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2016-17 Governor's Budget, Guardian ad Litem, Board of

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<http://mn.gov/guardian-ad-litem/>

AT A GLANCE

- 20,075 children served by the program in 2013
- 6,620 new cases filed in 2013
- Two year general fund budget of \$25,512,000
- 235 employees with a total FTE complement of 170.57 and 353 volunteers
- 100% coverage on mandated cases alleging a child is abused or neglected
- Guardian ad Litem program in each of the judicial districts

PURPOSE

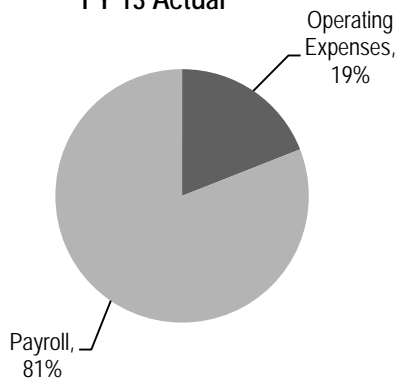
The State Guardian ad Litem Board contributes to the statewide outcome of **strong and stable families and communities** by giving abused and neglected children a voice to be heard throughout court proceedings

The guardian ad litem in each case works to ensure better outcomes for children are achieved.

- 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 the child.
- 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.
- If reunification with parents is not in the best interest of the child, adoption is the preferred option.
- Children do not re-enter the child protection system.

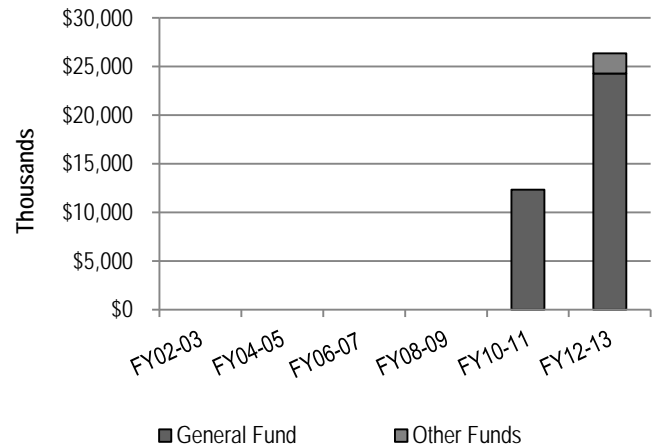
BUDGET

**Spending by Category
FY 13 Actual**



Source: BPAS

Historical Spending



Source: Consolidated Fund Statement

In 2010, the Legislature created the State Guardian ad Litem Board to move the State 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 general biennial budget of \$25,512,000 with payroll consisting of 81% and operating expenses 19%. The total budget is funded by general fund appropriations and fees received for certain court appointments to represent children.

STRATEGIES

In order to accomplish the mission, the Guardian ad Litem Board utilizes the following strategies:

- A guardian ad litem is appointed for every child alleged to be abused or neglected as required by law.
- The program accommodates as resources permit the unmet and critical need to assist the court with custody 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 and what permanent plans are in the best interest of the child.
 - The guardian ad litem advocates for the child so the child obtains a safe, nurturing and permanent home as quickly as possible.
 - A guardian ad litem is given the necessary training and tools to perform their statutory duties.
 - A database is created to measure outcomes for children and program performance.
 - The guardian ad litem works as part of the Children's Justice Initiative Team.

