



CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
FAMILY COURT DIVISION
625 EAST 26TH STREET
KANSAS CITY, MISSOURI 64108-2719

POLICY & PROCEDURE

Issued by: Director of Office of the Guardian ad Litem – Family Court

Topic: **Policy No. 1030-02 -- GAL Standard 2 – Caseloads**

Effective Date: July 7, 2015

New: Revised: Rescinds: Reviewed: June 1, 2018

POLICY:

The Director of the Office of the Guardian ad Litem (OGAL) will notify the court if the caseload reaches a level hindering OGAL's ability to meet the Missouri Supreme Court Guardian ad Litem Standards or comply with ethical standards of professional conduct.

PROCEDURES:

1. The Director of the Office of the Guardian ad Litem (Director) shall keep a record of the number of children OGAL is representing. OGAL counts each child as a separate case.
2. The Director shall notify the Deputy Court Administrator when the number of children exceeds OGAL's ability to provide meaningful representation.
3. There should be a caseload cap of 100 to 125 children per attorney. The current caseload as of June 1, 2015 is approximately 160 children per attorney. The Director shall work with the Deputy Court Administrator to create a plan that will gradually reduce the caseload to a more manageable level. The explanation for choosing that caseload cap is set forth below.

GUARDIAN AD LITEM STANDARD 2.0 Caseloads provides that:

A guardian ad litem has a duty to notify the court if the caseload reaches a level bearing upon the guardian ad litem's ability to meet these standards or to comply with the ethical standards of the rules of professional conduct.

Policy No. 1030-02 – GAL Standard 2 - Caseloads

No specific maximum number of cases or children was identified in the standards.

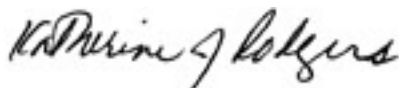
The recommended national standard is a maximum of 100 child clients per attorney. The standard is based on the recommendations from the National Association of Counsel for Children (NACC) which were adopted in 2001.¹ The NACC standard adopted assumes that the attorney spends approximately 20 hours per child per year. The standard assumes adequate support staff and that the attorneys have no administrative duties. But, it does not give credit for paralegals doing some of the activities which would go into the 20 hours per child per year.

Several states have set caseload limits, some by statute or rule, others as a result of recommendations by a task force or judicial council.² Those range from a low of 35 to a high of 188-200. Delaware which has the limit of 35 says that “enables attorney to be involved in every aspect of a child’s life.” We don’t believe that is a reasonable expectation of Jackson County’s taxpayers to pay for the Guardian ad Litem to be involved in every aspect of a child’s life.

OGAL is setting its caseload goal as 100 with a maximum of 125 per attorney of cases open at a time. With 8 attorneys in the office that means that OGAL should have no more than 1000 cases at any one time. The implementation of this caseload standard will not be immediate. It is a long term goal and will take time to implement. A strategy will be developed to reach the goal.

REVISIONS: The proponent for this policy is the Director of the Office of Guardian ad Litem. If you have recommended changes or want to report errors, send your suggestions to the Director of Guardian ad Litem, Family Justice Center, 625 East 26th Street, Kansas City, MO 64108.

REVIEW DATE: July 1, 2019



June 1, 2018

Kathy J. Rodgers
Director of Office of the Guardian ad Litem-Family Court

Date

APPLICABLE STANDARDS:

None

CC: Deputy Court Administrator – Family Court Division

¹ See National Association of Counsel for Children, NACC Recommendations for Representation of Children in Abuse and Neglect

Cases (2001), available at http://www.naccchildlaw.org/resource/resmgr/docs/nacc_standards_and_recommend.pdf

² *Second Edition: A CHILD’S RIGHT TO COUNSEL*. Published by the Children’s Advocacy Institute of the University of San Diego School of Law. Copyright © 2009 by First Star and the Children’s Advocacy Institute.