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State Guardian ad Litem Board

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AT A GLANCE

- 17,421 children served by the program in FY16
- 7250 active cases on July 1, 2016
- Two year budget of \$30,578,000
- 252 employees with a total FTE complement of 203.86 and 365 volunteers
- Guardian ad litem program in each of the ten judicial districts

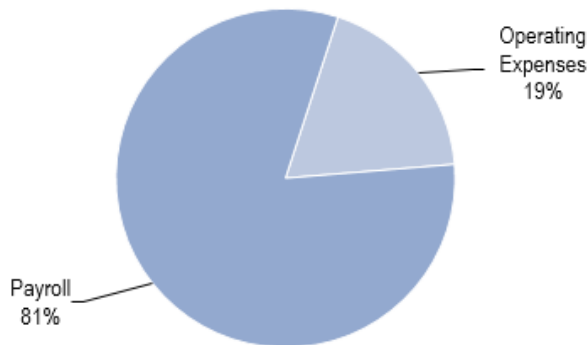
PURPOSE

The State Guardian ad Litem Board contributes to the statewide outcome of strong and stable families and communities by giving abused and neglected children a strong and consistent voice in which to be heard throughout child protection and family court proceedings. The guardian ad litem in each case works to ensure better outcomes for children served.

- Children are safe.
- Permanency planning begins on Day 1.
- Children spend the least amount of time under court jurisdiction.
- Children receive appropriate services including trauma informed care.
- Parents participate in services that reflect the best interests of children.
- Physical and mental health, educational and cultural needs of children are met.
- Children are reunited with parents if it is in the best interests of the child.
- Children do not re-enter the child protection system.

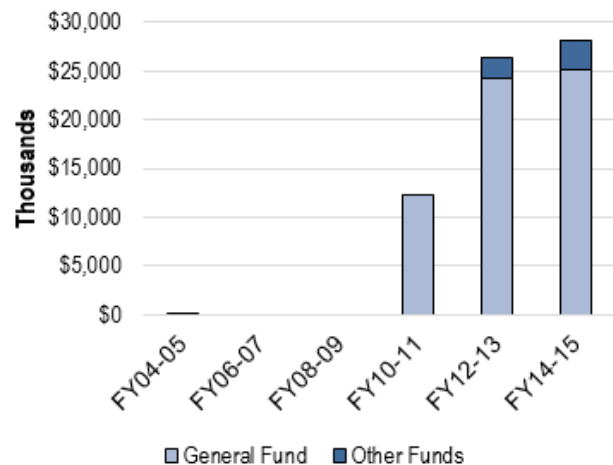
BUDGET

**Spending by Category
FY 15 Actual**



Source: BPAS

Historical Spending



Source: Consolidated Fund Statement

In 2010, the Legislature created the State Guardian ad Litem Board to move the Guardian ad Litem Program out of the state court system and establish an independent guardian ad litem program. Historical spending begins with FY11. The State Guardian ad Litem Board has a total biennial budget of \$30,578,000 with payroll consisting of 81% and operating expenses 19%. The budget is funded primarily by general fund appropriations.

STRATEGIES

In order to achieve the mission, the following strategies are utilized:

- The Board complies with mandated appointments for every child alleged to be abused or neglected.
- The Board accommodates as resources permit the unmet and critical need to assist the court with custody and parenting time cases.
- The guardian ad litem provides information to the court through investigation, report writing and testimony about the child's current situation and what has happened to the child.
- The guardian ad litem makes recommendations to the court about what the child needs to be safe, what permanent plans are in the best interest of the child and how the child's well-being should be addressed.
- The guardian ad litem advocates for the child so the child obtains a safe, nurturing and permanent home as quickly as possible.
- The Board and program staff utilize the case management system to measure outcomes for children and program performance
- Program staff work as part of the Children's Justice Initiative Team in each of the judicial districts.

RESULTS

<i>Type of Measure</i>	<i>Appointment of a Guardian ad Litem (GAL)</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Cases Assigned Per Fiscal Year	6,486	7,998	FY 2014-16*
Quality	Percentage of GAL assigned < 3 days of petition filing	83.4%	40.25%	FY 2014-16
Results	Compliance with federal and state mandates	99.99%	90%	FY 2014-16

* Guardian ad Litem Case Management System Cosmos

<i>Type of Measure</i>	<i>Time to Permanency</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Number of children returned home or reached permanency within 7-12 months	2,395	2,865	FY 2013-16*
Results	Percentage of children returned home or reached permanency within 7-12 months	72%	66%	FY 2013-16

* Minnesota Judicial Analytical Database Report

<i>Type of Measure</i>	<i>Reunification of Child with Parents</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quality	Percentage of Children reunified within 12 months	86.7%	83.9%	FY 2013-15*

* Minnesota Department of Human Services Dashboard at Tableau Public

M.S. 480.35 <https://www.revisor.mn.gov/statutes/?id=480.35> established the State Guardian ad Litem Board; M.S. 260C.163 <https://www.revisor.mn.gov/statutes/?id=260C.163> provides for the appointment of a guardian ad litem in juvenile court proceedings and M.S. 518.165 <https://www.revisor.mn.gov/statutes/?id=518.165> for family court.