RESULTS

<i>Type of Measure</i>	<i>Name of Measure</i> <i>Children Reaching Permanency</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Number of children returned home or reached permanency within 7-12 months	2,346	2,395	2012, 2013
Results	Percentage of children returned home or reached permanency within 7-12 months	74%	72%	2012, 2013

Minnesota Judicial Analytical Database Report – 4/10/14

<i>Type of Measure</i>	<i>Name of Measure</i> <i>Foster Care Re-entry</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Number of children who re-entered foster care within 12 months	1,050	1,083	2012, 2013
Results	Percentage of children who re-entered foster care within 12 months	25.3%	25.8%	2012, 2013

Minnesota Department of Human Services (DHS)/Children and Family Services (CFS)/Children's Research Unit (CRU)/4-24-2014

<i>Type of Measure</i>	<i>Name of Measure</i> <i>Time to Reunification</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Results	Percentage of children who leave foster care to return to their family within 12 months	85.1%	85.9%	2012, 2013

DHS/CFS/CRU/4-24-2014

<i>Type of Measure</i>	<i>Name of Measure</i> <i>Appointment of Guardian ad Litem</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Number of new cases filed each year	6,654	6,620	2012, 2013
Results	Percentage of guardian ad litem appointed within 3 days	83.4%	86%	2012, 2013

Guardian ad Litem Galaxy Case Management System 8/22/14

[M.S. 480.35](https://www.revisor.mn.gov/statutes/?id=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) <https://www.revisor.mn.gov/statutes/?id=260C.163> provides for the appointment and statutory duties of a guardian ad litem in juvenile court proceedings and [M.S. 518.165](https://www.revisor.mn.gov/statutes/?id=518.165) <https://www.revisor.mn.gov/statutes/?id=518.165> for family court.

Expenditures By Fund

	Actual		Actual FY14	Estimate FY15	Forecast Base		Governor's Recommendation	
	FY12	FY13			FY16	FY17	FY16	FY17
1000 - General	11,864	12,413	12,344	12,826	12,756	12,756	14,953	15,613
2000 - Restricted Misc Special Rev	832	1,235	1,550	1,595	1,485	1,585	1,485	1,585
2403 - Gift	0	0	0	1	0	0	0	0
Total	12,696	13,648	13,894	14,422	14,241	14,341	16,438	17,198
<i>Biennial Change</i>				1,972		266		5,320
<i>Biennial % Change</i>				7		1		19
<i>Governor's Change from Base</i>								5,054
<i>Governor's % Change from Base</i>								18

Expenditures by Program

Program: Gal	12,696	13,648	13,894	14,422	14,241	14,341	16,438	17,198
Total	12,696	13,648	13,894	14,422	14,241	14,341	16,438	17,198

Expenditures by Category

Compensation	10,106	11,051	11,363	10,630	10,630	10,630	12,327	12,987
Operating Expenses	2,556	2,564	2,509	3,761	3,595	3,695	4,095	4,195
Other Financial Transactions	19	27	21	17	17	17	17	17
Capital Outlay-Real Property	15	5	1	15				
Total	12,696	13,648	13,894	14,422	14,241	14,341	16,438	17,198
Full-Time Equivalents	166.2	174.0	173.6	173.6	145.3	134.3	173.6	173.6

(Dollars in Thousands)

1000 - General

	Actual		Actual FY 14	Estimate FY15	Forecast Base		Governor's Recommendation	
	FY12	FY 13			FY16	FY17	FY16	FY17
Balance Forward In		379		70				
Direct Appropriation	12,067	12,067	12,414	12,756	12,756	12,756	14,953	15,613
Receipts				0	0	0	0	0
Cancellations		33						
Expenditures	11,864	12,413	12,344	12,826	12,756	12,756	14,953	15,613
Balance Forward Out	203		70					
<i>Biennial Change in Expenditures</i>				892		342		5,396
<i>Biennial % Change in Expenditures</i>				4		1		21
<i>Gov's Exp Change from Base</i>								5,054
<i>Gov's Exp % Change from Base</i>								20
FTEs	166.2	172.2	173.5	170.5	142.2	131.2	170.5	170.5

