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State Guardian ad Litem Board

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

AT A GLANCE

- 13,155 children served by the program in FY2022
- 4,544 actives cases on July 1, 2022
- Two-year budget of \$45,630,000
- 259 total employees/230 FTE’s and 71 volunteers

PURPOSE

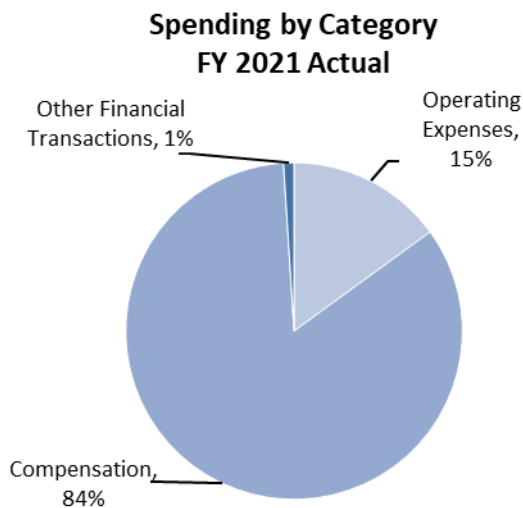
The State Guardian ad Litem Board (GALB) administers the Minnesota Guardian ad Litem Program which exists so that all children with a court-appointed Guardian ad Litem have their primary needs met and that each judicial officer is equipped to make informed decisions for each child within the confines of available resources. The GALB represents the children’s best interest throughout child protection and family court proceedings.

Our purpose is to provide well trained, effective guardians ad litem to advocate for safe and permanent homes for the children we represent. We are committed to serving families with integrity, compassion, and a belief that community, equity, justice, and safety are paramount to a child’s wellbeing. We are further committed to building and sustaining a respectful and racially equitable program that promotes and advocates for the best interests of children and families through empowerment, engagement, and community.

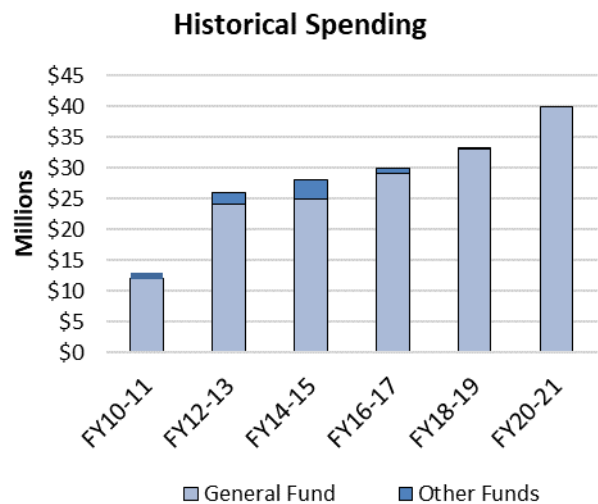
GAL are appointed to ensure:

- Children are safe
- Concurrent permanency planning with relative/kin 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



Source: Budget Planning & Analysis System (BPAS)



Source: Consolidated Fund Statement

In 2010, the Legislature created the State Guardian ad Litem Board to move and transition the Guardian ad Litem Program out of the state court system and establish an independent guardian ad litem program. Historical spending began in fiscal year (FY) 2011. The State Guardian ad Litem Board has a total biennial base budget of \$45,630,000 payroll consisting of 84% and operating expenses 16%. The budget is funded primarily by general fund appropriations.

STRATEGIES

The GALB achieves the program mission by complying with mandated appointments for every child alleged to be abused or neglected. Further, the Board accommodates (as resources permit) the unmet and critical need in family court.

Within their role, Guardians ad litem provide information to the court through an independent investigation, report writing and testimony. GAL make recommendations to the court regarding child safety and timely permanency planning that are in the best interest of the child. The Board and program staff utilize the case management system to measure outcomes for children as well as program performance. Lastly, program staff work as part of the Children’s Justice Initiative Team in each of the judicial districts to help ensure juvenile rule/statute compliance.

To obtain more equitable outcomes for children and families in Minnesota, the Guardian ad Litem program uses evidence-informed research to advance our current advocacy practice to a healing practice. We are shifting the lens of how we view children to ensure we see each child in the context of their family. We are deepening our understanding of our own biases and how they are detrimental to children and their families. We are redefining our role as healers to improve outcomes for children.

RESULTS

<i>Type of Measure</i>	<i>Appointment of a Guardian ad Litem</i>	<i>Previous Value</i>	<i>Date</i>	<i>Current Value</i>	<i>Date</i>
Quantity	Cases Assigned Per Fiscal Year	3,310	FY2021	3,904	FY2022
Quality	Court Reports Filed and On-Time	57%	FY2021	71.2%	FY2022
Results	Compliance with federal and state mandates	98%	FY2021	98%	FY2022

*GALP changed the definition of Case. Now all court files for family court are grouped in single case

M.S 480.35 <https://www.revisor.mn.gov/statutes/cite/480.35> established the State Guardian ad Litem Board; M.S. 260C.163 <https://www.revisor.mn.gov/statutes/cite/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/cite/518.165> for family court.

