## Florida Guardian ad Litem 2010 Annual Report

THURSDAY.

A Voice in a Time of Need



"No man stands so tall as when he stoops to help a child."

~Abraham Lincoln

### Trying financial times make it even tougher for children in the dependency system. Thankfully, these children have Florida's Guardian ad Litem Program for comfort and guidance.

At a time when everyone's resources are stretched to the limit, we must not forget the children. Children do not ask to be placed in foster care. A child does not understand budgets, caseloads, or that there may be 30,000 other children just like him in the dependency system. He only knows his life has been turned upside down. Thankfully, he has the Florida Guardian ad Litem Program.

Like many other state agencies over the past couple of years, the Guardian ad Litem Program has sustained budget cuts. But realizing the importance of every child having a voice,

the Program worked hard to ensure our children did not suffer. Last year, we told you the Guardian ad Litem Program was re-energized in its efforts to recruit more qualified volunteers. It worked! This past year, the Program doubled its annual rate of increase of certified volunteers. Today, more children than ever before are having their best interests represented by a volunteer guardian as opposed to a paid staff advocate. Not only has the recruitment of more volunteers prevented us from discharging off many cases due to budget cuts; but it has also contributed to a 33% savings in employee travel reimbursements. We used a portion of these savings to make the Program even better for our children by revising and implementing new trainings. We created statewide forms and made them available on our website. We had statewide

Let me lean on you Keep your eyes upon me Keep me in your sight Help me down the crooked road Lead me to the light The road I'm on is dark I'm not sure I know the way But with you beside me I know I will not stray Protect me from the world I'm in I'm certain we'll make it through Let me hold your hand Let me lean on you.

~ M.P. 17 year old foster child

meetings to share best practices. We worked hard and accomplished our goal that all our children receive the best, most appropriate services whether they reside in a big city or a rural area.

During this next year, we hope to continue to improve the lives of our children. Our primary focus is ensuring that our children reach permanency in the quickest, safest way possible by insisting on adherence to statutory timeframes. We are making a concerted effort to ensure that our children's time in dependency is as "normal" as possible. We are striving to make certain that though a child's life has been turned upside down, he still gets to share in the experiences other children his age do: whether it is attending football camp; playing in the band; having a date on a Saturday night; or getting his license. As I have travelled the state meeting our children, though their circumstances may differ, they speak with one voice when they plead for "normalcy." The Program is committed to making certain their voices are heard.

As always, the Guardian ad Litem Program embraces our responsibility to advocate for our dependent children's best interests and we continuously strive to accomplish this mission. Please enjoy our 2010 Annual Report.

Sincerely,

Innesa a Flury

Theresa A. Flury Executive Director

# The Child Advocacy Team is the key to protecting Florida's dependent children.

The Guardian ad Litem Program (GAL or Program) provides children who enter Florida's dependency system with quality advocacy that includes the monitoring of their safety and welfare; pursuing their legal and best interests; and obtaining them a permanent home. Program attorneys, volunteer supervisors, and volunteers facilitate this advocacy acting as a team. The Program's advocacy team is critical in being able to effectively represent the children's best interests.

A staff member attended a school IEP staffing for a 17 year old girl at Key West High School. The child introduced her Case Manager, her Life Skills Counselor, and her GAL, and said "I am like Verizon and this is my very own network."

When a child is taken into state care and our Program is appointed, the advocacy team takes on specific legal and operational responsibilities for the child. The advocacy team meets regularly to review the child's safety and well-being; they assist the child in navigating the dependency system.

In order to help guide the advocacy team and leave "no stone unturned" regarding the child's legal needs and best interests, the Program utilizes a comprehensive tool called the Advocacy Framework. The Advocacy Framework is a critical checklist that ensures the advocacy team is reviewing all aspects of a child's case and making the best recommendations to the court regarding the child's placement; mental, physical, and educational needs; and legal and best interests. This checklist is also used to identify key issues that may pose "roadblocks" to the court making a timely permanency decision for the child.

The statewide and uniform use of our advocacy teams and the Advocacy Framework helps the Program to achieve consistent and effective advocacy for all of our children.

# Children benefit from our record volunteer growth.

The management strategy of embracing a "volunteer-driven" model of representation produced solid operational results that positively impacted our children. During the past fiscal year, the Program doubled the annual rate of increase of certified volunteers. The number of volunteers increased to nearly 8,000 volunteers. This growth represented the largest increase of volunteers in the Program's history.

