

Good morning, Chairman Nathe and members of the Education and Environment Division of House Appropriations. I would like to thank you for this opportunity to talk about Senate Bill 2002, specifically the portion of the budget committed to the Guardian Ad Litem Program.

My name is Barbara Oliger, I am the North Dakota Guardian Ad Litem (GAL) program Director. I have been employed to work with the GAL program since 2000, becoming a Youthworks employee in 2003. I have been with the program since the inception. I have worked as a Guardian Ad Litem in many parts of the state, moving into the supervisory position for Western part of the state. I am now the Director of the program for the state.

I am testifying today in support of the restoration of the amount of \$935,000 that was in this bill originally as the portion of the Supreme Court's budget dedicated to the GAL program. The amount was cut from \$935,000 to \$470,000 by the Senate. My testimony will describe the GAL program and provide you with the reasons we requested the initial \$935,000 and why this funding request is so important to North Dakota's court system and the children we serve.

If I may provide a bit of history of the GAL program, the pilot program originated with Youthworks and then it moved to the University of North Dakota. The program was rolled out in the Grand Forks and Fargo areas in 2000. By 2003, it had been initiated in all eight (8) judicial districts. In 2003, Youthworks again took over the contract for administering the program.

I would like to offer some explanation of what the Guardian Ad Litem Program provides to the children of North Dakota. A Guardian Ad Litem is assigned to every child who has an open Child in Need of Protection Case with Juvenile Court. These cases were formerly known as deprivation cases. The GAL is to act objectively and unbiasedly and gather factual information about each child. The GAL visits with the child, parents, foster parents, family members, school staff, therapist, other caregivers, the Human Service Zone Staff, the Indian Tribe (if applicable) and others who support the child. The GAL attends all court hearings for the child and writes a thorough, factual report for the Court. The GAL is required to testify if requested by the Court or the parties.

Presently, our staff is composed of three (3) full-time GALs and ten (10) part-time GALs. In addition, we have a full-time supervisor and a full-time Director. We have such a high volume of cases and lack of employees; the supervisor and director are required to take cases. This has a negative impact upon the amount of time allowed for supervision and ongoing training.

Last year the Court Improvement Program of the Supreme Court convened a workgroup to look at North Dakota's GAL program as well as the best practices of GAL programs across

the nation. They evaluated how those best practices compare to North Dakota GAL practices. It was the result of the workgroup's recommendations that we arrived at our budget request of \$935,000.

The multi-disciplinary workgroup was made up of a Juvenile Court referee, a Juvenile Court supervisor, a GAL program supervisor, a Juvenile Court Director, a Case Management Administrator, a Public Defender, a State's Attorney, an ICWA Family Preservationist, a County Human Service Zone Director, and the GAL Program Administrator. The workgroup also surveyed various community partners, such as judges, referees, zone workers, defense attorneys, and state attorneys, for their input.

In 2024, the Court Improvement workgroup noted that 1883 case assignments were made to GALs across the state. The workgroup also found that, like so many places since Covid, we have been unable to stabilize the GAL workforce. Many reasons were discussed as to both why this happened and the impact this has had on the GAL services we can provide.

It was discussed that the workload of a GAL has become more complex and there have been additional types of cases assigned in the past few years. These cases include an automatic assignment to all Juvenile Guardianship cases, and Private Termination of Parental Rights in Juvenile Court. There is a possible appointment of a GAL in cases involving a child sexual abuse victim in criminal cases.

After many meetings and input from many professionals, the GAL workgroup recommended that Youthworks hire at least one full time GAL in each judicial district. They did so because the current structure does not adequately support the number of required case assignments. The workgroup also recommended establishing a caseload average per GAL. The current caseload size for the three full-time GALs is averaging 60 open cases. The best practice model suggests 17-22 families would be a full-time caseload. Most part-time GALs in North Dakota are at an average of 40 cases. By increasing the number of full-time positions, the GAL program will provide a higher level of services to the children of North Dakota.

Youthworks has struggled to hire enough GALs over the past three years. As a result, the average number of hours each GAL is able to put into a case has decreased. By adding additional full-time Guardian Ad Litem, this would enhance the availability and accessibility of the GALs across the counties. By allowing GALs to spend more time on each case, they can provide more information to the Court, allowing recommendations that serve the best interest of the children.

To bring the workforce up to 7 full-time and 10 part-time GALs would cost \$794,000 of the \$935,000 requested for this program. The additional request is for other expenditures, such as milage, office supplies, and ongoing training opportunities, etc.

The workgroup also recommended the establishment of an ICWA specialized GAL in each district, monitoring of cases post disposition, the review of the GAL caseload by the Juvenile Court Director, a formal policy for record retention, establishing a minimum number of hours for part-time GALs, and conducting exit interviews when a GAL leaves the program.

We have asked for \$935,000 increase to our portion of the Supreme Court budget to cover the recommendations of the workgroup. The Senate has cut our request leaving \$470,000. While this \$470,000 will help us, it is far short of the amount needed to hire enough competent workers and give them the resources they need to do their job for the children of North Dakota.

The children we serve are some of the most vulnerable of clients and deserve to have the best North Dakota can provide for them. They are often without parental support or family support and have no one to advocate for what is in their best interest. Our North Dakota kids are placed in vulnerable places and circumstances, none of which is their doing and not by their choice. We have had three (3) children born in a local hospital in the last year without a parent providing a first name for the child. These are the children who need direct advocacy. The Guardian Ad Litem offers the Court additional information to make decisions in the child's best interest.

Guardian Ad Litem are respected in the Court process for the advocacy role they offer, representing the best interests of children, who through no fault of their own are thrust into the legal system. We need well-trained, competent, and compassionate Guardian Ad Litem to help protect our children. This increase back to the original request of \$935,000 will help us employ a GAL workforce that has the resources and skills to help our children.

Thank you, Chairman Nathe and the Committee Members, for allowing me this time today. I am happy to answer any questions from the committee.

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