2000 - Restricted Misc Special Rev

	Actual		Actual FY 14	Estimate FY15	Forecast Base		Governor's Recommendation	
	FY12	FY 13			FY16	FY17	FY16	FY17
Balance Forward In	3,475	3,184	2,609	1,689	1,240	900	1,240	900
Receipts	540	660	630	1,145	1,145	1,145	1,145	1,145
Expenditures	832	1,235	1,550	1,595	1,485	1,585	1,485	1,585
Balance Forward Out	3,184	2,609	1,689	1,240	900	460	900	460
<i>Biennial Change in Expenditures</i>				1,078		(75)		(75)
<i>Biennial % Change in Expenditures</i>				52		(2)		(2)
<i>Gov's Exp Change from Base</i>								0
<i>Gov's Exp % Change from Base</i>								0
FTEs	0	1.8	0.1	3.1	3.1	3.1	3.1	3.1

2403 - Gift

	Actual		Actual FY 14	Estimate FY15	Forecast Base		Governor's Recommendation	
	FY12	FY 13			FY16	FY17	FY16	FY17
Balance Forward In		1	2	2				
Receipts	1	1		0				
Expenditures	0	0	0	1	0	0	0	0
Balance Forward Out	1	2	2					
<i>Biennial Change in Expenditures</i>				1		(1)		(1)
<i>Biennial % Change in Expenditures</i>						(100)		(100)
<i>Gov's Exp Change from Base</i>								0

(Dollars in Thousands)

2403 - Gift

Gov's Exp % Change from Base

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State Guardian ad Litem Board

FY 16-17 Biennial Budget Change Item

Change Item: Maintain Core Operations: Budget Shortfall

Fiscal Impact (\$000s)	FY 2016	FY 2017	FY 2018	FY 2019
General Fund				
Expenditures	\$1,000	1,000	1,000	1,000
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	1,000	1,000	1,000	1,000
FTEs	8.3	8.3	8.3	8.3

Recommendation:

The Governor recommends \$1 million in FY 2016 and \$1 million in FY 2017 for the State Guardian ad Litem Board to eliminate a deficit which the program has experienced for the past three fiscal years. The request is a 7.8% increase to starting base budget.

Rationale/Background:

The State Guardian ad Litem Board separated from the court system in July of 2010 and encountered several funding issues resulting in a deficit of approximately \$1 million for each of the past three fiscal years. Issues include the decision to move the Guardian ad Litem Program from an independent contractor model to an employee model resulting in costs paid to employees which previously were not paid to independent contractors; costs related to establishing an independent agency which have been absorbed with the agency budget and an annual cut of \$300,000 made to the program's base budget starting in FY12.

The change item is needed for the guardian ad litem program to continue providing the current level of service to children and maintain compliance with state and federal mandates. The program is federally mandated to cover abuse and neglect filings in juvenile court and by state law on abuse and neglect cases in family and juvenile courts. Additionally, the court has discretion as to whether to appoint a guardian ad litem in other dissolution/custody matters.

The annual budget for the Guardian ad Litem program is \$12,756,000 of which 70% goes to providing direct services to children and families. Indirect costs include administration, training, recruitment and attorney representation. At the current funding level, the program is able to provide appointments close to 100 % of mandated cases and serve over 20,000 children. In addition to the fiscal issues experienced by the program, the number of new cases coming into the program has increased each year since 2009 with an 8% increase from 2009-2013.

Proposal:

If the deficit is not funded, services to children need to be reduced by 8%. There are several considerations to be aware of in discussing which children no longer receive guardian ad litem services. Because of the Federal mandate for abused and neglected children in juvenile court, both congressional and legislative agreement would be required to remove this mandate. Additionally, the guardian ad litem is independent from the child welfare system and often may be the only person who is assigned to the child from the beginning of the case through permanency. Eliminating mandatory guardian ad litem appointments in dissolution/custody cases would be particularly troublesome in pro se cases where the parties are proceeding without legal counsel and would greatly complicate the work of the court.

As provided for in statute, a judge can order a permissive appointment in family court when the bench is in need of custody and/or parenting time recommendations. In those cases, when that happens, there are not typically other resources available to the judge as the parties are without resources to pay for services. The lack of a guardian ad litem in these cases will result in prolonged conflict in families where custody and visitation disputes place children in harm's way.