(Dollars in Thousands)

	Actual FY20	Actual FY21	Actual FY22	Estimate FY23	Forecast Base		Governor's Recommendation	
					FY24	FY25	FY24	FY25
<u>Expenditures by Fund</u>								
1000 - General	18,571	21,224	20,909	24,482	22,815	22,815	24,358	25,620
2000 - Restrict Misc Special Revenue	213		4	3,967	950	950	950	950
3010 - Coronavirus Relief	13							
Total	18,797	21,224	20,913	28,449	23,765	23,765	25,308	26,570
Biennial Change				9,341		(1,832)		2,516
Biennial % Change				23		(4)		5
Governor's Change from Base								4,348
Governor's % Change from Base								9

<u>Expenditures by Program</u>								
Guardian ad Litem	18,797	21,224	20,913	28,449	23,765	23,765	25,308	26,570
Total	18,797	21,224	20,913	28,449	23,765	23,765	25,308	26,570

<u>Expenditures by Category</u>								
Compensation	16,082	17,724	17,932	19,540	19,540	19,540	21,083	22,345
Operating Expenses	2,690	3,160	2,982	6,807	4,048	4,048	4,048	4,048
Grants, Aids and Subsidies	1	4						
Capital Outlay-Real Property	10	3						
Other Financial Transaction	14	334	0	2,102	177	177	177	177
Total	18,797	21,224	20,913	28,449	23,765	23,765	25,308	26,570

<u>Full-Time Equivalent</u>	223.90	228.47	231.92	231.92	231.92	231.92	231.92	231.92
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(Dollars in Thousands)

	Actual FY20	Actual FY21	Actual FY22	Estimate FY23	Forecast Base FY24 FY25		Governor's Recommendation FY24 FY25	
1000 - General								
Balance Forward In		2,818		1,667				
Direct Appropriation	21,386	22,000	22,576	22,815	22,815	22,815	24,358	25,620
Cancellations		3,594						
Balance Forward Out	2,815		1,667					
Expenditures	18,571	21,224	20,909	24,482	22,815	22,815	24,358	25,620
Biennial Change in Expenditures				5,596		239		4,587
Biennial % Change in Expenditures				14		1		10
Governor's Change from Base								4,348
Governor's % Change from Base								10
Full-Time Equivalents	223.90	228.47	231.92	231.92	231.92	231.92	231.92	231.92

2000 - Restrict Misc Special Revenue

Balance Forward In	1,665	1,807	2,299	3,017				
Receipts	356	491	723	950	950	950	950	950
Balance Forward Out	1,807	2,299	3,017					
Expenditures	213		4	3,967	950	950	950	950
Biennial Change in Expenditures				3,758		(2,071)		(2,071)
Biennial % Change in Expenditures						(52)		(52)
Governor's Change from Base								0
Governor's % Change from Base								0

2403 - Gift

Balance Forward In	5	5	5	6	6	6	6	6
Balance Forward Out	5	5	5	6	6	6	6	6

3010 - Coronavirus Relief

Direct Appropriation	13							
Expenditures	13							
Biennial Change in Expenditures				(13)		0		0
Biennial % Change in Expenditures								
Governor's Change from Base								0
Governor's % Change from Base								

(Dollars in Thousands)

	FY23	FY24	FY25	Biennium 2024-25
Direct				
Fund: 1000 - General				
FY2023 Appropriations	22,815	22,815	22,815	45,630
Forecast Base	22,815	22,815	22,815	45,630
Change Items				
Maintain Core Guardian ad Litem Board Operations		1,543	2,805	4,348
Total Governor's Recommendations	22,815	24,358	25,620	49,978
Dedicated				
Fund: 2000 - Restrict Misc Special Revenue				
Planned Spending	3,967	950	950	1,900
Forecast Base	3,967	950	950	1,900
Total Governor's Recommendations	3,967	950	950	1,900
Revenue Change Summary				
Dedicated				
Fund: 2000 - Restrict Misc Special Revenue				
Forecast Revenues	950	950	950	1,900
Total Governor's Recommendations	950	950	950	1,900

State Guardian ad Litem Board

FY 2024-25 Biennial Budget Change Item

Change Item Title: Maintain Core Guardian ad Litem Board Operations

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	1,543	2,805	2,805	2,805
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	1,543	2,805	2,805	2,805
FTEs	0	0	0	0

Recommendation:

The Governor recommends \$4,348,000 in the FY2024-25 biennium to increase compensation for employees by 9% in FY2024 and 6% in FY2025, and to fund unavoidable health insurance premium increases in each year. The request represents a 9.53% increase in the Guardian ad Litem Board’s biennial base budget. The request maintains the current complement of employees.