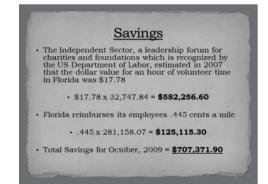
The substantial growth in volunteers translated into more than 16,000 dependent children receiving quality volunteer advocacy. The Program was able to reach a significant operational milestone whereby 7 out of 10 children to which the Program was appointed had a volunteer advocate as opposed to a paid staff advocate. This resulted in the total number of children with a volunteer significantly increasing over the last year.

Creating a dedicated Volunteer Recruiter position, effectively utilizing local Volunteer Recruitment Committees, and monthly monitoring of recruitment and retention objectives were key factors that contributed to our volunteer increase. The combination of these factors coupled with our Circuit Directors' hard work regarding volunteer recruitment and retention provided the platform for the Program's improvements in this critical area.

The cost saving benefits that the Program provides to the state through its use of volunteers were highlighted in a survey that was conducted among 59% of Program volunteers during October, 2009. As you can see, the results showed that the survey sample of volunteers spent an average of 10 hours per month working on a case and drove an average of 87 miles per month per case. Collectively, the volunteers worked 32,747.84 hours and drove 281,158 miles – and this was for just one month. As illustrated, the savings to the state is phenomenal.

### For October, 2009

- 58.8% of the Active Volunteers who responded to a time and mileage survey indicated:
- They spent an average of 10.1 hours working on a case
- They drove an average of 87.13 miles per case
- Collectively, the volunteers worked 32,747.84 hours and drove 281,158.07 miles



It is important to note, however, that the volunteers need the support of the Guardian ad Litem staff to effectively advocate for the children's best interests. The volunteers will tell you that they cannot do so by themselves.



## The Guardian ad Litem Program represents children's best interests on appeal.

This year, the Statewide Guardian ad Litem Program celebrates five years of having a dedicated appellate division to represent the best interests of children whose cases are appealed. The appellate team consists of attorneys and assistants who practice exclusively in appellate law. This single focus enables advocacy for children in the district courts and in the Florida Supreme Court. The appellate team makes an appearance in every appeal in which the Guardian ad Litem Program is appointed in the trial court. Currently, the appellate team is appointed to 212 active cases.

Whether a permanent home means reunification with the child's parents or finding an adoptive home, the appellate team strives to expedite permanency for all children to whom the Program is appointed. They monitor case law, work with program attorneys, and identify case law trends to find solutions to expedite permanency. This year, the appellate team has filed a number of initial proceedings in the appellate courts to advance the best interests of abused, abandoned, and neglected children.

The Guardian ad Litem appellate team took an active role in the 2009 amendments to the Rules of Court. These amendments expedited dependency and termination of parental rights appeals. In 2006-2007, the Commission on District Court of Appeal and Accountability held a series of meetings to address delays in Chapter 39 appeals. Based on those meetings, the Commission released a Supplemental Report that suggested numerous amendments to the Rules of Judicial Administration, the Florida Rules of Juvenile Procedure and the Florida Rules of Appellate Procedure; the purpose of which was to reduce delay. Based on this report, the Rules' Committees drafted proposed amendments. The appellate team members attended each meeting, and the Program participated in the various committees as members to help in the creation of the rules before the rules were released for comment. After release, the Program submitted comments in response to the proposed amendments. The appellate team also participated in the Supreme Court oral argument on the amendments. In November, 2009, the Supreme Court released the amended rules which greatly reduced the time an appeal takes from inception through finalization, and as a result greatly reduces the time a child must wait until his case is completed.

### Pro Bono Recruitment reaches record numbers.

With the assistance of Florida Supreme Court Chief Justice Peggy A. Quince and other members of Florid's judiciary, the Program has been extremely successful at improving pro bono involvement of Florida's attorneys with children in the dependency system.



Each circuit worked with their local bar association, judiciary, and non-profit board to reach out to local attorneys in an effort to recruit them as advocates. The Program organized numerous recruitment events and attended bar association meetings where members of the judiciary and the Program explained the need for pro bono attorneys and addressed questions or concerns of the prospective volunteers.

These efforts have resulted in a significant increase in the number of pro bono attorneys working in the dependency system either as a Program volunteer or as an attorney ad litem for the child. Program staff have dedicated countless hours on a focused recruitment of attorney

volunteers and designed individual training modules when appropriate to accommodate each attorney.