(Dollars in Thousands)

Expenditures By Fund

	Actual FY14	Actual FY15	Actual FY16	Estimate FY17	Forecasted Base		Governor's Recommendation	
					FY18	FY19	FY18	FY19
1000 - General	12,344	12,883	13,984	15,368	15,289	15,289	17,651	18,417
2000 - Restrict Misc Special Revenue	1,550	1,420	706	834	804	804	804	804
2403 - Gift	0	0	0	5	0	0	0	0
Total	13,894	14,303	14,690	16,207	16,093	16,093	18,455	19,221
Biennial Change				2,700		1,289		6,779
Biennial % Change				10		4		22
Governor's Change from Base								5,490
Governor's % Change from Base								17

Expenditures by Program

Program: Gal	13,894	14,303	14,690	16,207	16,093	16,093	18,455	19,221
Total	13,894	14,303	14,690	16,207	16,093	16,093	18,455	19,221

Expenditures by Category

Compensation	11,363	11,632	12,122	12,004	12,004	12,004	14,366	15,132
Operating Expenses	2,509	2,649	2,548	4,171	4,057	4,057	4,057	4,057
Other Financial Transactions	21	21	15	17	17	17	17	17
Capital Outlay-Real Property	1		4	15	15	15	15	15
Total	13,894	14,303	14,690	16,207	16,093	16,093	18,455	19,221

Full-Time Equivalents

	173.6	175.7	180.1	180.1	180.1	180.1	190.1	190.1
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1000 - General

	Actual	Actual	Actual	Estimate	Forecast Base		Governor's Recommendation	
	FY14	FY15	FY16	FY17	FY18	FY19	FY18	FY19
Balance Forward In	0	128	0	79	0	0	0	0
Direct Appropriation	12,414	12,756	14,063	15,289	15,289	15,289	17,651	18,417
Cancellations	0	1	0	0	0	0	0	0
Expenditures	12,344	12,883	13,984	15,368	15,289	15,289	17,651	18,417
Balance Forward Out	70	0	79	0	0	0	0	0
<i>Biennial Change in Expenditures</i>				4,125		1,226		6,716
<i>Biennial % Change in Expenditures</i>				16		4		23
<i>Gov's Exp Change from Base</i>								5,490
<i>Gov's Exp % Change from Base</i>								18
Full-Time Equivalents	173.5	175.7	179.6	179.6	179.6	179.6	189.6	189.6

2000 - Restrict Misc Special Revenue

	Actual	Actual	Actual	Estimate	Forecast Base		Governor's Recommendation	
	FY14	FY15	FY16	FY17	FY18	FY19	FY18	FY19
Balance Forward In	2,609	1,845	1,019	877	652	458	652	458
Receipts	630	592	565	610	610	610	610	610
Expenditures	1,550	1,420	706	834	804	804	804	804
Balance Forward Out	1,689	1,017	877	652	458	264	458	264
<i>Biennial Change in Expenditures</i>				(1,430)		68		68
<i>Biennial % Change in Expenditures</i>				(48)		4		4
<i>Gov's Exp Change from Base</i>								0
<i>Gov's Exp % Change from Base</i>								0
Full-Time Equivalents	0.1	0	0.5	0.5	0.5	0.5	0.5	0.5

2403 - Gift

	Actual	Actual	Actual	Estimate	Forecast Base		Governor's Recommendation	
	FY14	FY15	FY16	FY17	FY18	FY19	FY18	FY19
Balance Forward In	2	2	2	4	0	0	0	0
Receipts	0	0	2	0	0	0	0	0
Expenditures	0	0	0	5	0	0	0	0
Balance Forward Out	2	2	4	0	0	0	0	0
<i>Biennial Change in Expenditures</i>				5		(5)		(5)
<i>Biennial % Change in Expenditures</i>						(100)		(100)

State Guardian ad Litem Board

FY18-19 Biennial Budget Change Item

Change Item Title: Maintain Core Operations: Compensation Changes

Fiscal Impact (\$000s)	FY 2018	FY 2019	FY 2020	FY 2021
General Fund				
Expenditures	1,259	1,808	1,808	1,808
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	1,259	1,808	1,808	1,808
FTEs	0	0	0	0

Recommendation:

The Governor recommends funding for this request from the Guardian ad Litem Board.