Another factor for consideration is the decrease in revenue in those cases where parties have the ability to pay and fees are assessed and collected. Due to increases in the last few years of mandated cases, the program has seen the number of permissive appointments decline and cases are put on a waiting list.

In making the cuts the board will consider the effect of not providing services on the safety and welfare of abused and neglected children including prolonged conflict in families where custody and visitation disputes remain unresolved, determine how the court process will be affected by not having a guardian ad litem, and estimate decreased revenue in those cases where fees are assessed and collected. In making the determination of which case types to eliminate, the board would seek input from the bench, juvenile and family law attorneys, social services and guardian ad litem program staff.

Results:

The number of children served by the program in the mandated juvenile case types increased each year from 2010 to 2013. Domestic abuse cases have remained fairly consistent with approximately 2000 children each year from 2010-2013.

The guardians ad litem advocate to ensure that children spend the least amount of time under court jurisdiction and permanency planning begins on Day 1. For calendar year 12, the percent of children who returned home or reached permanency within 7-12 months was 74%. The percent declined slightly to 72% in 2013. .

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Children served by the program in mandated juvenile cases	11,567	12,963	2010 and 2013
Quantity	Children served by the program in domestic abuse cases	1,972	2,003	2010 and 2013

Guardian ad Litem Galaxy Data Base

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Results	% of children returned home or reached permanency within 7-12 months	74%	72%	2012 and 2013

Minnesota Judicial Analytical Database

Statutory Change(s):

No statutory changes are needed.

State Guardian ad Litem Board

FY 16-17 Biennial Budget Change Item

Change Item: Maintain Core Operations: Compensation Changes

Fiscal Impact (\$000s)	FY 2016	FY 2017	FY 2018	FY 2019
General Fund				
Expenditures	1,197	1,857	1,857	1,857
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	1,197	1,857	1,857	1,857
FTEs	20	31	31	31

Recommendation:

The Governor recommends \$1.197 million in FY 2016 and \$1.857 million in FY 2017 to fund employee compensation changes to address pay parity, to provide for 5% salary increases for each year of the biennium, and to pay for any unavoidable cost increases in employee insurance.

Rationale/Background:

When the Judicial Council made the decision to move guardians ad litem 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 concerns, most districts brought employees in at the beginning of the salary range.

This has created a wage disparity among the guardians ad litem 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 2009 to any employees. This has resulted in further disparity when you have a Guardian ad Litem who has a number of years of service making the same wage as a newly hired guardian ad litem.

Wage equalization and employee salary increases will assist the program with employee retention and reduce turnover which results in higher costs for recruitment and training of new employees. The turnover rate for guardians ad litem has been 9-11 % during the past few years. In addition to recruitment costs, training costs for new employees are extensive given the program training requirements.

Proposal:

This is a change to the 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 proposed change request will address pay parity and retention issues by placing experienced guardians ad litem on the appropriate step based on years of experience. By addressing the pay parity issue, the board has the ability to reduce the turnover rate and create a higher level of retention of trained and experienced guardians. Doing so supports the mission of the guardian ad litem program and the statewide outcome of strong and stable families and communities.

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. It takes time to get a newly hired guardian ad litem to that level and, therefore, impacts our ability to serve the children.

The proposal will allow the program to address the increasing caseload and ensure that assignment of a guardian ad litem is made as soon as possible and there are no waiting lists for guardian ad litem assignments. Effective implementation will be July 1, 2015 with employees being placed on the appropriate step based on years of service.

Results:

Performance measures will include case filings, assignment of a guardian ad litem with 3 days of court appointment, and number and percentage of children reaching permanency.

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Number of new cases filed each year	6099	6620	2009 and 2013
Results	Percent of guardians ad litem appointed within 3 days	87%	84%	2012 and 2013

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>
Quantity	Number of children returned home or reached permanency within 7-12 months	2346	2395	2012 and 2013
Results	% of children returned home or reached permanency within 7-12 months	74%	72%	2012 and 2013

Minnesota Judicial Analytical Database

Statutory Change(s):

No statutory change needed.