The Program has also partnered with Florida Children's First to recruit pro bono attorneys, specifically for children who have aged out of the foster care system and are in need of a "legal check-up."

# The Program has enhanced its training opportunities.

The experience of children and families in the dependency system is frequently marred by the inexperience or personal biases of some of its major actors. Responding to the need for a deeper understanding of issues which bring children into care and ways in which permanency may be achieved in a more timely fashion, the Guardian ad Litem Program has intensified its training efforts to provide its staff and volunteers the tools necessary for zealous advocacy.

This past year, the Program updated and improved its New Attorney Training. The training includes an overview of dependency law as well as other basic information a program attorney must know in order to practice in dependency court. Practice aids, checklists, and

other materials are embedded into the presentation making it comprehensive and user friendly. Additionally, our new attorneys attended a New Attorney Training Conference held in Orlando in June, 2010. This training also included a

"Volunteers do not necessarily have the time; they have the heart..." ~Elizabeth Andrews

litigation workshop. To keep the training current, monthly conference calls are on-going to discuss topics in depth and to answer questions as they arise.

There is also training provided to the more experienced Program attorneys. In addition to several lunchtime conference call trainings with lawyers around the State, in-person litigation skills training and substantive dependency law training has been provided. This opportunity has provided for attorneys to sharpen their advocacy skills. Finally, training has also been provided to volunteers and staff in basic dependency law and in working with their attorneys.

The Guardian ad Litem Program also continues to offer its monthly conference call trainings. These trainings cover a wide variety of child welfare topics and are conducted by experts in the subject area. These trainings are recorded, and the audio recording is placed on the Guardian ad Litem website, <u>www.GuardianadLitem.org</u>, along with educational materials so that anyone interested in the topic can listen at anytime. Program attorneys receive Continuing Legal Education (CLE) credit for participating in these calls or listening to them later on the website. These trainings and subsequent credits are also made available

to any legal professional who chooses to listen to the trainings. Below are just a few of the trainings the Program has conducted this year:

- LEGAL ETHICS IN DEPENDENCY PRACTICE, David Silverstein, Office of the Attorney General, Children's Legal Services Hillsborough County Florida.
- INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC), Steve Pennypacker Esq., Compact Administrator, Florida Department of Children and Families.
- IN THE TRENCHES: JUVENILE DEPENDENCY CASES FROM SHELTER TO ADOPTION, The Honorable Tracy Sheehan, Circuit Court Judge and Jon Johnson, General Magistrate, Thirteenth Judicial Circuit.
- **REPRESENTING OLDER CHILDREN**, Andrea Khoury, American Bar Association and Amy LaMere, Senior Program Attorney, Florida Guardian ad Litem.
- SPECIAL EDUCATION ISSUES FOR CHILDREN IN THE DEPENDENCY SYSTEM, Gerry Glynn, Associate Professor of Law, Director of Clinical Programs, Dwayne O. Andreas School of Law, Barry University.
- DELINQUENCY ISSUES FOR DEPENDENT CHILDREN, Carrie Lee, Director of the Juvenile Justice Center, Dwayne O. Andreas School of Law, Barry University.
- SEXUAL ABUSE & THE KEEPING CHILDREN SAFE ACT, Karen Oehme, J.D., Institute Director, Clearinghouse on Supervised Visitation & Sonia Crockett Former GAL Program Attorney.

In addition to the monthly training calls, the Guardian ad Litem Program also continues to provide its Legal Briefs Newsletters and quarterly Practice Bulletins on issues crucial to our dependent children. The Legal Briefs Newsletter provides summaries of recent appellate dependency related cases and is posted on our website. It is sent to over 800 subscribers. The Practice Bulletins give an overview of an issue; includes links to statutes, websites, and practice aids; and gives staff practical advice in dealing with the issue. Topics have included Master Trusts, Adoption, Proving Nexus, and Expediting Permanency. Each Practice Bulletin is posted to our website and made available to anyone concerned with child welfare.

#### Forms Bank

The Program has improved and updated its Forms Bank. The Forms Bank provides attorneys with the legal forms necessary for effective advocacy. The forms ensure that attorneys are using the most current law. Through the use of the Forms Bank, best practices are shared, efficiency is created, and advocacy is consistent throughout the state.

