



## SUMMARY

# A Review of the South Carolina Guardian ad Litem Program



### INTRODUCTION

Members of the General Assembly requested an audit of the Guardian ad Litem (GAL) program administered by the Governor's Office. The requesters wanted to know if the program's funds were being used in the best interest of the children it serves. We reviewed the program's performance in achieving its mission and issues related to program operations and management.

### BACKGROUND

The GAL program recruits, trains, and supervises volunteers who represent the best interests of children involved in child abuse and neglect cases. The program serves 45 counties in South Carolina; Richland County has a volunteer program that is separate from the state program. The S.C. GAL program has 34 offices in counties throughout the state and a central office in Columbia. There are approximately 78 program employees, many of whom work less than full-time. For FY 05-06, the program had 1,328 active volunteers and served approximately 6,849 children.

### MISSION OF THE GAL PROGRAM

The program's performance in providing guardians has fallen short of a program goal of staffing 90% of cases. According to GAL records, in FY 05-06, the program provided guardians for approximately 51% of the cases for which it received a request. We found several areas in which the program could improve its performance in fulfilling its mission.

- The GAL program has not adequately emphasized recruiting. Recruiting volunteers can be a challenge, as the volunteers have many responsibilities (see Chart). Although the program has recognized the need for recruiting, it has not implemented formal recruiting plans or consistently allocated resources to manage the recruiting effort. Other programs, such as Richland County CASA and the North Carolina GAL program, have identified successful approaches to recruiting.
- Staff of the GAL program serve as guardians ad litem in a substantial number of cases. The use of staff as guardians is not in accord with the program's mission and should be phased out. When staff serve as guardians, they have less time to focus on recruiting, training, and supervising volunteers.
- The GAL program does not have a comprehensive policy for determining which cases should have priority when there are not enough volunteers for all of the cases. Without clear guidelines, program staff may be inconsistent and could make case decisions that are not based on appropriate priorities.
- When volunteers are not available, judges appoint attorneys to serve as guardians ad litem. The attorneys are not required to have any specialized training or experience in abuse and neglect cases. The federal Child Abuse Prevention and Treatment Act requires that attorneys or court-appointed special advocates who are appointed as guardians ad litem receive training appropriate to their role.

### WHAT DOES A GUARDIAN AD LITEM DO?

Volunteers independently investigate the facts of a child abuse and neglect case by reviewing case records and interviewing and maintaining contact with the child or children involved. They also contact and interview others including:

- DSS personnel.
- Parents of the children.
- Medical personnel.
- School personnel.
- Relatives or any other person involved.

Volunteers develop a report for the Family Court recommending what is in the child's best interest. The judge orders what will happen in the case, and the volunteers monitor the progress of the children and family. Volunteers are required to have regular contact with their children and are asked to stay with a case for as long as it is open. Volunteers must maintain the confidentiality of information about cases with which they are involved.

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AUDITS BY THE LEGISLATIVE  
AUDIT COUNCIL CONFORM TO  
GENERALLY ACCEPTED  
GOVERNMENT AUDITING  
STANDARDS AS SET FORTH BY  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES.

#### FOR MORE INFORMATION

Our full report, including  
comments from the  
Guardian ad Litem program, is  
published on the Internet at

LAC.SC.GOV

Copies can also  
be obtained by calling

(803) 253-7612

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## SUPERVISORY AND HUMAN RESOURCES ISSUES

- The statutory authority of the Guardian ad Litem program to supervise volunteer guardians is unclear. It is uncertain whether the program has the authority to dismiss guardians who do not follow program guidelines. Litigation addressing its authority has been costly to the program.
- The GAL program does not meet national standards for the supervision of volunteer guardians by staff. While the standards call for one supervisor to supervise no more than 30 volunteers, on average, each GAL supervisor is responsible for more than 50 volunteers. Staff who supervise large numbers of volunteers may not be able to provide the comprehensive guidance and support that can improve volunteer retention and quality of service.
- The majority of the staff of the S.C. GAL program are employed on a time-limited basis. The use of time-limited positions for the program is inappropriate and may hinder its efforts to recruit qualified staff.

## GAL FUNDING

- Over the years, the GAL program has struggled to find the resources to fulfill its mission. The program has received increased funding in recent years; however, it will need additional resources if it is to succeed in its mission to serve more children.
- Since FY 04-05, the GAL program has been funded in part by a portion of funds due in interest on refunds to taxpayers. This funding is not consistent and does not allow the GAL program to budget and plan expenditures appropriately. It could also be inequitable to taxpayers.

## OPERATIONAL ISSUES

- The GAL program has recently obtained additional resources to compensate attorneys who represent volunteer guardians in court. The program should ensure that it compensates attorneys consistently based on workloads.
- The GAL program did not have a comprehensive quality control process to ensure that employees and volunteers follow program policies for management of children's cases. In 2007 the program began to implement a policy for auditing its files. This process should be beneficial. We recommend some changes to the policy to improve effectiveness and increase accountability.
- The program has not maintained reliable data about program activities. There are inadequate controls to ensure that data in the program's information system is complete and accurate. Some counties have not maintained adequate records of program activity in the information system.