

Guardians are court's eyes and ears

- Article by: [JOY POWELL](#) , Star Tribune
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Despite looming cuts, a program to protect the rights of abused and neglected children is taking its own reins as an independent advocate.

A trio of abused and educationally neglected kids went to court in Dakota County on a recent morning, listening quietly as their guardian ad litem, Jacob Trotzky-Sirr, spoke to a judge on their behalf.

Trotzky-Sirr's title means literally "guardian of the lawsuit," but his role is really more as a protector for the children's rights: He's there to weigh in on what is in their best interests in child-protection and family proceedings.

In this case, he recommended that they continue living with their mom as long as she has services available to help her get the kids to school and to stop physically abusing them.

Trotzky-Sirr and dozens of other south-metro guardians ad litem come from all walks of life, from retired lawyers to teachers. While social workers are agents of the county, guardians ad litem are tasked only with representing the children, and they make their recommendations after an independent inquiry without worrying about how the county will pay for the services.

But now the guardians ad litem are facing cuts to their own program -- and at a time when increasing financial pressure on social workers makes their role as an independent voice on kids' behalf all the more important.

"Reality is that in a declining economy, resources become scarce and harder to access for many families," said Laura Miles, coordinator of the guardian ad litem program in Dakota and Goodhue counties.

"Even though social workers may want to help every kid, they're often constrained with economic concerns. With everyone facing budget cuts and economic constraints, it becomes imperative that there is a voice for these children in our court system to advocate purely for their best interests, with a mindful irreverence to the costs involved."

Kristen Trebil coordinates guardians ad litem in five other south-metro counties and is among those worried about proposed state cuts, including a Senate plan to lop \$1 million from the guardians' \$12 million statewide budget.

One-tenth of that goes to the First Judicial District, which includes Dakota, Scott, Goodhue, Le Sueur, Sibley, McLeod and Carver counties.

"We don't know what the future is going to be like with proposed budget cuts," Trebil said. "This is a good program. I would not like to see it unable to service some of the kids we're servicing at this point."

Why they are needed

Leslie Metzen, a retired Dakota County judge and now senior director of violence prevention for the nonprofit 360 Communities, chairs a board created last fall by the Legislature to help guardians ad litem become independent. It's a program in transition, with managers trying to wring out every efficiency as they await word on how budget cuts could affect the program, which has paid employees and volunteers.

Metzen said social workers can be "driven by dollars" and that the county, representing the social workers, might not recommend placement in residential treatment, for example, because of the cost. But a guardian ad litem may advocate for it.

"The guardian ad litem should not be subject to the same kinds of restrictions in terms of what they look at," Metzen said.

The court sees the guardian ad litem as a neutral party who "can really function as the eyes and ears of the court in many ways," she said.

"That's the job of a guardian: To find out how to assess these situations and weigh in on how best to preserve families, and how to keep that kid's voice front and center in the court process," Metzen said.

Because guardians are court-appointed, moving the program out from under court administration would provide a buffer and emphasize their independence, she said.

Dakota County Attorney James Backstrom said guardians ad litem have done a good job representing the best interests of children in the county courts. Though the positions of the guardians and social services are often similar, at times they disagree, he said.

Miles recalled when she disagreed with social workers who wanted to return some sexually and physically abused children to their parents. She and some of the teenage children were able to persuade a judge to terminate parental rights in the case.

"Sometimes that's what we end up doing -- being the one person who won't sign on the dotted line when we don't think it's what's best for the kids," Miles said.

Setting the standard

Former Supreme Court Chief Justice Kathleen Blatz, who led an overhaul of the state's child-protection system, helped take statewide the approach of Dakota County to represent every child, said Richard Spicer, chief juvenile judge.

"I've been the chief juvenile judge here for 21 years, and when in doubt -- because many times there are two sides to the story -- I'll go with the guardian," Spicer said.

There are 38 guardians ad litem in the First District. Six are full-time employees and 23 are part-time, earning \$17 to \$21 an hour. Nine volunteers are paid for mileage and training.

"Most of them are here for reasons other than monetary reward," Metzen said.

"I want to make a difference in children's lives," Trebil said. "I love what I do. I wouldn't change it for the world. There's a certain satisfaction that you get when you've improved someone's life."

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