#### Website

The Guardian ad Litem Program's website continues to grow as a useful resource for attorneys, volunteers, and staff. The site includes resources to support advocacy, educate the public about becoming a volunteer guardian, and there is also a section devoted to teens involved in the dependency system. The website includes monthly CLE's, audio trainings for attorneys, detailed information about topics central to child advocacy, searchable case summaries, newsletters, volunteer and pro bono training information, the GAL Practice Manual, and relevant news items. Last fiscal year the Statewide Guardian ad Litem website had **154,999,591** hits with **131,957** unique visitors.

#### Master Trust Advocacy

The Program has focused its efforts on improving our master trust advocacy statewide. Many children in the dependency system receive disability benefits and sometimes these benefits are not spent effectively in the children's best interests.

Throughout the year, the Program has conducted trainings in each judicial circuit on issues related to master trust accounts. The trainings have focused on the importance of a careful monitoring of each child's master trust account to ensure that the benefit eligibility cap is not exceeded. Additionally, the trainings have covered the fee waiver process with suggestions for maximizing the child's benefits each month.

# The Guardian ad Litem Program has a new volunteer reports section on the website.

The Guardian ad Litem Program launched a new volunteer forms and reports section on the Guardian ad Litem Website. The new password protected section of the website allows our volunteers to click on their circuit office, select a Child Visitation Form or Guardian ad Litem Report and complete it on-line. From there, volunteers can click to e-mail the completed forms and reports directly to their circuit office, print, or save to their computer. The Program is working to include additional forms and information. This additional resource for our volunteers allows for the sharing of best practices across the state and eases the burden of paperwork on our volunteers. It too, ensures consistent and uniform representation throughout the state.



# The Program withstood budget cuts in fiscal years 2008/2009 and 2009/2010.

Like the rest of state government, the Statewide Guardian ad Litem Program has been faced with continuing reductions in funding for the past three years. Understanding that the Program was not going to receive additional funding during these troubled times; the only viable option was to do more with less.

Working as a team, management developed a strategic plan with one simple goal: to make the Guardian ad Litem Program the best that it could be. To do so, the Program asked a few basic questions: How can we deliver better quality representation at a lower cost? Was the Program structured in the best way possible to carry out its mission? Were there ways to increase efficiencies?

A strategic plan was initiated with a top-down review of the way we represent children's best interests. When a child assigned to a Guardian ad Litem found out that Guardians ad Litem don't get paid for anything they do for the children, the boy said, "Then you must really like me." –Name withheld

This review led to updating existing standards and

implementing uniform practices statewide. Time was spent looking at how to garner more volunteer support which not only increased the Program's level of advocacy, but also helped the Program to offset budget reductions.

The result of the 18-month review process allowed the Program to withstand the almost 15% budget reductions without a one to one reduction in children represented. Doubling the annual rate of increase in certified volunteers led to higher quality representation, as well as contributing to over a 33% reduction in the amount reimbursed to employees for visiting children. The Program's overall expenses were reduced this past fiscal year by over 20%. As previously discussed, some of these reductions resulted in savings to the state, while others were used to enhance the Program's training.

### The Guardian ad Litem Program's budget remained intact during the 2010 Legislative Session.

Prior to the 2010 Legislative Session, it was clear that difficult times lie ahead. With a downturn in the economy, Florida faced a major budget shortfall and its legislature was being faced with the difficult task of making significant reductions to the state's budget. Fortunately, the Program and the dependent children whose best interests it represents were spared from these budgetary reductions. Though the Program previously suffered significant cuts, the 2010 General Appropriations Act maintained the Program's current funding levels, including the \$1 million in non-recurring general revenue received during the 2009 Legislative Session.

The legislature passed several substantive bills that had relevance to the Program. In collaboration with Program staff, the legislature:

- Extensively re-wrote Florida's background screening standards and requirements, recognizing the importance of protecting the most vulnerable of its citizens. This new law included a requirement that all new hires and guardians ad litem certified after July 1, 2010 be screened using the more stringent federal background screening standard. Legislation providing that the Program pay a reduced rate for its screenings was also passed;
- Permitted a court to grant concurrent, as well as, temporary custody to an extended family member;
- Prohibits public and private adoption agencies or entities from making adoption suitability determinations based on the lawful possession, storage, or use of a firearm or ammunition; and
- Protects sensitive information relating to both a dependent child with a guardian ad litem and current and former guardians ad litem.

As we move forward, the Program is committed to doing all it can to effectuate positive changes to laws that will ultimately benefit each dependent child.