The request is to fund employee compensation changes to provide for a 5% cost of living salary increase for each year of the biennium in the amount of \$1.597 million and employee compensation changes to address pay parity in the amount of \$1,470. The salary increases are a 5.22% increase from the base budget and the pay parity is a 4.81% increase. Total change for the biennium is \$3.067 million.

Rationale/Background:

- When the Judicial Council made the decision to move guardian ad litem position from an independent contractor model to an employee model in 2010, a number of independent contractors, each with a number of years of service as a contractor guardian ad litem, were hired. Several districts brought employees in at a higher rate of pay based on years of experience. Due to budget limitations, most districts brought employees in at the beginning of the salary range, regardless of years of service.
- This has created a wage disparity with employees having the same level of guardian ad litem experience at different salaries. Additionally, due to budget constraints no merit or step increases have been given since 2010 to any employees. This has resulted in further disparity when you have a guardian ad item who has a number of years of service making the same wage as a newly hired guardian ad litem.
- Budget appropriations and constraints have resulted in program employees receiving lower cost of living increases during the current biennium compared to executive and judicial branch employees. No merit or step increases were given in FY 16 and there are no funds for merit or step increases in FY17.

Proposal:

- This is a change to an existing program which, if funded, will help ensure internal equity among employees in the same job classification with similar years of experience. The pay equity issue is one that other state agencies have experienced when organizational changes have occurred. The State Guardian ad Litem Board has responded to the pay equity issue by addressing the most egregious cases but does not have the funding to implement pay equity for all affected employees as the Board is struggling to comply with mandated appointments and as such is devoting resources to that effort.
 - Currently there are 214 guardians ad litem occupying 164.15 FTE positions. The cost of moving guardian ad litem employees to a step based on their years of services would affect 187 employees at an annual cost of \$735,000.
 - The current complement of guardians ad litem serve over 17,000 children annually and has a current active caseload of approximately 7,000 cases.
 - Losing trained and experienced guardians ad litem has an impact on the level of services and efficiencies that is expected by the Board. A trained and experienced guardian ad litem carries a certain caseload commensurate

with their full time equivalent status and experience. It takes time to get a newly trained guardian ad litem to that level and impacts the ability to serve children.

- Cost of living salary increases will provide equity to guardian ad litem employees who received smaller increases than executive and judicial branch employees during the current biennium.
- Wage equalization and comparable cost of living increases will assist the program with employee retention and reduce turnover which results in higher costs for recruitment and training of new employees. Average turnover cost for recruitment is \$1000 and training cost is \$945. During the last fiscal year, the program had over 80 guardian ad litem position postings.
- Effective implementation will begin on July 1, 2017 with employees being placed on the appropriate step based on years of service. Cost of living increases are scheduled for July 1, 2017 and July 1, 2018.

Equity and Inclusion:

- In August 2015 a Diversity and Inclusion Committee was created. Since then, a Diversity and Inclusion Policy was approved by the Guardian ad Litem Board and adopted by the Guardian ad Litem Program. The policy dictates that the program will build equity to reflect the population and socioeconomic circumstances of the communities being served; recruit, retain, train and tap the full potential of all employees and volunteers; and eliminate biases that may be in the workforce.
- The State Guardian ad Litem Board is aware of the disparities in the child protection system and has overseen data analysis in this area. Data and outcomes are discussed among the Board and management and factored into training and policies.
- The Board provides diversity training as part of the core guardian ad litem training and disparities in the child protection system is a part of the curriculum. Additionally, the Board has mandated that culturally aware topics be part of the required yearly continuing education credits for program staff and volunteers.

Results:

- Performance measures include new cases handled by the program, assignment of a guardian ad litem within 3 days of court appointment, compliance with federal and state mandates and time to permanency.
- Filings have increased resulting in a lower percentage of guardians assigned within 3 days of petition filing, less than 100% compliance with state and federal mandates and longer time to permanency.

