

Representation for Children and Youth in Child Protection Cases

Report highlights

February 2018

Gaps in representation have occurred and the state does not have a way to validate all children and youth are being served.

44 counties and 7 guardian ad litem programs provide representation.

In fiscal year 2017, 81 percent of children and youth were served by guardian ad litem programs. Of the 19 percent not served, most received representation through a public defender and some had gaps in representation. Three circumstances contributed to the gaps:

Neither a public defender nor a guardian ad litem was appointed.

A guardian ad litem program was appointed but did not have the capacity to serve, and a public defender was not subsequently appointed.

A guardian ad litem program served for a period of time but withdrew from the case, and a public defender was not subsequently appointed.

Consistency and stability are the state's biggest challenges in providing effective representation to children and youth.

The state has a shortage of volunteer advocates. This shortage increases the following likelihoods:

A gap in representation will occur.

Children and youth will experience turnover in representation.

Program staff will serve more cases leaving less time for support, supervision, fundraising, and community awareness.

Even though guardians ad litem represent best interest and public defenders represent expressed wishes, collaboration between these groups is essential to improve the quality of representation.

State coordination is needed to ensure consistency and stability across multiple programs, counties, and the Supreme Court.



Recommendation

The Legislature should facilitate a coordinated, collaborative effort to bring together relevant stakeholders to help strengthen representation for children and youth in child protection cases.

Idaho Child Protective Act

Children 11 years and younger shall be appointed a guardian ad litem.

Youth 12 and older shall be appointed a public defender.

Children and youth may have both a guardian ad litem and a public defender.

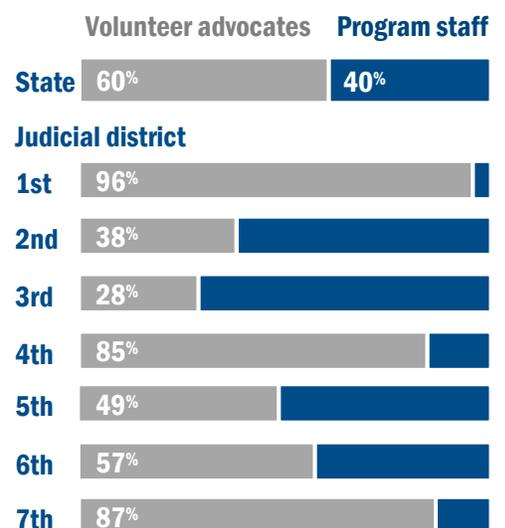
3,323

Number of children and youth involved in child protection cases, FY 2017

71%
children

29%
youth

Because of the shortage of volunteer advocates, some programs use a high percentage of program staff to serve children and youth.



View the report:
www.legislature.idaho.gov/ope/