### The Florida Guardian ad Litem Program now conducts level 2 background screening.

Before accepting any individual as a volunteer Guardian ad Litem or hiring a new employee, the Program has always conducted a background investigation which included criminal history, personnel record requests, and reference checks. In years past, however, the Program conducted only local and state criminal screenings of volunteer applicants and potential employees and was unable to access national criminal history information. That all changed during this past legislative session with the provision of additional background screening funding and the enactment of statutory revisions to Section 39.821, Florida Statutes. This change requires the Program to conduct a level 2 background screening of all volunteer applicants prior to certification as a Program Guardian ad Litem Volunteer and of all employee applicants prior to being hired. The Program spent countless hours working diligently with the Governor's Office and legislative staff to ensure these changes occurred for the Program in order to better protect our children.

This new, stricter screening requirement includes fingerprinting the applicant on one of many LiveScan machines located throughout the state. The LiveScan machines communicate the individual's print information to the Florida Department of Law Enforcement and to the FBI's National Crime Information Center (NCIC). After the prints have been analyzed, the Program then quickly receives an up-to-date and complete criminal history report. Each report is reviewed upon receipt pursuant to level 2 screening standards and applicants are accepted or rejected as appropriate. With almost 2,500 new volunteers and employees statewide each year, this more comprehensive screening process is a critical and necessary step allowing the Program to better ensure the safety of the children to whom we are appointed.

The Program is indebted to the Department of Children and Families and many of the local community based care agencies for graciously extending the use of their LiveScan machines and technicians. It is this support that enables the Program to perform the level 2 screenings necessary to meet its new statutory background screening requirements.

## Social Media advances volunteer recruitment and communication.

The use of social media like Facebook, Twitter, MySpace, blogs, and the official Guardian ad Litem Program website has helped to increase the awareness of the Program's volunteer recruitment needs across the state. These social media and internet sites are a popular and cost effective way to reach out and educate more people about the Program; our need for volunteers; and our goal of improving the quality of life for the dependent children appointed to the Program. Many of the circuits have effectively incorporated the use of this technology into their local media and marketing plans.

Utilizing social media provides additional communication benefits for our growing number of volunteers. For example, maintaining a blog for sharing non-confidential information provides staff and volunteers with an easy way to connect regarding news about local Program events, planned training classes, and current best advocacy practices. Our volunteers appreciate the additional opportunity to keep in touch with each other and with staff through the "blogosphere." The Program will continue to maximize the use of internet technology to advance its volunteer recruitment efforts and to improve staff-volunteer communication.



# The Program makes improvements to its data information system.

Whether it is sharing best practices through the use of the statewide website or creating more efficient ways to help us share data among our circuits and employees, the Program has continually used technology to increase efficiencies across the state. This year is no exception.

The Program has consolidated the number of servers (i.e. web server, e-mail server) needed to store data, run the statewide website and connect the circuits, creating a reduction in "hosted equipment" of 33%. The Program succeeded in delivering updated applications and tools to its employees via these consolidated servers. With the reduction in the amount of servers comes not only a decrease in costs, but an increase in efficiency.

Program employees are all connected to one computer system throughout the state. This system provides ease of communication among the circuits, as well as simplicity and efficiency. The Program recognizes, however, that as technology evolves, better and cheaper solutions emerge. This year the Program selected Ericom as an improved and more economical way to connect Program employees and provide employees with the technology tools they need to be successful. Changing to Ericom reduced that portion of the information technology budget by 80% while reducing overall bandwidth usage.

#### **Electronic Collaboration**

This year, the Program participated in the *Children and Youth Cabinet Information Sharing System* (CYCISS) *Initiative*. The CYCISS Initiative joins agencies dealing with children's welfare throughout the state of Florida. By joining these agencies, information can be shared among the agencies allowing for searches to be conducted against all available data at once. In addition, updates have been made to our internal case management and tracking system. Functionality was streamlined and better and more tailored data will be collected for reports on the status and the Program's effectiveness and efficiency. The following poem is one written by The Richards Group on behalf of National Court Appointed Special Advocate (NCASA) of which we are a member. In Florida, we call our volunteers guardians ad litem. The Program believes it captures the true spirit of what it means to be a Guardian ad Litem volunteer for Florida's children.



To a child silenced by injustice, I am a voice.

To a child with whom the world has broken faith, I am someone to believe in.

Amid confusion, I am certainty; amid instability, constancy.

In a dark labyrinth of bureaucracy, I am a way througha steady arm around the shoulder, a calming voice in the ear.

For while my appointment may come from a court, my calling comes from within.