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Cases Assigned Per Fiscal Year	6486	7998	2014-2016
Quality	Percentage of guardians ad litem appointed within 3 days of petition filing	83.4%	70.25%	2014-2016
Results	Compliance with federal and state mandates	99.99%	95%	2014-2016

- Data provided by Guardian ad Litem Case Management System

<i>Type of Measure</i>	<i>Time to Permanency</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Number of children returned home or reached permanency within 7-12 months	2395	2865	FY 2013-16
Results	Percentage of children returned home or reached permanency within 7-12 months	72%	66%	FY 2013-16

- Data provided by Minnesota Judicial Analytical Database Report

Statutory Change(s): None.

State Guardian ad Litem Board

FY18-19 Biennial Budget Change Item

Change Item Title: Maintain Core Operations: Insurance and Retirement Increases

Fiscal Impact (\$000s)	FY 2018	FY 2019	FY 2020	FY 2021
General Fund				
Expenditures	369	553	553	553
Revenues	0		0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	369	553	553	553
FTEs	0	0	0	0

Recommendation:

The Governor recommends funding for this request from the Guardian ad Litem Board.

The State Guardian ad Litem Board requests \$644,000 to fund unavoidable employer paid health insurances increases and \$278,000 for employer paid retirement increases in order to maintain core functions of the Guardian ad Litem Board. The insurance request is a 2.11% increase to the starting base budget and the retirement is a 0.91% increase.

Rationale/Background:

- The anticipated insurance increases are based on estimates that were provided by Minnesota Management and Budget including an 8.67% increase on 1/1/17; 8.9% increase on 1/1/18; and 4.19% increase on 1/1/19. Proposed increases are subject to change given labor contracts are settled on the executive side. The 1.5% increase to the state share of the retirement account is the amount proposed by Minnesota State Retirement System and is subject to change due to legislative action. Any increases to employer paid insurance and retirement costs cannot be absorbed within the current agency budget allocation unless cuts are made to guardian ad litem services.
- The number of new child protection cases has risen from 3470 in FY 11 to 5508 in FY 2016 which is more than a 50 % increase. The increase in filings from 2015 to 2016 was 28.58% and filings for the first quarter of 2017 indicate that case filings will increase at a similar rate to FY 16 for the remainder of FY 17. The two year increase can be attributed to changes made in the child protection system as a result of recommendations from the Governor's Task Force on Child Protection.

Proposal:

- The change request is for an existing program.
 - Funding for the change request is needed to avoid any reduction in guardian ad litem services. Due to increased juvenile case filings, all available resources have been concentrated on providing services for mandated cases. The program has cut back on services to other case types and does not have the funding to pay for unavoidable insurance and employer paid retirement costs.
 - Several districts have waiting lists of mandated cases needing to be assigned when a guardian ad litem becomes available. In addition to increased filings, cases are staying in the system longer which means the guardian ad litem remains on the case and is not available for reassignment.
 - The program has converted administrative positions to guardian ad litem positions as well as having management assume a caseload in order to deal with increased filings.
- Funding will ensure that the program does not need to take funds from services in order to pay for cost increases in health insurance and retirement.
- Effective implementation dates depend on when insurance and retirement changes are scheduled to occur.

Equity and Inclusion:

- The State Guardian ad Litem Board is aware of the disparities in the child protection system and has overseen data analysis in this area. The program receives race data from the courts which is analyzed in relation to outcomes for children represented by the program. Data and outcomes are discussed among the Board and management.
- The Board provides diversity training as part of the core guardian ad litem training and has mandated that of the required yearly continuing education credits for guardians ad litem three must be related to culturally aware topics so guardians can best serve the needs of diverse clients.
- The Guardian ad Litem Report has a specific section on the cultural needs of the child. Training and tools are constantly being provided on what should be addressed in that section of the report including how the guardian ad litem best provides that information to the court and ensures the information is reflected in recommendations made concerning best interest of the child.

Results:

- Performance measures currently used include new cases handled by the program, percentage of guardians ad litem assigned within three days of petition filing and compliance with state and federal mandates.
- Filings have increased resulting in a lower percentage of guardians ad litem being assigned within three days of petition filings and less than 100% compliance with state and federal mandates.

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Cases Assigned Per Fiscal Year	6486	7998	2014-2016
Quality	Percentage of GAL assigned < 3 days of petition filing	83.4%	70.25%	2014-2016
Results	Compliance with federal and state mandates	99.99%	95%	2014-2016

- Data provided by Guardian ad Litem Case Management System

Statutory Change(s):

None.

State Guardian ad Litem Board

FY18-19 Biennial Budget Change Item

Change Item Title: Compliance with Federal and State Mandates

Fiscal Impact (\$000s)	FY 2018	FY 2019	FY 2020	FY 2021
General Fund				
Expenditures	734	767	767	767
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	734	767	767	767
FTEs	10	10	10	10

Recommendation:

The Governor recommends funding for this request from the Guardian ad Litem board.

