and family support services) than children who did not have a CASA. There were no significant differences in rates of subsequent maltreatment. CASA children spent more time in the child welfare system, but the difference was not significant. Children with a CASA were significantly more likely to have been placed in out-of-home care; among children ever placed in out-of-home care and whose case had closed, there were no significant differences in the number of placements. Children with a CASA who were ever in out-of-home care but whose case had not closed were less likely to

Study	Program Type	Methods	Sample Size	Measured Outcomes	Findings
Youngclarke, Davin, Kathleen Dyer Ramos, and Lorraine Granger-Merkle. "A Systematic Review of the Impact of Court Appointed Special Advocates." <i>Journal of the Center for Families, Children and the Courts</i> 5, no. 109 (2004): 1-28.	CASA programs and similar trained-volunteer child advocacy programs	Systematic review	20 studies	Impact of CASA programs on activities performed on behalf of children, court processes, and child outcomes	have been reunified as of 18 months after the investigation closed, less likely to have been in kin care, and more likely to be in out-of-home care. On 16 measures of child well-being, there was only one significant difference—adolescents with a CASA reported having less adult support than adolescents without a CASA, though both groups reported having very supportive relationships with adults. Children with CASA support do about as well, and in some ways, better, than those represented by an attorney. Mothers whose children had a CASA were more likely to appear in court. There were no significant differences in the number of court continuances. Most studies found cases with CASA volunteers had more services ordered, one of which found that CASA-attorney teams resulted in more appropriate, case-plan related services being ordered than cases with an attorney only. Findings were mixed for number of placements, but overall, CASA cases had fewer placements. Studies on time in the system were mixed, but when poorer quality studies were removed, children with CASA volunteers were in the system slightly longer; however, overall, there was no consistent difference. Adoption was more likely for CASA cases, but this was thought to be due to small decreases across all other permanency categories. Nine studies suggested reunification was equally likely for cases with and without a CASA. Findings related to guardianship were mixed, but overall, it appeared equally likely. Of the studies reporting the number of children who did not achieve permanent placement, most suggested no difference, but one (the only randomized controlled trial) showed CASA children were significantly less likely to be in long-term foster care. Three studies examining reentry into foster care after case closure showed CASA cases had about half the risk of other foster children.
Litzelfelner, Pat. "The Effectiveness of CASAs in Achieving Positive Outcomes for Children." <i>Child Welfare</i> LXXIX, no. 2, (March/April 2000): 179-193.	"Friend of the court" CASA model in Kansas; children are also assigned attorneys as GALs to represent them	Quasi-experimental design comparing children with and without a CASA volunteer	119 children with a CASA and 81 comparison cases with no CASA; comparison sample was selected from court records and matched on age, race, and type of maltreatment	Outcomes (case closure rates, length of time under court jurisdiction, number of children adopted) and court and out-of-home care process variables thought to be associated with permanency (type of placements, number of court continuances, number of services provided to children and their families)	Having a CASA did not influence permanency outcomes as defined, but having a CASA may influence some of the process variables thought to influence permanency (fewer placements, fewer court continuances, and more services). Fewer CASA cases reached closure, but the difference was not significant. Among all cases, there was no significant difference for average length of time under court jurisdiction. Among closed cases, those with a CASA were open longer, but the difference was not significant. More comparison cases ended with adoption, but no statistical analyses were completed due to the small sample size of adopted youth. Children with a CASA had significantly fewer placements; this was true for all cases and closed cases. Children with a CASA were more likely to be in placements with parents, relatives, or adoptive homes than comparison cases at 24 months. Children without a CASA were more likely to be placed in institutions. Among all cases, there were no significant differences for court continuances; however, among closed cases, those with a CASA had significantly fewer court continuances. Cases with CASAs had significantly more services provided to families among all cases but not among closed cases.
Leung, Patrick. "Is the Court-Appointed Special Advocate Program Effective? A Longitudinal Analysis of Time Involvement in	CASA program in a Midwestern city	Quasi-experimental design comparing cases with and without a CASA, and cases on a waiting list for a CASA	66 children with a CASA; 107 children without a CASA; and 24 children referred to CASA but not	Number of out-of-home placements, length of out-of-home placements, frequency of placement changes, and types of placement changes	CASA intervention reduced the amount of time in out-of-home care placements, decreased placement changes, and increased the likelihood of reunification and positive placement changes (remaining at home, returning from out-of-home care, staying in one family foster home at all times, remaining in one relative's home at all