To the child neglected, the child abused, the child cast upon the mercy of an often merciless system,

I am heart and caring and courage personified.

I am a CASA volunteer.

### Florida Guardian ad Litem Foundation

### Mission Statement

The mission of the Florida Guardian ad Litem Foundation (Foundation) is to provide additional resources for the Florida Guardian ad Litem Program, its volunteers, and its affiliated circuit non-profit organizations in order to promote Guardian ad Litem representation for abused, abandoned, and neglected children in Florida's dependency system.

#### Vision Statement

The statewide nonprofit organization is wholly dedicated to providing additional resources sufficient to assure that 100% of Florida's abused, abandoned, and neglected children served by the Guardian ad Litem Program continue to receive the highest quality representation

#### **Guiding Principles**

- Advocacy for Children
- Respect and support for Guardian ad Litem volunteers
- Credibility and Integrity
- Commitment to the Statewide Program
- Responsiveness to Local Support Organizations
- Accessibility
- Providing Resources

In 2007, the Florida Guardian ad Litem Foundation was recognized in statute<sup>1</sup> as the Direct Support Organization (DSO) for the Statewide Guardian ad Litem Program. In this role as the DSO, the Foundation:

#### Advocates for the Statewide Guardian ad Litem Program

An example of this advocacy is Guardian ad Litem Day, held each spring at the Florida State Capitol. This is a time when the Guardian ad Litem Program staff and volunteers, child welfare professionals, and other stakeholders come together for a luncheon to celebrate the Guardian ad Litem Program and raise awareness to the needs of dependent children.

1 Section 39.8298, Florida Statutes

The Foundation also provides advocacy training for the program staff, volunteers, and local nonprofits.

#### Promotes Guardian ad Litem Volunteer Recruitment and Retention Statewide

Annually, the Foundation hosts a Guardian ad Litem Awards Reception celebrating the achievements and honoring the commitment of the Program's outstanding volunteers and community advocates from each of the twenty judicial circuits. The Foundation also produces an annual conference in conjunction with DCF's Dependency Summit Conference, which includes speakers and workshops that inspire and educate Guardian ad Litem volunteers and staff. Volunteer recruitment is increased by creating and maintaining partnerships with corporations, other state agencies, and service organizations throughout the state.

The Florida Guardian ad Litem Foundation is helping the Statewide Guardian ad Litem Program create a new reality – where every abused, abandoned, and neglected child in Florida has a voice in court through their Guardian ad Litem.

### Florida Guardian ad Litem Foundation Board of Directors

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### The Florida Guardian ad Litem Foundation would like to extend a special thanks to its 2009-2010 supporters. (*Gifts received July1*, 2009 – *June 30*, 2010)

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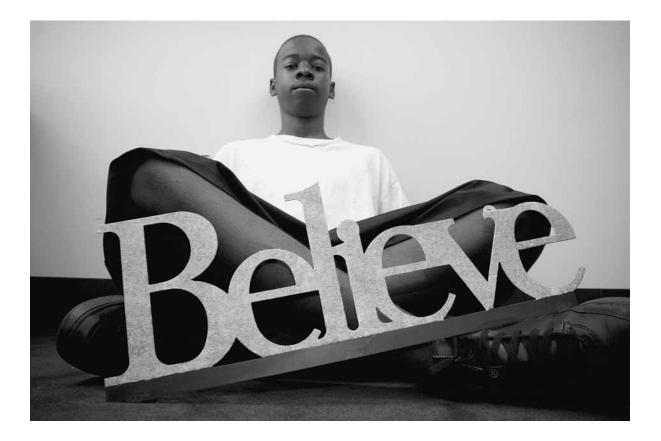
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### A Final Word.

Even though economic forecasters have again predicted a budget shortfall for Florida, it is imperative we do not forget that Florida's children are its most precious resource. We must not forget that when budgets are slashed, it is the children that are hit from every angle. We must not forget that it is only Florida's Guardian ad Litem Program who is entrusted with the sole responsibility to represent our dependent children's best interests. Now more than ever, it is crucial for these children to be able to rely on the Guardian ad Litem Program. As previously discussed, the Program took great strides to ensure that our children did not suffer, though we, too, sustained cuts. It was not easy. But for the unwavering dedication of our staff and volunteers, we would never have accomplished what we did this last year. It is with this same passion that we go forward continuing to guarantee that every child, no matter the economic forecast, has a voice, and that no child is forgotten.



### Florida Guardian ad Litem Program

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