Funds will be used to hire 10 guardian ad litem positions to handle child protection cases as mandated by statute and court order for a biennial request of \$1.5 million. There are currently 214 guardian ad litem positions occupying 164.15 full time equivalent positions and 365 volunteers. Change request is 5.9% of total payroll budget.

Rationale/Background:

- Per federal and state statutes, a judge must appoint a guardian ad litem on every juvenile court case alleging that a child has been abused or neglected. State statute mandates the appointment of a guardian ad litem on a family case alleging a child is abused or neglected. A guardian ad litem performs duties outlined in statute and court rule in their role of advocating for the best interests of children.
- Child protection cases continue to increase throughout the state and directly impact program resources to comply with appointment orders. The impact of increased juvenile case filings on the Guardian ad Litem Program mirrors those experienced by other agencies in the child protection system –courts, social services, county attorney, parents and child's attorneys.
- Due to increased case filings in child protection cases, the program is continuing to find it difficult to comply with appointments and currently has approximately 210 cases on waiting lists primarily in Hennepin County.
- In FY 2011 there were 3470 juvenile filings and the number increased each year to 4388 in FY 15, a 26% increase during that period. Case filings increased to 5508 for FY 16, a 25.3% increase. More cases are coming into the system due to implemented recommendations from the Governor's Task Force on the Protection of Children. Case numbers for the first quarter of FY17 indicate that case filings will increase at a similar rate to FY 16 for the remainder of FY17.

Proposal:

- The change request is to add staff to an existing program.
- The proposed request is to fund all costs associated with establishing ten new guardian ad litem positions to be assigned throughout the state.
 - The new positions will handle an additional 400 juvenile cases per year at a cost of \$1.5 million for the biennium. Positions will be used to provide coverage on mandated cases alleging a child is abused or neglected. Currently, there are 164.15 full time equivalent guardian ad litem positions handling all court appointments. Additionally, 365 volunteers provide representation for children in child protection cases in Hennepin and Ramsey counties. In FY 2016, 17, 241 children were served by the program and on July 1, 2016 there were 7250 active cases.
 - The ten additional positions will provide that cases will not be put on a waiting list and children will be promptly assigned a guardian ad litem. Additionally, the program will be able to remedy unacceptable guardian ad litem caseload sizes so all mandated duties are performed for each case.

- Funds are requested for July 1, 2017 with recruitment to begin immediately and training scheduled for the end of July so new guardians ad litem are able to receive cases in August.

Equity and Inclusion:

- Currently the program has 567 unassigned children primarily from Hennepin County, 70% of those are children of color. Funding for the additional positions could significantly increase the number of children who are promptly assigned a guardian ad litem.
- Employee guardian ad litem must receive 15 Continuing Education Credits each year and volunteers 12 credits. The GAL Board mandated that of the required credits three must be related to culturally aware topics so guardians can best serve the needs of diverse clients. Additionally, the revised Guardian ad Litem Report has a specific section on the cultural needs of the child. More training and tools are continually being developed and implemented to provide the guardian ad litem additional guidance regarding what should be addressed in that section of the report so the judge may factor those recommendations in court orders.
- The State Guardian ad Litem Board is aware of disparities in the child protection system and has overseen training in that area including the Juvenile Court core training. The GAL Board has representation from the Native American, African American and Lesbian community and those perspectives are included as the Board develops policies and procedures.
- Recruitment and selection of the new positions will reflect the diverse nature of the children served by the program.

Results:

- Performance measures currently used include new cases handled by the program, assignment of a guardian ad litem within 3 days of petition filing, compliance with state and federal mandates and percentage of children reunified within 12 months of petition filing.
- Filings have increased resulting in lower percentage of guardians assigned within 3 days of petition filing and less than 100% compliance with state and federal mandates. The percentage of children reunified within 12 months has increased.

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Cases Assigned per Fiscal Year	6486	7998	FY 2104-16
Quality	Percentage of GAL assigned < 3 days of petition filing	83.4%	70.25%	FY 2014-2106
Results	Compliance with federal and state mandates	99.99%	95%	FY -2104-16

- Data provided by Guardian ad Litem Case Management System

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quality	Percentage of children reunified within 12 months	86.7%	83.9%	FY 2013-15

- Data provided by Minnesota Department of Human Services Dashboard at Tableau Public

Statutory Change(s):

No statutory changes