Study	Program Type	Methods	Sample Size	Measured Outcomes	Findings
Case Outcomes.” <i>Child Welfare</i> LXXV, no. 3, (May-June 1996): 269-284.			assigned to a volunteer		times). CASA intervention was most effective when the volunteer was assigned between pretrial and disposition.
Abramson, Shareen. “Use of Court-Appointed Special Advocates to Assist in Permanency Planning for Minority Children.” <i>Child Welfare League of America</i> LXX, no. 4, (July-August 1991): 477-487.	Fresno Amicus Program (local CASA program in Fresno County, California), which emphasized recruiting and training minority and bilingual volunteers and matching them with families on similar ethnic, cultural, and language backgrounds	Randomized controlled trial	28 Amicus families/60 children and 28 comparison families/62 children who did not receive a volunteer	Case outcomes and recidivism rates (new referrals to CPS after dismissal of cases)	Having minority social workers and administrators improves service delivery to minority clients; when volunteers and families were matched on ethnic/cultural similarities, outcomes were improved. There was no significant difference in rates of dismissed and pending cases, but there were significant differences for permanent placements and case plans for pending cases. Children with an Amicus had more adoptions, were less likely to have long-term foster care as a permanency goal, and more likely to have reunification as a permanency goal. Among cases of new referrals after case closure, Amicus children were less likely to have new petitions filed, but the difference was not statistically significant.
Poertner, John and Allan Press. “Who Best Represents the Interests of the Child in Court?” <i>Child Welfare League of America</i> LXIX, no. 6, November-December 1990): 537-549.	CASA program in comparison to staff attorney model in a large Midwestern city	Retrospective selection and comparison of cases	61 CASA cases, 148 staff attorney cases, reduced to 60 and 98, respectively, during analyses	Outcome variables: length of time the case was within the judicial system, disposition of case (closure reason), disposition of case as to whether or not the child stayed with abuser, and reentry into the judicial system. Process variables: number of continuances and placement changes, amount of time spent outside of the home, number of voluntary dismissals after the case was opened, and number and type of services for child and family members	Cases with a CASA received significantly more services, spent significantly less time placed in their own home, and spent more time outside the home, though not significantly more. There were no differences between CASAs and staff attorneys on three out of four outcome variables; CASA cases had significantly more adoptions. CASAs performed as well as attorneys on six out of eight process variables; children with a CASA had more identified services in court records and spent less time in their own home compared to cases with staff attorneys. CASA cases may have also had more services for parents/guardians and more agency services as indicated in court findings. Race and abuse history were notable factors in adoptions among CASA versus staff attorney cases.
Condelli, Larry. <i>National Evaluation of the Impact of Guardians Ad Litem in Child Abuse or Neglect Judicial Proceedings.</i> Washington, DC: CSR, Incorporated, 1988.	Private attorney, staff attorney, law students, CASA/staff attorney, and CASA/no attorney models in six states	Qualitative analysis of interviews with judges, state attorneys, GAL program directors, GALs, caseworkers, and children and parents or other family members and quantitative analysis of data from child welfare	245 case records and 16 case networks (networks consisted of a GAL, caseworker, child, and parent or other family member)	Impact of GALs serving children’s best interest and examination of GAL activity and responsibilities under different GAL program models	Both CASA models were highly recommended, the staff attorney model was recommended, and law student and private attorney models were not recommended. Cases with a staff attorney and cases with a CASA/no attorney had the shortest times between hearings, while cases with a CASA/staff attorney had the longest median times from the filing of the initial petition to the first dispositional hearing (though there were too few closed cases for a definitive assessment, and CASAs were not appointed uniformly under this model and were sometimes appointed much later in a case). Cases with a staff attorney and CASA/staff attorney had the most cases maintain the

Study	Program Type	Methods	Sample Size	Measured Outcomes	Findings
		agency records and family court records			initial goal of reunification, while cases with law students and private attorneys had the fewest cases maintaining the initial goal of reunification. Cases with private attorneys and CASA/no attorney had a higher number of out-of-home placements, and cases with the attorney models were less likely to be placed with siblings than cases with non-attorney models. Cases with CASA/staff attorney and CASA/no attorney, followed by staff attorney cases, were more likely to have more specific orders for treatment and evaluation per hearing and more likely to have appropriate services ordered by the agency.
<p>Duquette, Donald N. and Sarah H. Ramsey. "Using Lay Volunteers to Represent Children in Child Protection Court Proceedings." <i>Child Abuse and Neglect</i> 10 (1986): 293-308.</p>	<p>Trained demonstration groups (attorneys, law students, lay volunteers) compared to untrained attorneys in Michigan; best interest and client-directed representation depending on child's age</p>	<p>Factor analysis of interviews with child advocates and path analysis of outcome measures</p>	<p>Control group (attorneys with no intervention from the research team): 38 cases of alleged child abuse and neglect</p> <p>Demonstration groups (received training): 53 cases (law students-16 cases, volunteers-22 cases, trained lawyers-15 cases)</p>	<p>Efficacy of each of the three demonstration groups in representing children as compared to one another and to a control group of attorneys with no special training from the research team.</p> <p>Process measures (investigation-interaction, advocacy, motivation, time spent with the child) and outcome measures (court processing time, placement orders, visitation orders, treatment/assessment orders, no contest pleas, ward of court, dismissals, and other procedural orders) were analyzed.</p>	<p>All three demonstration groups performed similar activities while representing their child clients and were combined for comparison with the control group. All three demonstration groups provided similar high-quality representation, leading to better outcomes than the non-trained attorneys. Regarding process measures, the demonstration group spent more time on their cases, talked to more people, relied upon more sources of information, took more steps to mediate disputes at preliminary hearings, were more critical of others in the process, were more likely to engage in follow-up activities on behalf of the children, made more recommendations, obtained more services for their clients, and monitored more persons after the first major disposition. Regarding outcome measures, children represented by the demonstration groups had shorter court processing times; they were also more likely to be placed in their own home, have visitation orders, and have more orders for treatment and assessment. Control cases were more likely to be made wards of the court and later dismissed, but demonstration cases were more likely to be dismissed without the child first being made a ward of the court; at six-month follow up, demonstration groups dismissed by the court had not returned for further court action. Other procedural orders included court orders disposing of motions and amendments to petitions. There were no significant differences in the number of no contest pleas.</p>

Source: OPPAGA analysis of peer-reviewed articles, literature reviews, and systematic analyses pertaining to models of child representation.

Exhibit E-2

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