Rationale/Background:

The Guardian ad Litem Board must continue to hire and retain skilled, diverse, and knowledgeable employees who can ensure competent, vigorous, and effective advocacy. It is critical to the welfare of Minnesota’s children and communities to attract a diverse pool of professionals who are qualified to serve in this imperative role.

Throughout much of the pandemic, the Guardian ad Litem Board has experienced a high number of vacancies, as many as 24 vacancies in any given month, with some of those vacancies nearing six months, which is a direct result of management being unable to offer competitive wages and wage increases. The board continually reposts unfilled positions. Current data reflects Guardian ad Litem are leaving the program at 6.36 positions a month, a 17% turnover rate. Low wages is the number one reason cited for leaving the board by employees. Lastly, the Guardian ad Litem Board is also facing a significant retirement wave, with nearly 16% of the board’s current staff aged 62 or older, thereby increasing the need for recruitment of diverse, qualified, and experienced staff.

A comparative wage study was recently completed which revealed an inequity in pay for Guardian ad Litem when compared to their child welfare counterparts. The issue of pay equity is impacting recruitment and retention of qualified and diverse hiring pools. The Governor’s recommendation reflects the board’s sole budget priority this biennium.

Proposal:

This change level request is not a new initiative. The Guardian ad Litem Board seeks \$4,348,000 to increase compensation for employees in FY2024-25. The request represents a 9.53% increase in the Guardian ad Litem Boards FY2024-25 biennial budget. This request maintains the current complement of employees.

Impact on Children and Families:

The children board staff advocate on behalf of are among the most vulnerable population served by the state. Guardian’s ad Litem are assigned when a finding has been made by the court that a child has been abused or neglected. Guardian’s ad Litem work tirelessly to ensure that Minnesota children have their primary needs met and that the court has the information to rule confidently.

Equity and Inclusion:

The Guardian ad Litem Board has made significant strides in 2021 to improve child welfare outcomes for American Indian Youth and families through the implementation of an independent Indian Child Welfare Act (ICWA) Division. This has included increased efforts toward improved training and support of ICWA GAL.

The Guardian ad Litem Board is committed to serving Black, Indigenous, people of color (BIPOC) with integrity, compassion, and a belief that community, equity, justice, and safety are paramount to a child’s wellbeing. The board is further committed to building and sustaining a respectful and racially equitable program that promotes and advocates for the best interests of children and families through empowerment, engagement, and community.

It is imperative salaries are increased and, once established, remain competitive to ensure that the Guardian ad Litem Board can recruit and retain employees from minority, ethnic and racial groups. The change level request assists in ensuring a competent and diverse workforce.

Tribal Consultation:

Does this proposal have a substantial direct effect on one or more of the Minnesota Tribal governments?

- Yes
- No

All 11 Minnesota Tribal Nations would be impacted. The White Earth Band of Ojibwe, Red Lake Nation, Leech Lake Band of Ojibwe, Mille Lacs Band of Ojibwe, Bois Forte Band of Ojibwe, Fond Du Lac Band of Ojibwe, Grand Portage Band of Ojibwe, Shakopee Mdewakanton Dakota community, Prairie Island Dakota Community, Lower Sioux Dakota Community and Upper Sioux Dakota Community.

ICWA Guardian’s ad Litem are trained to specialize in ICWA and Minnesota Indian Family Preservation Act (MIFPA). We are already seeing the positive effects of our collaboration with Tribal Child Welfare Partners. ICWA Guardians are unique in that they understand Tribal Sovereignty and the government-to-government political relationship in Child Welfare proceedings. The anticipated effect is to lower the removal rate of American Indian children statewide in Minnesota by applying ICWA and MIFPA and ensuring the compliance of the laws. Minnesota has the highest removal rate for American Indian Children in the country. ICWA Guardian’s will ensure that Active Efforts are provided to prevent the break-up of the Indian family, and to re-unify the Indian family at the earliest point in the case when the emergency is concluded. ICWA Guardians ensure the key tenets of ICWA and MIFPA are followed. These are Notice and Inquiry requirements, to determine a child’s membership with a Tribe, Active Efforts, ensuring there is a designated Qualified Expert Witness from the Tribe to support out of home placement, that courts and counties follow ICWA/MIFPA Placement Preferences and consult tribes on placement and permanency. ICWA Guardians are aware of the historical trauma and historical context that creates the overrepresentation and visibility of American Indian children in child welfare proceedings.

It is our job to preserve the Indian Family and the tribal identity of the Indian child by keeping them connected to their families and tribal communities. The best interest of the Indian Child is inherently interwoven with the child’s tribe.

Results:

This proposal is intended to allow the Guardian ad Litem Board to continue to provide current levels of service and information to the public.

Statutory Change(s):

The request will not require statutory changes.